



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

**Date:** May 11, 2022  
**Subject:** Decision on Raymond Hill Village Subdivision/Site Plan Application  
Webbs Mills Road (Rt.85), Raymond, ME  
**Applicant:** Raymond Hills, LLC  
9 Davis Farm Road, Raymond, ME  
Tax Map 51, Lot 22-A, Portion of Tax Map 05, Lot 1

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**I. Procedural History**

Raymond Hills, LLC (or “Applicant”) submitted a Subdivision and Site Plan application (“Application”) for site improvements associated with construction of a proposed private road of 1780+ LF (or “Project”) to qualify as an Amended Subdivision Plan as it entails creating 25 single family residential units in a condominium style development composed of 12 duplexes and one standalone single-family unit. The project is located off a right of way off Webbs Mills Road (Rt 85) that ends in a combined enlarged loop road and hammerhead and is not connected for vehicular access to adjacent properties due to topographical and physical restrictions of the land. The parcel is identified by the Town of Raymond as Tax Map 051 Lot 022A and a portion of Tax Map 005 Lot 001, and is entirely located (“Property”) within the Village -Residential (VR) District.

This project for Raymond Hills Village Subdivision qualifies as a major Subdivision Plan. The project consists of 12.55 acres as an open space subdivision with 3.7 acres dedicated as open space, from land acquired from the abutter on the parcel Tax Map 05, Lot 1.

The project will utilize the created lot frontages from the proposed 20 ft wide private street Honey Hill Lane. 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/dwelling unit.

The area is in the watershed of Sebago Lake, and the land slopes generally steeply to the west off the ridge to Rt 85 and properties fronting the east side of Rt 85. The project has obtained a Stormwater Management Permit from the Maine Department of Environmental Protection which was approved February 7 2022.

The Project plans have been revised through April 2022. 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 granted waivers for the length of the road exceeding the 1000 feet, limitation as has been allowed with Private roads, with accommodations with intermediate emergency turnaround locations. The Planning Board also waived the maximum number of lots of 24 to allow the development road to 25 residential units plus the right for the abutter Kisch to retain previous rights to access their lot of the right of way for an allowed permitted use or accessory use. The Planning Board found that the Project met all requirements, with conditions which have been listed on the final documents and are listed herein later.

### **Findings of Fact**

The proposed Project consists of the private road construction for 1780+ ft of new roadway, lot grading, stormwater and site improvements for construction of 12 single family duplex units and 1-single family unit for a total, of 25 units.

The applicant had filed a formal sketch plan application in, April 2021 and applied for two waivers for length of allowed road to exceed 1000 LF and to allow more than 24 units off a dead-end road. A public hearing was held on February 9 2022. Public comments were received, and concerns from abutters included, impacts to property due to clearing of vegetation near the property lines, concerns of drainage impacts, and traffic impacts due to the development turning onto Rt 85, and those were addressed in subsequent meetings. One abutter had concerns about location of the septic flows, and were addressed at the meeting. The Board discussed with the applicant the need to design the private road for safety considerations in coordination with Maine Department of Transportation approvals, Public Works at the intersection of Rt 85 due to drainage concerns, and sight distance, and to acquire necessary Maine DEP approvals for Stormwater Management Permit, and to maintain diligence during construction to clearly delineate tree cutting and land clearing limits to not encroach onto any abutting properties. Additionally, The applicant agreed to provide Kisch with driveway entrance access to the property from the proposed Honey Hill Lane as shown on the approved drawings.

The Project will preserve a natural tree buffer around the perimeter of the parcel and in the open space of 3.7 acres. The project will also include two (2) grassed underdrained soil filter basins, and Filterra Tree box with Underground storm chamber system, located in the base of the Honey Hill Lane near Rt 85, which provide stormwater treatment by treating 92% of impervious areas and 95 % of developed areas following the Phosphorus Standards under Chapter 500 Stormwater Management rules of the Maine Department of Environmental Protection (MDEP). The parcel was allowed to discharge 0.85 lbs. per year phosphorus, but

could only treat to get the loading down to 0.96 lbs. per year, thereby was required to pay compensation of \$2165 to the Sebago Lake compensation fund through the MDEP

## **CONCLUSIONS OF LAW**

### **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 Applicants 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;** Its not in a floodplain.
- 2. The nature of soils and subsoils and their ability to adequately support waste disposal;** The Site can support its own Subsurface waste disposal
- 3. The slope of the land and its effects on effluents; and**
- 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 Soil Investigations with required Soil Test Pit Logs for the new general septic areas, and for proposed infiltration subsurface stormwater areas were provided.

Within the permitting from the Department of Health and Human Services there are conditions that must be met by the applicant for various construction inspections for the engineered system, and those provisions equally placed on the plans and are included as a condition in these findings.

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

The applicant will be extending public water to the site with an 8-inch water line. The applicant has coordinated with the Portland Water District to determine there will be adequate service pressures to serve fire suppression and to provide domestic needs. We recommend that that the Fire Department review the submitted data and findings for the water pressure at the highest point of the development, to assure it meets all their requirements. Via an email to both Planning and Fire Department they have stated there is 1990 gal/min and a 20 PSI at the furthest and highest elevated proposed hydrant in the development.

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

The Planning Board received a formal letter dated January 27, 2022, from the Portland Water District acknowledging that there is adequate capacity and pressures to serve the development.

**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 and application have provided the typical Soil and Erosion and Sedimentation Control Plan for land disturbance following Best Management Practices.

There is an expectation expect that there will be impacts from ground water during construction especially with the street construction and ponds and some of the foundations too could be impacted by seasonal groundwater. The applicant shall provide a dewatering plan for those activities that will likely encounter groundwater intrusion during construction.

During construction, the street design will provide an easier conduit for ground water to penetrate into the road base of Rt 85, and potentially cause groundwater breakout at the street connection with both the stormwater collection system and the water connections. The Planning Board noted that the MDOT agreement is just to provide relief of surface water only and no other discharges, but there could be significant sources of groundwater coming off the hill seasonally, that should be collected underground and released at a controlled location rather than it finding its own path of least resistance under the road systems. The applicant has agreed to have a certified third party, or independent professional engineer assess if additional measure will need be added to address groundwater flows. All revisions to any of the road or drainage design shall be reviewed and agreed to by the Town staff prior to implementation or construction. This is a condition of approval that shall be added to the plan as well.

There are adequate erosion and sedimentation controls in place for surface runoff, to address construction grading activities associated with the project, while protecting downstream resources.

**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 project will acquire road frontage from a proposed access drive/road (off Webbs Mill Rd). The access site distance was measured 450+' at the proposed road entrance, and the posted speed limit is noted as 35mph, which meets typical safe sight distances. Maine Department of Transportation (MDOT) has reviewed the entrance design and they have provided their agreement for the street entrance locations. The applicant has provided evidence that they do not require a Traffic Movement Permit as the total trips peak per hour estimate is substantially under the required 100 trips per hour for the development.

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

Proposed septic waste disposal fields have been and designed, into multiple leachfields with one being an engineered system which has acquired state approval. The applicant provided a nitrate analysis, by Marcotte Environmental dated January, 29, 2022, indicating that the system will not discharge any effluents off the property that will exceed 10mg/l Nitrate.

The trash pickup for solid waste for the homeowners is indicated by a weekly pickup by a private hauler. The applicant has provided a note stating how construction debris removal, residential solid waste removal, and sewage removal services shall be the Lot Owners' responsibility to address during construction 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;**

Given that this is a condominium development adding 25, of likely 2-bedroom dwelling units, The Town has little concerns that the single-family duplexes will not unreasonably burden the Towns solid waste services or facilities. Sewage waste is at 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 size 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 has provided letters from Maine Historic Preservation Commission, Inland Fisheries and Wildlife, and Maine Heritage as part of the revised of the application review. The applicant has received approval for a Stormwater Management Permit from the Maine DEP, it will be made as part of the approval that all conditions of the state permit apply to the Town's conditions, as well.

**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;**

Under the Subdivision Ordinance that the maximum road capacity for a one-way street is 24 lots, and at 25 units a second connection is required per ordinance. Also, the max length of road is 1000 feet, and the project proposes 1365 feet mx length. In discussion

with the Towns attorney recently. these were waiver-able requirements. The Planning Board approved these written waivers of these requirements as noted in the conclusion.

One abutter, Kisch has rights to the existing right of way. A note #28 has been placed on the plan that this abutter has legal rights to provide access to their lots and that the development of the proposed roads under this subdivision will not prevent them from a single-family lot, or their ability to add permitted accessory structures or use if their property meets all Ordinance and Zoning requirements. Any uses beyond the one single family use, will require Planning Board approval.

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

A letter stating financial evidence was provided for the proposed development from Androscoggin Bank dated January 11, 2022. The applicant will be responsible for establishment of necessary performance bond amounts for the project improvements prior to issuance of any permits

**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 unit development portion of the site is further than 250 feet from any lake shorefront, pond or wetland as shown on the Shoreland Zoning Map but a portion is within the 600 ft Shoreland Zoning setback of the LRR1 District in the shoreland zone. The road section must comply with Shoreland Zoning standards and meets the centerline grading requirements where within the Shoreland zoning.

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

Septic fields will be internally contained with the topography of the existing land, and can assure adequate well separation from any possible abutting well. The size of the system required an engineered design. Based on evidence the state has approved the system, and following inspection requirements of the state approval, We feel the requirement has been met

As noted previously the general groundwater intrusion and flows anticipated by the stormwater ponds and road design will need to account for the collection and discharge of the groundwater overall, and third-party recommendations from construction inspections may alter groundwater collection and discharge resulting from road construction.

- 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 property is not located in a 100 yr. flood plain by our review, by evidence of a FIRM map.

- 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, and has also included with their application for a Wetland Delineation was prepared by Al Frick Associates, Inc, as a wetland Specialist, in 2021.

- 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 submitted a stormwater management permit to the Maine DEP and plans submitted with the application to the Town. The state has reviewed and approved the permit on February 7, 2022, and by the approval meets the Town requirements for addressing stormwater management.

The applicant is proposing infiltration systems under the beginning of the proposed Honey Hill Lane and two grassed infiltration pond systems will also be added along the Southeasterly property line. The MDEP reviewed following the phosphorus standards that apply for the Sebago Lake Watershed. The development was allowed to discharge 0.85 lbs./year/P and the design could only reduce development impacts to 0.96 lbs./year/P, and thereby, was ordered to pay compensation to the Sebago Lake Compensation fund of \$2165 to meet to permit approval.

All stormwater water inspection reports during or after construction as required by the Maine DEP shall be submitted to the Town, as well.

- 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;**

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; and**

The proposed project was subject to Maine DEP regulations, and was approved as noted in item Q, above, and all measures will be maintained as part of a Homeowner's Association document.

- 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 not interfere or cross-Town Boundaries.

### **Site Plan Review Standards**

The application is also being reviewed is under the provisions for Major Site Plan Review Article 10. The applicant must adhere to the standards set forth in Article 10, Section E Criteria and Standards, below:

**a. Preservation of Landscaping-** The application promotes preservation of natural tree buffers insofar as practicable, by minimizing tree cuts and soil removal. The applicant's parcel provides narrow buffers at rear septic field, along FB-2 stormwater pond, and along the first 500 feet of road, and pond locations. Per requirements of the Open Space Subdivision ordinance the applicant has provided design elements to minimize visual impacts to abutters and attempt to preserve natural buffers, and agricultural/woodland preservations as well as diffuse noise generated by the development.

**b. Relation of Proposed Buildings to the Environment** The proposed condominium structures are located in around the proposed drive, and are centered within the lot and have an acceptable front presentation and architecture style and relation to the environment.



**c. Vehicular Access-** The site plan indicates that the vehicular access will be off the improved road design Rt 85 by a new private road section call Honey Hill Lane. The drive will be paved at 20' wide access into the parcel which will meet Town requirements. The maximum number of lots that can be served off a dead-end road is 24, and the max proposed road currently exceeds the maximum allowed design road length of 1000 ft. A waiver request was approved for both of these design aspects, as they exceed the current requirements.

Eight visitor parking areas are shown as well as two spaces exist for each unit.

The road terminus is acceptable for service/delivery trucks and fire trucks for turnaround movements. The Fire Department has approved the proposed fire emergency equipment access. The applicant has proposed a turnaround at the internal loop connection and at the end near the shared driveways for units 13/14 and 11/12.

**d. Parking and Circulation:** Visitor parking is proposed with reasonable turnaround locations. Resident's parking spaces appears acceptable given driveway layouts.

**e. Surface Water Drainage:** The drainage requirements duplicate those for the Subdivision review previously discussed. The applicant provided the sizing computations for the stormwater runoff and phosphorus Treatment under Chapter 500.

**f. Utilities-** The proposed facilities will be installed underground. The fire department required fire suppression for each unit which is noted on the plans. The sewer pump station for the overall larger septic system will be provided with a generator for backup power. Domestic Water is provided via the extension of the Portland Water District 8-inch main which has been approved by the District.

**g. Special Features-** No Special features discussed in the application. Lands to the east in the open space will be dedicated for landowner's trails, and while there are trails which traverse the site which could be identified as access, an overall pedestrian trail system would be beneficial for providing possible interconnectivity with other trails nearby, especially where the CMP/Gas corridor is accessible to snowmobilers.

**h. Exterior lighting-** Currently no lighting is proposed on the proposed site. Where the street is located off Rt 85 in an unlit location it may be beneficial to provide a light on an existing pole at the intersection with the proposed development road.

**i. Emergency Vehicle Access.** The proposed access appears adequate for emergency access at 20 feet travel width. We understand that the Fire and Ambulance vehicles will be provided clear access to all driveways, and will want proof that the Fire Inspector acknowledges the design can be supported by emergency responders.

**k. Landscaping-** No landscaping is planned and the applicant has shown the clearing limits towards adjacent neighbors. The designer has added landscaping for the units showing some front yard landscaping at the foundation lines.

**L. Other Considerations or Article 9 Standards.** The overall subdivision/site plan has been provided with the general site information for the property, the use, and zoning standards. Due to site having a private street and utilities for shared pump station a homeowner's document outlining specific responsibilities was provided.

1. Due to the close proximity of the stormwater ponds adjacent to neighboring lots, all property corners with Boras and Small/Fay Bailey DHHS OADS, and Grandmanson be set with pins and clearly be identified during construction.

## **CONCLUSION**

**THEREFORE, the Town of Raymond Planning Board hereby approves by a 6-0 held on April 132022, with conditions, and waivers granted for Subdivision and Site Plan application of the Raymond Hills Village 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 on behalf of Raymond Hills, LLC as described in the application packet dated through July 14, 2021, with revisions dated up through April 2022 and as described in these Findings of Fact.

### **Waiver Granted**

**The Planning board voted 6-0 to grant a written requested waiver of The Subdivision Ordinance Article 10, section 3.B.5, for the allowance of the project to exceed the maximum road length of 1000 feet, due to the low impact of a road network and the presence of secondary turnaround design and by pass for emergency vehicles as allowed in the Raymond Street Ordinance**

**The Planning Board voted 6-0 to grant approval of the requested waiver of The Subdivision Ordinance Article 10, section 3.B6, for the allowance of the project to exceed the maximum number of lots served by a single dead-end road to exceed the limit of 24 lots. By granting he waiver the project is allowed one additional lot for the development for a total of 25 dwelling units and additionally reserves the right of the abutter Kisch to have access for no more than one additional dwelling/or allowed use off the proposed Honey Hill Lane subject to a separate approval by the Town Code Enforcement Office for the Kisch's, or successor's permitted use. The Planning Board determines that the approval of waiver that a second access road connection is not feasible given the parcels land configuration and topographic constraints, and does not compromise public safety or health with the exceedance of added lots accessed off a dead-end termination versus a second road connection.**

### **Conditions of Approval:**

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

- A. The project will be subject to third party inspections at the cost of the developer, to be performed for the construction of Honey Hill Lane to assure adequate measures are in place to address runoff or groundwater impacts during construction.
- B. The project will be subject to conditions as placed on the construction and installation of the engineered septic leachfield and sewage pumping system, as well as all stormwater treatment measures as approved by the MDEP Stormwater Management permit.
- C. All requirements as recommended by the Raymond Fire Department as outlined in their Feb 23, 2022 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 13<sup>th</sup>, day of April, 2022

**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

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Kyle Bancroft

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Mark Childs