



**401 Webbs Mills Road  
Raymond, Maine 04071**

## **PLANNING BOARD MINUTES**

**January 11, 2006**

**Planning Board Attendance:** Patrick Clark, Chairman; Robert O'Neill, Vice Chairman; Allen Tait; Ginger Wallace; Nelson Henry; Samuel Gifford; and Patrick Smith.

**Staff Attendance:** Hugh Coxe, Contract Planner; Josh Stevens, Code Enforcement & Fire Dept; and Karen Strout, Recording Secretary.

**Others in Attendance:**

Scott Decker of SYT Design, Archie Tripp, Carol Goodwin, Tim Tripp, Rick Stone, John M. Bennett, Mark Gray, Bruce Hartman, Mike Meyers of Meyer Development & Association, and Pat Cayer of Land Services, Inc.

**Call to order:** Planning Board Chairman, Patrick Clark, called the meeting to order at 7:05 pm. Members identified themselves for the record. A quorum was declared by the Chairman. The evening's agenda was read and meeting protocol was reviewed.

**Consideration of minutes:**

**MOTION:** moved by Robert O'Neill, and seconded by Samuel Gifford to approve the minutes of the December 14, 2005 meeting with the addition of the words "ordinance requirements" after the word "some" on page 2. line 25. Motion carried: vote 7/0.

**Correspondence:**

Chairman Clark read a letter from the Town of New Gloucester's Town Planner, James H. Isaacson, confirming that they had received information about tonight's Public Hearing scheduled for Map 17, Lot 43- Liasatasa Management LLC. The correspondence stated that they had no comment at this time, but would like to have a copy of the minutes when they become available. This letter is on file.

**PUBLIC HEARINGS:**

Map 4, Lot 15 LR/R2  
Painted Ridge Subdivision  
1500 Roosevelt Trail  
James Cummings  
**Final approval for 15-lot cluster subdivision**

Chairman Clark opened the public hearing for Painted Ridge Subdivision at 7:10 pm. Scott Decker of SYT Designs spoke on behalf of the applicants. He referenced a memo he had written in response to Town Planner Hugh Coxe's Planner memo dated January 4, 2006. Both documents are on file. Decker commented that he felt the applicants had satisfactorily met all of the issues presented to them by the Board.

Planner Coxe further elaborated on the project referencing his prepared memo. He also called to their attention a letter dated December 22, 2005 from Town Attorney Chris Vaniotis who had reviewed the Declaration and Bylaws, and made suggested revisions to the applicant. This document is also part of the Planning Board file.

**Comments from the Planning Board:**

Ginger Wallace asked about the trail easement and the common areas and was told by the applicant that the trail easement did not go anywhere at the present time but, could be used as a possible future connection to other trails. Decker further stated that 50% of the common area will remain wooded or natural with the remaining area to be for low impact use such as tennis courts. Use of the logging trail on the property would be discontinued.

Patrick Smith picked up on a few typos and edits on the plan which Decker agreed to correct, along with showing the easements that are needed for maintenance.

Samuel Gifford asked about the standing of a second access road for the project. Discussion followed regarding the actual number of lots being reviewed and the threshold for triggering the need of a second access.

Chairman Clark explained how the Subdivision Ordinance and DEP looked at subdivisions, and discussed whether or not waivers would be required for a second access for this proposal. The Town of Raymond Subdivision Ordinance requires a waiver for 15 lots. The applicant agreed to combine lot 15 with lot 13 to avoid the waiver request.

Patrick Smith inquired about the drainage slope easements and the building envelopes shown on the plan.

Robert O'Neill asked whether it might be a good idea to move a couple of the driveways- specifically the one on lot 5 for better accessibility.

The following topics were discussed as items for conditional approval and/or corrections on the plan:

- DEP Storm water permitting
- Phosphorus management plan
- erosion control plan
- notation of total acres of wetlands impacted
- ROW identification
- c101 -calculation corrections
- grading plans
- c102- concerns about drainage of drive ways towards houses on lots 12,11,1,9
- wetland notes on plans
- c103- wetland impacts not identified
- c201- guard rail along length of entrance
- entrance – needs dead end sign added
- note referencing erosion control measures
- show culvert crossings on plan
- details for catch basins with identifying reference to that detail
- 2 stop signs- end of Equine and at intersection with Bridal
- Dead end sign for Equine
- Detail showing granite curb should be changed to intended bituminous
- grading plan
- Profile for erosion control for house lots

- c300 - Top of embankment footage needs to be added for berm length
- c301 -text needs to be added on plan to reference detail

A recommendation was made to send a copy of the plans to the Town Attorney for review.

**Comments from the public:**

John Bennett, an abutter, asked whether or not the applicant could reduce the size of the open space, if they reduced the number of lots by combining lot 15 with lot 13. Coxe responded that the open space could probably be reduced by an acre.

Public hearing was closed at 8:01.

The members discussed lot 14 which is a 17 acre lot to be retained by the owner. The Board asked that a note be put on the plan that if it were to be developed that the owner come back to the Planning Board.

**MOTION:** moved by Robert O'Neill, and seconded by Ginger Wallace to grant final subdivision plan approval for Painted Ridge Subdivision with the following conditions:

1. The development shall be constructed and maintained in accordance with the plans, specifications, testimony, submissions, and supporting documents presented to the Planning Board in conjunction with the developer's application for subdivision approval.
2. Prior to release of the recording mylar, but not later than July 11, 2006, the applicant shall provide the Town with copies of all necessary permits required from the Maine DEP for phosphorous control calculations, storm water management and erosion and sedimentation plans.
3. Prior to release of the recording mylar, but not later than July 11, 2006, the applicant shall provide final homeowner association documents to the Town Attorney (with a copy to the Town) for final review and approval. These documents shall include provisions for protection of common areas and open space which meets the requirements of Article XIII, Section D.2 of the Land Use Ordinance.
4. Prior to release of the recording mylar, but not later than July 11, 2006, the applicant shall prepare and deliver an easement deed for the 25 foot trail easement, acceptable to the Town Attorney (with a copy to the Town).
5. Prior to issuance of any building permit, the applicant shall provide the Town with a performance guarantee in an amount approved by the town's public works director and in a form approved by the Town Attorney, to secure the completion of all required improvements.
6. Prior to issuance of any building permit for any lot, the lot owner must demonstrate that the lot has a well that meets the town ordinance requirement.
7. The board grants a waiver of the requirement for submission of HHE-200 forms for subdivision approval however completed HHE-200 forms must be submitted to the town prior to the issuance of a building permit for any lot within the subdivision.
8. Prior to release of the recording mylar, but not later than July 11, 2006, the applicant shall revise the plans to combine the lots identified in the Subdivision Plat Plan (Rev. B dated January 10, 2006) as lot # 13 with lot #15, into one lot.

9. Prior to release of the recording mylar, but not later than July 11, 2006, the applicant shall revise the plans to indicate the amount of wetland impacted on each lot that contains wetland, and to add a note that each lot that contains wetland shall have a deed restriction prohibiting further wetland impact.
10. Prior to release of the recording mylar, but not later than July 11, 2006, the applicant shall revise the plans to include a note indicating that lot 14 may not be built upon or further developed without an amended plan submitted to and approved by the Planning Board.
11. Prior to release of the recording mylar, but not later than July 11, 2006, the applicant shall revise the plans pursuant to the testimony and proceedings of the January 11, 2006 Planning Board meeting. Those revisions shall include, but not be limited to, the addition of requested signage, provision of additional roadway and infrastructure improvements, and further notation on the plan as directed by the planning board.

Motion carried: 7/0.

### **PUBLIC HEARING**

Map 17, Lot 43 LRR1 & R  
Emerald Point at Notched Pond  
Inlet Point Road  
Liastasa Management LLC  
Mineral Extraction

Chairman Clark opened the public hearing at 8:15 pm

Pat Cayer of Land Services Inc spoke on behalf of the applicants. He noted for the record that Bruce Hartman and Mike Meyers were also in attendance. Cayer gave a brief overview of the project which is located in the easterly corner of the Town of Raymond and abuts the towns of Gray and New Gloucester. It is a 63 acre site which is primarily forested at this time. It was used as a day resort primarily for corporate functions. Referencing a map, Cayer pointed out the berms and ridges on the property that they wanted to remove. These were caused by glaciers. He explained that there had been 11 test pits dug and it had been determined that the sand and gravel material there had some value. Their plan was to remove 300,000 cubic yards of materials, if everything went according to plan. The intention of the meeting tonite was for the Board to approve the mineral extraction and reclamation plan presented, not the Emerald Point Residential building proposal for 14 single family and 32 multi-family age restricted units which were presented to the Board as a sketch plan at their July 13, and August 10<sup>th</sup> meetings. Cayer referenced the site plan which had been presented to the Board last summer to show the public what they hoped to do with the site after the minerals had been removed. They did not plan to keep this as an ongoing pit. Cayer pointed out the areas that would be left wooded to buffer any homes or camps in the area from the pit. The plan is to have a pit operator on the site. They plan to remove materials from the pit year round with the exception of when the roads are posted. The topsoil will be stockpiled on the site to be used in the reclamation process. Stumps and brush will be processed on the site and turned into mulch to be used on the site.

An alternative plan was also discussed to haul the material over to an existing pit in New Gloucester for processing. This would expedite the whole process. This would avoid the use of Inlet Point Road in Raymond. A letter from A.H. Grover was distributed to the Board and is on file. The letter dated January 11, 2006 gives Mr. Bruce Hartman of Liastasa Management permission to extract gravel from the referenced site within seventy-five feet of their common property line.

Planner Coxe reviewed his memo with the Board.

### **Comments from the Board:**

Robert O'Neill inquired about the length of time the pit would be in operation. Cayer responded that it was an unknown. If the residential development part were approved, it would probably be shorter- maybe 12-24 months. The owners' intention was not to have the pit be a permanent thing.

Patrick Smith asked about the access through New Gloucester. Cayer responded that Mike Meyers had been talking with the pit owner there for several months and they were highly interested. The owners of the pit in New Gloucester are planning on continuing operating and looking for a quarry permit as well.. This material from Raymond would complement their pit and the 300,000 cubic yards could be processed there instead of in Raymond.

Nelson Henry stated that he was pleased to see the topo maps of the area and liked the idea of the applicant working with the owners of the New Gloucester pit, and hauling the minerals there.

Patrick Clark brought up the idea that they might be dealing with a resource protection area at this site. The consensus of the Board was that this should be review by the Town Attorney.

Another topic discussed was the active open pit area and how it would be maintained. The plan is to limit the active area to five acres and reclaim as they go.

Clark reinforced the opinion previously stated that use of the neighbor's pit was probably a good idea. Clark requested a slope stabilization analysis of the major slopes, to which the applicant agreed.

### **Other comments:**

- There will not be an operation house; no plan to use the present lodge for that purpose
- There is no intention of having scales; they will count trucks
- No permanent fuel tanks proposed for site; mobile fuel trucks will be used on 40' pad
- Inlet Point Rd is ROW to property

### **Comments from the Public:**

Archie Tripp, an abutter, brought attention to the beaver ponds and brooks in the area and the marshy wetland areas. Cayer responded that they would build bridges and get proper permitting for any NRPA areas.

Tim Tripp, also an abutter, voiced his concern about the site distance coming out Inlet Pond Road onto the Raymond Hill Road. The grade is such towards Poland that you cannot see 50'. Big trucks are a hazard on this road. He distributed several pictures to illustrate this point. These are in the permanent file for this project. The intersection is really bad at Inlet Point Road.

In reference to the buffering of the pit, Tripp wanted to point out that the homes being buffered from the project were not all "camps", but year round "homes" as well.

Cayer's comment about the condition of the road was that the owner did not have any control over it.

Planner Coxe responded that it was, however, within the Board's purview Under IX A of the Land Use Ordinance to look at whether or not hazardous conditions were being created.

Tripp was encouraged to relate to the Appeals Board at their meeting on January 30<sup>th</sup> his many concerns about the hazardous conditions he had experienced on the road there.

Public hearing was closed at 9:30 pm.

**MOTION:** moved by Nelson Henry, and seconded by Patrick Smith to approve the Mineral Extraction Reclamation Plan presented referenced as Map 17, Lot 43 LRR1 & R entitled Emerald Point at Notched Pond at Inlet Point Road by Liastasa Management LLC with the following conditions of approval:

1. The mineral extraction reclamation plan shall be followed in accordance with the plans, specifications, testimony, submissions, and supporting documents presented to the Planning Board in conjunction with the application for mineral extraction and reclamation.
2. Before a conditional use permit may be granted, the applicant shall amend note #2 and note #6 on the Reclamation Plan (sheet C2 dated 12.13.05) pursuant to the testimony and proceedings of the January 11, 2006 Planning Board meeting.
3. Any revision to the vehicular access to the mineral extraction site, including access across land located in the Town of New Gloucester, shall require approval of an amended reclamation plan by the Planning Board.
4. A copy of all records of the Planning Board proceedings relating to this application, including these conditions of approval and the minutes of the meeting, shall be sent to the Town of New Gloucester.

Motion carried: Vote 5/2.

**OTHER BUSINESS:**

A letter dated January 6, 2006 from Thomas S. Greer of Pinkham and Greer was read into the record. The letter was in behalf of Chase Custom Homes & Finance, Inc. requesting a two month extension of their preliminary approval for Valley View Acres. The letter states that “the delay in processing was a result of staff illness at DEP and their workload.”

**MOTION:** moved by Robert O'Neill, seconded by Samuel Gifford to approve the two month extension of Preliminary approval for Valley View Acres, which will extend their deadline to apply for Final Approval to the March 8, 2006 Planning Board meeting.

Motion carried: 7/0.

**CPIC:**

Clark gave an update as to the work being done by the Comprehensive Plan Implementation Committee. He stated that he had relayed the budget information approved by the PB at their last meeting which would support more Planner time. He touched on the work being done on the Residential Growth Ordinance which is intended to encourage growth in the designated areas and limit the number of permits in others.

The next CPIC meeting is Thursday, January 19, 2006.

**Public Hearing Procedure:**

Consensus was that all abutters should be notified of all proceedings. Members felt both Preliminary and Final Approvals should be advertised as public hearings, although State Law does not require one for Final Approval.

**Attendance Policy:**

Chairman Clark distributed the attendance policy excerpt from the by-laws, and reminded members to contact someone, if they were going to be absent. He thanked the Board for their perfect attendance at the last two meetings.

**Adjournment:**

**MOTION:** moved by O'Neill, and seconded by Clark to adjourn at 10:15 pm.

Karen G. Strout

Recording Secretary