



Planning Board Minutes

Wednesday, June 28, 2006
7:00 pm.

Raymond Town Hall

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

Members absent:

Staff Attendance: Hugh Coxe, Town Planner; and Karen Strout, Recording Secretary.

Call to order: Chairman Clark called the meeting to order at 7: 05 pm. Chairman Clark asked for a roll call, and then stated that there was a quorum in attendance to conduct business.

Election of Officers:

MOTION: moved by Ginger Wallace and seconded by Sam Gifford to nominate Patrick Clark to serve as Chairman for the next term. Vote was unanimous.

MOTION: moved by Ginger Wallace and seconded by Patrick Clark to nominate Robert O'Neill to serve as Vice-Chairman for the next term. Vote was unanimous.

Both positions were graciously accepted. Member Nelson Henry thanked them for their past service and complimented them on their work. Clark responded that he appreciated their support and attendance at the meetings.

Consideration of minutes:

MOTION: moved by Ginger Wallace and seconded by Allen Tait to approve the workshop minutes dated April 26, 2006. Vote 5/0/2 abstentions (O'Neill & Nelson) to approve.

MOTION: moved by Bob O'Neill and seconded by Patrick Smith to approve the minutes dated May 10, 2006 with minor edits. Vote 7/0 to approve.

Correspondence: There was no correspondence.

Public Hearing:

Map 10, Lot 98 RR
401 Webbs Mills Road
Town of Raymond Rescue/Fire
9-1-1 Tower Height Addition

Chairman Clark opened the Public Hearing at 7:17 pm.

Presentation by applicant:

Assistant Fire Chief Bruce Tupper reviewed the application with the Board. He stated the reason for the application was that there was poor coverage for communications in some areas of Raymond and they believed that extending the tower would be one option to help remedy the problem. He further stated that the cost of adding to this tower would be reasonable, and it should take care of a great deal of the “shadowing”. This 30' extension would fall below the FFA licensing requirement. Tupper added that they had looked at the Verizon tower and it was quickly determined to be a non-option. A third option would be to use the GME tower, but with their staff (GME) being out on vacation, the timing was off. However, Tupper did not rule out the GME tower option as a future consideration. This whole project is a safety issue for the Fire/Rescue Department.

Comments by the Planner:

Hugh Coxe stated that he had met with Tupper about a month ago and had they had discussed the proposal. Coxe further explained that controlling ordinance for this project was the Wireless Ordinance. Although the Wireless ordinance had really really been designed for cell towers, it would still be the controlling ordinance that would be applied to this situation. Coxe stated that this was a minor development, a thirty foot expansion of the tower, and there would be no site disturbance. The issues that the Board needed to determine were the visual impacts created by the increase in height, and the safety issues which surrounded the structural changes. Coxe added that there would need to be documentation in the file supporting the structural changes, and an inspection schedule set up for an inspection to take place every three years with a report submitted to the Code Enforcement Officer. Safety measures to limit access to the structure would be needed as well (fencing).

Comments from the Board:

Clark asked how the extensions would be added to the tower. He was told that there would be three more ten foot sections added, and that the base would remain the same with the guy wire anchor points being redone. There would be two more guy wires on each of the points. Clark added that he would like to see them submit data with a seal to the CEO from an engineering firm certifying the structural components of the tower. Tait asked if this addition would solve the dead zone issue and was told that it would greatly improve the problem, but the problem would not be 100% solved. Ginger Wallace inquired about the visual impacts and was told that the additional structure would be less than 50 % of what was already there. Wallace also asked whether or not high winds from a hurricane could blow it over. Tupper commented that he had only seen one come down and that one was in New Gloucester during an ice storm. He stated he felt the chances were slim that winds would blow it down.

Comments from the Public:

There was no public comment.
Public hearing was closed at 7:43 pm.

MOTION: moved by Tait and seconded by Smith to approve the application from the Raymond Fire/ Rescue Department for for a 30 foot tower extension with the following conditions of approval:

- 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 application for a Wireless Communication Facility permit.
- The applicant shall provide documentation showing that the proposed communication tower meets or exceeds the most current standards of the American National Standards Institute ANSI/EIA/TIA-222 for Cumberland County relative to wind and ice loads when the tower is fully loaded with antennas, transmitters, and other equipment as described in the submitted plan. The documentation shall include a certification from a Registered Professional Engineer in the State of Maine.
- The applicant shall provide documentation showing that the proposed communication tower will have sufficient security measures preventing access to the site to reduce the potential for trespass and injury. This shall include a chain-link fence at least eight feet in height from the finished grade around the tower with a lockable gate for access to the tower.
- The applicant shall provide documentation setting out a plan to inspect the communication tower at least once every three (3) years following completion of construction. Inspections to assess structural integrity of the communication tower shall be by either a Registered Professional Engineer in the State of Maine or a qualified third party mutually agreed upon by the applicant and the Raymond CEO/ Town Engineer and shall meet the other requirements of Article IX, Section S.10 of the Land Use Ordinance (the inspection provisions of the Wireless Communication Facilities ordinance).

Application:

Map 6, Lot 56 & 59 A
0 Hemlock Lane
Rolfe & Susan Dries
Pre- Application Conference for Pine Ridge Subdivision
41 Single family lots on 118 acres.

Presentation by applicant:

Jeff Amos and Dick Eaton represented the applicants Rolfe and Susan Dries and reviewed the application that they had submitted for 41 lot open space subdivision. Amos stated that they would be requesting several waivers:

- second access
- sidewalks
- test pits

Chairman Clark asked the planner to review his memo.

Presentation of Planner's memo by Hugh Coxe:

Rolf and Susan Dries – Pine Ridge Subdivision

Map 6, Lot 56 & 59A - RR – Hemlock Lane

Pre-application conference for 41-lot open space subdivision.

Project Description

This is a pre-application sketch plan review for a 41-lot open space subdivision on 118 acres next to the Casco town line. The applicants propose lots of 1 to 1 ½ acres in size with each limited to 15,000 – 20,000 square feet of disturbance. They propose 62 acres of open space and a trail system within the subdivision.

Each lot is proposed to have on site wells and private subsurface septic. Preliminary soil testing indicates soils are moderately well drained to well drained. Utilities will be installed underground. The applicants plan to construct this project in three phases.

Decisions/ Issues

The pre-application sketch plan review is an informal discussion in which no votes are taken. It provides an opportunity for the board to see the general concept of the proposal without requiring the applicant to do the detailed engineering and site work that will be required for the preliminary application. It also allows the board to provide some feedback to the applicant and for the applicant to get some direction from the board.

Issues the board may want to discuss include the purposes and the requirements of open space subdivisions, the applicant's waiver request, and whether to hold a site walk. When this project comes to the board for preliminary review the board will need to decide if the proposed subdivision meets the overall requirements of the open space subdivision ordinance (***LUO, Article XIII***) and the general performance standards and design standards of the subdivision ordinance (***Articles VIII and IX of the Subdivision Ordinance***).

Discussion

Road Access

The applicant has requested a waiver of ***Article IX, section 2.6 of the Subdivision Ordinance*** and ***Section 5.4 of the Street Ordinance***. Those sections require subdivisions of 15 or more lots to have two points of access to existing town streets or streets within an approved subdivision. The applicants' primary point of access to the subdivision is Hemlock Lane. The second point of access is proposed to be a 30-foot right-of-way to Libby Road, located in Casco adjacent to the subdivision, which would be limited to emergency vehicle access only. The basis for their waiver request is that they feel full access to Libby Road would "encourage through traffic in proposed residential neighborhoods" and that the fire department believes the need for a secondary access is reduced because all new homes in subdivisions are required to have sprinkler systems.

Article XI, Section 1 of the Subdivision Ordinance permits the Board to grant waivers if it finds that undue hardship will result from strict compliance with the ordinance and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance. The Board is further directed by ***Section 2*** to determine whether there is "sufficient evidence to establish that the practical difficulties and unusual hardships are caused by special conditions peculiar to the particular property" and that such waivers can be granted without detriment to the area.

The ordinance does not state the reason for the requiring two points of access but generally towns implement such an ordinance both to provide additional access for emergency vehicles and to better manage traffic flows in town over the long term. The board should probably consider both aspects of the street connection policy when discussing this waiver request. In doing so the board may want to explore other potential road connections including the proposed 50-foot right-of-way to the Hersey property.

Open Space Subdivision Requirements

Because the applicant is proposing this as an Open Space cluster subdivision it must meet the requirements of **Article XIII of the Land Use Ordinance**. The board is required to find that the proposal meets the policy and purposes of the open space subdivision ordinance (**Section A.1 and A.2**) which include long term protection and conservation of existing natural and other resources including unique natural features, historic land use patterns, scenic vistas, access to water bodies, and stands of mature trees.

The ordinance (**Section C.4.c**) permits a reduction of minimum lot size in order to achieve these goals. In the Rural zone, in which this property is located, lot sizes may be reduced to ½ acre. Minimum road frontage likewise may be waived or modified (**Section C.4.d**) provided that applicable provisions of the street ordinance are satisfied. The lot layout in an open space subdivision is flexible but based on standards set out in **Section C.3**. Priority should be given to the preservation of the open space for its natural resource value, with development located on the lower valued natural resource portion of a parcel.

The open space subdivision ordinance gives the Planning Board discretion for lot layout and configuration in order to try to maximize the open space principles set out in **Section C.3**¹. The board will need to weigh whether the proposed departures from traditional subdivision lot standards adequately promote the maximization of the open space principles of Section C.3.

Site Walk

The board may want to consider whether to schedule a site walk.

Other Issues

The board may want to consider a peer review of the road design and site layout. DEP will review the phosphorous management plan, the storm water management plan, and the sedimentation and erosion plan so the board could choose to rely on DEP review of those rather than a separate peer review.

Under **Article XIII, section C.5.b. of the Land Use Ordinance** the applicant will be required to provide an alternative second site on each lot that is adequate for subsurface waste disposal.

¹ **Section C.3** provides a long list of principles but in essence says lots and buildings should be sited to avoid high value agricultural soils, to preserve scenic views, to enable new residential development to be visually absorbed by natural landscape features, to minimize potential conflict between residential or commercial uses and agricultural or forestry uses, to respect natural landscape features and topography, to be compatible with the surrounding uses and the surrounding built environment, and to conserve energy and natural resources.

The applicant will be required to provide documentation describing the ownership, maintenance, and allowable use for the dedicated open space.

Applicants are required to provide sidewalks when the subdivision abuts a major street pursuant to **Article IX, section 5 of the Land Use Ordinance**.

The plan should show all existing trails.

The board may want to consider whether the right of way to the Hersey property should be 60 feet wide to meet the town standards for collector roads in the event that a road connection might be made sometime in the future. Other potential future connections should be looked at.

Some of the perimeter buffers appear to be fairly narrow (approximately 50 feet).

The town already has a road with “Pine” in the name. They should work with the code officer and the fire department to come up with a suitable name for the proposed road that will not potentially cause confusion with emergency responders.

Comments from the Board:

Discussion points included:

- Sidewalks- The Board discussed the pros and cons of the sidewalk issue. Several members did not want to eliminate them entirely and grant a waiver, since it was a requirement. Some Board members suggested to the applicants, if they were concerned about phosphorous, they should take out a couple of lots. Some felt that there might be room for a compromise, but it was unclear whether or not the Board would support a waiver of the ordinance requirement for sidewalks. The applicant was told he should gear his plan towards treatment of the storm water to the maximum extent.
- Traffic- impact on the intersection of 121
- Second access -Although the second access is not a concern for the fire department because the houses are sprinkled, the need of access for other services was brought up (rescue units, school buses, plow trucks, trash trucks etc.) The Board was not in agreement to necessarily grant a waiver for the second access.
- Community impact study was requested by Wallace
- Value of open space since half or approximately 30 acres are wetland was questioned
- Conventional subdivision plan was requested
- Concerns were expressed over limited size of building envelopes
- Concerns were expressed over the impact on the wildlife habitat since there is no contiguous piece of land left with the proposed plan
- ROW to other lands needs to be kept to allow future access was discussed
- Applicant was advised to meet with DEP asap
- Proposed Subdivision name and road names need to be changes and approved through Code Enforcement Officer to avoid confusion with similar names
- Libby Road needs to remain a connection to Hersey
- Public access to trails- applicant was advised to contact John Rand of CC

A site walk was scheduled for 6:30 pm before the workshop on Wednesday, July 12, 2006. Abutters will be notified by mail. Board members will meet at the hammerhead on Hemlock Lane.

Workshop:

The workshop scheduled for June 28th was postponed to the July 12, 2006. Chairman Clark reminded the Board members of the funding that had been allocated at the last Town Meeting for ordinance work, and the importance of their completing the work they had started. Clark asked Coxe to review the ordinance updated information he had been given to get a feel for what could be done in house. Coxe said he would prepare a spreadsheet to present to the Board at their workshop on the 12th. Coxe commented that it would probably be a better use of his time to send the technical work out of house, and work on the written revisions.

ADJOURNMENT:

MOTION: moved by O'Neill and seconded by Gifford to adjourn at 10:15 pm. Vote was unanimous.

Karen Strout

Recording Secretary