



## Planning Board Minutes

Wednesday, September 13, 2006

7:00 pm.

### Raymond Town Hall

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

**Members absent:** Nelson Henry.

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

**1. Call to order:** Chairman Clark called the meeting to order at 7:12 pm.

Chairman Clark asked for a roll call and determined that there was a quorum present to conduct business.

**2. Approval of minutes:**

**MOTION:** moved by Robert O'Neill and seconded by Patrick Smith to approve the site walk minutes dated July 12, 2006 as presented. Vote 4/0/2 (abstentions). Vote carried.

**MOTION:** moved by Robert O'Neill and seconded by Ginger Wallace to approve the minutes dated August 9, 2006 as submitted. Vote 4/0/2 (abstentions). Vote carried.

**MOTION:** moved by Robert O'Neill and seconded by Patrick Smith to approve the sitewalk minutes dated August 30, 2006 as written. Vote 3/0/3 (abstentions). Vote carried.

**3. Correspondence:** Chairman Clark read the following letters into the record. Copies have been placed in the Planning Board files.

a. A letter dated Aug. 1, 2006 from Earle G. Shettleworth, Jr. of the Maine Historic Preservation Commission re: Proposed Residential Subdivision at 297 Cape Road by Norm and Janet Pullen.

b. A letter dated September 13, 2006 from Doug Webster, Planner of the Town of Casco re: Rolling Brook Subdivision by Rolf and Susan Dries with proposed access onto Casco's Libby Road.

c. An email letter dated September 13, 2006 from Kathleen Clarke of 9 Thomas Pond Shore Road expressing her concern about the proposed Rolling Brook Subdivision impact on Thomas Pond.

#### **4. Public Hearings:**

**Map 8 Lot 58 LRR1  
109 Webbs Mills Road  
Stephen & Yolanda Catir  
Preliminary, and Final Plan Review for a 2 lot subdivision.**

Chairman Clark opened the public hearing at 7:30 pm.

Presentation was made by Pat Cayer of Land Services Inc. who started by reviewing the following documents with the Board:

Subdivision Plan: The plan has been revised to show the width of the proposed shared entrance drive and to remove the waiver for phosphorous in note #14.

Revised waiver request list: Waiver #5 for phosphorous has been withdrawn and a waiver request for art. VIII, sec. 4.1 has been added in its place.

Phosphorous calculations: Phosphorous calculations were performed (including the Priscilla Catir lot) to show that a waiver for a phosphorous control plan is not necessary.

Entrance permit: A revised entrance permit was issued by Jack Cooper for the Priscilla Catir lot.

Maine State Historic Preservation Commission: A response letter has been received indicating that there are no issues. The Board also received a document with the following waiver requests:

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Article V, Section 2-2-2.4 – Wetland delineation and mapping. A partial waiver is requested. Wetlands have been delineated and shown on the plan in the area of lot 1 only and not for the remaining acreage.

Article V, Section 2-2-2.5 – Topographic survey of the entire property. A partial waiver is requested. A topographic survey (at a two foot contour interval) has been conducted on, and in the vicinity of lot 1 only and not for the remaining acreage.

Article V, Section 2-2.2.12 – Storm water management plan. There is no infrastructure or other improvements proposed by the applicants. Lot 1 will be offered for sale as a residential building lot.

Article V, Section 2-2-2.17 – Erosion and Sediment Control Plan. There is no infrastructure or other improvements proposed by the applicant. Lot 1 will be offered for sale as a residential building lot.

Article VIII, Section 4-1 – 10% of parcel reserved for open space. A waiver of this provision is requested on the basis of the minor size and scope of this project.

Section 2.2.2.20 – Landscaping Plan.

Article IX, Section 3-2-2.9 – Lot access by interior road. – Waiver per condition 2.9-2-C, common existing curb cut (lot 1 and abutting lot).

As a substitute for waivers #3, & #4 above, the applicants are proposing that Lot 1 be subject to the standards outlined in the Raymond Land Use Ordinance under Article IX, sections U-4, and U-7.

Chairman Clark asked for the Planner to summarize his memo:

This is an application for a subdivision to create two new lots. The applicants split off one 2.16 acre lot from the original parcel on July 13, 2006 and conveyed it to Priscilla Catir ("Priscilla Catir lot"). That first division did not require subdivision review but with this proposed division they trigger subdivision review. The applicants propose to divide their remaining 33 1/2 acres into a 2.03 acre lot for sale ("lot 1") and retain the remaining 31.46 acres for themselves. Their current house and driveway are on the portion of the lot they propose to retain.

The proposed lot layout meets basic zoning requirements and each lot is proposed to have onsite wells and private subsurface septic.

At the meeting last month, the board declined to grant a request for a procedural waiver to allow the applicant to proceed with a pre-application, preliminary and final review in one meeting. The board elected to treat last month's presentation as a pre-application review and the applicant is now before the board seeking preliminary and final reviews.

The applicants have requested a procedural waiver to have the preliminary application and final application review considered at one meeting. They also have numerous substantive waiver requests.

The subdivision ordinance requires that subdivision applicants appear before the board separately for a preliminary approval and a final approval. The board has the authority to waive these requirements pursuant to waiver standards of **Article XI, Section 1 of the Subdivision Ordinance**. The board has granted procedural waivers in the past to combine the preliminary and final review on small projects such as this one. In deciding whether to grant final approval in one meeting, the board should consider the number and complexity of any remaining issues and whether it is satisfied such issues could be dealt with as conditions of approval.

The applicants propose to gain access to lot 1 by having that lot share the driveway off Webbs Mills Road which was permitted at the time the created the Priscilla Catir lot. To do so they seek a waiver to the prohibition in **Article IX.3.2.9 of the Subdivision Ordinance**<sup>1</sup> against subdivision lots gaining direct access to a lot from a public road, on the basis that they have met condition 'c' in section 3.2.9 which requires common access "which will allow all proposed lots to be serviced by common curb cuts."

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<sup>1</sup> All subdivisions shall be designed to provide access to individual lots only by interior subdivision roads. Direct access from any public road to any lot in a proposed subdivision shall be prohibited unless the Planning board determines that physical conditions unique to the parcel justify the granting of a waiver from this requirement. A waiver shall be granted only if one of the following conditions is met:

- (a) There is too little road frontage to reasonably allow creation of a new way;
- (b) The shape or physical condition of the parcel does not permit access to or creation of a street other than the existing public way; or
- (c) Common access will be utilized which will allow all proposed lots to be serviced by common curb cuts. Street entrances onto existing state-aid or state highways in the above described areas, and driveway or street entrances onto existing state-aid or state highways in all other areas must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the Board at the time of final review.

**Article IX, section 3.2.9** has two corresponding parts. It requires lots in a subdivision be accessed by an interior road and it prohibits subdivision lots from gaining direct access from any public road. The ordinance allows for a waiver provided the Planning Board determines that some “physical conditions unique to the parcel” justify the waiver. The ordinance then lists three conditions that could be used to demonstrate that a waiver is justified. At least one of those conditions must be present for the board to grant a waiver.

The applicants suggest in their waiver request that the third condition - common access that allows all proposed lots to be serviced by common curb cuts – is present and justifies the requested waiver. Last month the board considered this request and in a straw poll the members of the board present indicated they probably would approve the access waiver.

**Article V, Section 2.2.12, 2.2.17 and 2.2.26 of the Subdivision Ordinance** requires applicants to submit a storm water management plan, an erosion and sedimentation plan and a phosphorous control plan. The applicant has requested a waiver from these standards on the basis that no new infrastructure or other such improvements are planned and the subdivision is minor in size and scope.

The consensus of the members of the board present last month was that the waivers for a storm water management plan and for an erosion and sedimentation plan seem to be justified. The board was not inclined to grant a waiver for the phosphorous control plan.

**Article V, Section 2.2.5** requires applicants to provide five foot contour lines on the plan for all areas of the property proposed for development. The applicants have provided detailed (2 foot) topographic information on the plan for lot 1 and the Priscilla Catir lot but not for the retained land and have requested a waiver. At last month’s meeting some board members indicated they would like to see 10 foot contours for the retained land.

**Article V, Section 2.2.20** requires that a proposed subdivision plan include a landscape plan. The applicants have requested a waiver on this requirement. The board indicated it would be comfortable approving a waiver for a landscaping plan.

**Article V, Section 2.2.5** requires applicants provide a plan showing the location of wetlands as delineated by a wetlands scientist. The applicants have provided wetland mapping on the plan for lot 1 and the Priscilla Catir lot but not for the retained land and have requested a waiver due to the minor size and scope of the project.

At last month’s meeting the applicants updated the information about the delineation of the wetlands so that the limits shown on the plan are no longer estimated “due to heavy snow coverage” but are the actual wetland limits.

**Article VIII, section 4.1 of the Subdivision Ordinance** requires a minimum of 10% of the land in a subdivision to be set aside as open space. The applicants have not shown any open space on their plans but requested a waiver at the last meeting. The board indicated that it likely would grant that waiver.

The applicants have provided a copy of letter to the State Historic Preservation Office pursuant to **Article V, Section 2.2.23 of the Subdivision Ordinance** but have not yet provided a response. This could be handled as a condition of approval.

At last month's meeting the board requested that the entrance permit from the town be under the name of the owner of the lot to which it applies and told the applicant to check with CEO Jack Cooper and get a new one in the name of Priscilla Catir.

Comments from the Public:

No public comment was offered.

Public Hearing was closed.

Comments from the Board:

Inquiries were made about future use of lot 2 and the applicant responded that there was limited potential for its development partially because of Hayden Brook. There are no plans for development of that lot. Planning Board approval would be needed for an amended subdivision when developed.

When questioned about lot one, the applicant responded that it will probably be offered up for sale and built upon.

Some Board members expressed their opposition to the way this development has occurred and commented that the applicant needed a waiver because of the creation of the Priscilla Catir lot which was created two months ago and opposed to the lay out of a subdivision in this manner.

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**MOTION:** moved by O'Neill and seconded by Gifford to grant the procedural waiver and review the application for both preliminary and final approval.

Discussion: This application had been reviewed in detail at the August meeting, so consensus was that this was an appropriate request.

Vote 6/0. Vote carried.

**MOTION:** moved by O'Neill and seconded by Smith to grant a partial waiver for Article V, Section 2-2-2.4 Wetland delineation and mapping.

Discussion: Wetlands have been delineated and shown on the plan in the area of lot 1 and not for the remaining acreage. Boardmember Allen Tait felt that good information would be lost by granting this waiver and specifically referenced Conservation Commissioner John Rand's past comment to the Board about obtaining this information from subdivisions as they came before the Board.

Vote 4/2. Vote carried.

**MOTION:** moved by O'Neill and seconded by Wallace to grant a partial waiver for Article V, Section 2-2-2-.5- Topographic survey of the property.

Discussion: A topographic survey at two foot contour intervals has been conducted on, and in the vicinity of lot 1 only and not for the remaining acreage. There is no plan for development of the remaining acreage. Vote 4/2. Vote carried.

**MOTION:** moved by Smith and seconded by O'Neill to grant a waiver for Article V, Section 2-2-2-.12- Stormwater management plan.

Discussion: There is no infrastructure or other improvements proposed by the applicant. At the last meeting those present indicated by consensus that a waiver would be reasonable. Lot 1 will be offered for sale and will be reviewed through the building permitting process. Vote 6/0. Vote carried.

**MOTION:** moved by Tait and seconded by O'Neill to grant a waiver for Article V, Section 2-2-2-.17- Erosion and Sediment Control Plan.  
Discussion: Consensus by those at last meeting was to grant this waiver.  
Vote 6/0. Vote carried.

**MOTION:** moved by Tait and seconded by Clark to grant a waiver for Article VIII, Section 4-1- 10% of parcel reserved for open space.  
Discussion: The applicant plans to leave a large area undeveloped and this can be revisited a future time if other development occurs. Vote 5/1. Vote carried.

**MOTION:** moved by Smith and seconded by Gifford to grant a waiver for Section 2.2.2.20- Landscaping Plan. Vote 6/0. Vote carried.

**MOTION:** moved by Gifford and seconded by Clark to grant a waiver for Article IX, Section 3-2-2.9 – Lot access by an interior road- waiver per condition 2.9.-2-C, common existing curb cut (lot 1 and abutting lot).

Discussion: Some members were in opposition to approving this waiver referencing the ordinance provisions. Concerns were expressed about having two curb cuts and how this came about.

Vote 2/4. Waiver was denied.

Applicants' agent, Pat Cayer, addressed the Board and asked for reconsideration. The applicant Steve Catir also addressed the Board commenting that the Priscilla Catir lot had been legally created after 5 years, and that the shared drive would have less impact on the area than building a road parallel to the Webbs Mills Road. Catir stated using the existing curb cut was a matter of practicality.

**MOTION:** moved by Smith and seconded by Clark to reconsider the waiver for lot access. Vote 6/0. Vote carried.

**MOTION:** moved by Smith and seconded by Clark to grant a waiver for Article IX, Section 3-2-2.9 – Lot access by an interior road- waiver per condition 2.9.-2-C, common existing curb cut (lot 1 and abutting lot).

Discussion: Boardmember Gifford requested that they open up the discussion before voting again on the waiver. He asked fellow Board members to consider what would be gained by denying this waiver. Gifford felt that no damage would be done. Chairman Clark read from the Ordinances- Article IX Design Standards and commented that 2.9 c requirement had allegedly been met. Clark stated that the Board has the discretion to give this waiver. Further discussion was made of the ordinance provisions relative to internal curb cuts. Resident Jean Carter, a former member of the Comprehensive Plan Committee, spoke in favor of dual drives and stating that she felt it was a good thing. Steve Catir, the applicant responded that he felt he had met the law and that granting of the waiver does not do any damage. Vote 4/2. Motion carried.

**MOTION:** moved by Smith and seconded by Clark to grant preliminary and final approval to Stephen and Yolanda Catir for a 2 lot subdivision referenced by Raymond Tax Map 8, lot 58 with the following conditions of approval:

### **Conditions of Approval**

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. Completed plans for stormwater management, that meet the requirements of Article IX, sections U.4 of the Land Use Ordinance and for sedimentation and erosion control, that meet the requirements of Article IX, sections U.7 of the Land Use Ordinance must be submitted to the town prior to the issuance of a building permit for lot 1.

### **Waivers**

1. Based on its finding that this is a small and uncomplicated subdivision proposal, that it would be an unnecessary burden on the applicant to present applications for both preliminary and final subdivision approval at separate planning board meetings, and that a waiver of that requirement will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of that **procedural** requirement so as to allow the applicant to combine its applications for preliminary and final review.
2. Based on its finding that the unique property shape and layout makes allowing **individual lot access** off the existing public streets a reasonable and economic solution, that a new road to access the three proposed lots would be impractical due to the separation distance between the lots and the existing topography of the site, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the requirement in Article IX, Section 3.2.9 of the Subdivision Ordinance.
3. Based on its finding that there is evidence that the proposed lot will not be built on immediately, that there will be no new road construction, and that that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the requirement for submission of **stormwater management plans** for subdivision approval on the condition that completed plans for stormwater management, that meet the requirements of Article IX, sections U.4 of the Land Use Ordinance must be submitted to the town prior to the issuance of a building permit for lot 1.
4. Based on its finding that there is evidence that the proposed lot will not be built on immediately, that there will be no new road construction, and that that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the requirement for submission of **sedimentation and erosion control plans** for subdivision approval on the condition that completed plans for sedimentation and erosion control, that meet the requirements of Article IX, sections U.7 of the Land Use Ordinance must be submitted to the town prior to the issuance of a building permit for lot 1.
5. Based on its finding that this subdivision proposal is minor in size and scope, that reservation of 10% of the parcel for open space would not contribute to the town's open space needs or planning in any meaningful way, and that a waiver of that requirement will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the Article VIII, subsection 4.1 requirement to set aside 10% of the land for open space.
6. Based on its findings that the applicant has provided detailed topographic information on the plan for the anticipated building envelope for Lot 1, that a full topographic survey of the entire 33.49 acre site would add little benefit to the review process while adding unnecessary expense to the applicant, and that a

waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the Article V subsection 2.5 requirement that the plan include **contour lines** for all portions of the property. The board finds the contour lines depicted on the plan dated July 2006 are sufficient as they cover that portion of the property proposed to be developed.

7. Based on its finding that there is no proposed common area within the subdivision, there are no specific unique natural features or elements that would require special preservation, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the Article V subsection 2.20 submission requirement of a **landscaping plan**.
8. Based on its findings that the applicant has provided a wetland delineation on the plan for Lot 1, the Priscilla Catir lot and for the adjacent portions of lot (the remaining land) that a full wetland delineation of the entire 33.49 acre site would add little benefit to the review process while adding unnecessary expense to the applicant, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the Article V subsection 2.4 requirement that the plan include **wetland delineation** for all portions of the property.

Vote carried 4/2.

**Map 6, Lots 56 & 59A RR  
o Hemlock Lane  
Rolf & Susan Dries  
Requesting preliminary approval for Rolling Brook Subdivision 41  
lots on 118 acres**

Public Hearing was opened at 8:47 pm.

Presentation by applicant:

Jeff Amos of Terradyn Consulting gave an overview of the proposed 41 unit subdivision and went over the waivers requested.

Presentation by Planner was given referencing his memo to the Board:

This is a preliminary 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 1/2 acres in size with each limited to 15,000 – 20,000 square feet of disturbance. They propose 63 acres of open space and a trail system within the subdivision.

Each lot is proposed to have onsite wells and private subsurface septic. 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.

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 50-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 the

fire departments of Raymond and Casco believe that public safety is adequately addressed by the proposed road configuration and the residents of Libby Road are “adamantly opposed” to a full connection and feel one would increase traffic volume.

**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.

Applicants are required to provide sidewalks when the subdivision abuts a major street pursuant to **Article IX, section 5 of the Land Use Ordinance**. They have proposed 5 foot wide walking paths located adjacent to the road system in a 20 foot wide easement. The trail would be field located to minimize disturbance to surrounding trees and would be constructed from bark mulch. Unlike a traditional sidewalk, such a trail system would not export additional phosphorous.

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**. The board requested a sketch plan showing a conventional subdivision layout as well to assist in making this comparison. The applicant has provided that with this submission. At the pre-application sketch plan review, the board did not take a vote on whether the proposed departures from traditional subdivision lot standards adequately promote the maximization of the open space principles of Section C.3.

The plan must include a perpetual conservation easement and documentation describing the ownership, maintenance, and allowable use for the dedicated open space. The restrictions on the uses of the open space must meet the provisions of **Article XIII, section D of the Land Use Ordinance**. The applicant has provided a Declaration of Protective Covenants for the homeowners association but it is not clear that they fully meet the ordinance requirements. These are typically reviewed by the town attorney and could be handled as a condition of any preliminary approval.

**Article V, section 2.2.20 of the Subdivision Ordinance** requires a landscaping plan. The applicants have not provided a landscaping plan but they have provided plans showing trails, buffers around each lot, undisturbed open space and other features. The ordinance does not specify what needs to be in a landscaping plan so the board will need to decide if the applicant’s submissions are satisfactory or if it would like to see some

additional landscaping plan. The applicants have not provided much information about the streetscape (such as street trees), how cul-de-sac circles will be landscaped and other vegetative features within the subdivision.

**Article VIII, section 3 of the Subdivision Ordinance** permits the board to request a Community Impact Statement from applicants that includes cost estimates for the community services attributable to the proposed development and the tax revenues expected from the increased property value attributable to the development. During the pre-application sketch review, the board mentioned it might want to see this but the applicant has not provided one. While the ordinance allows the board to require such a statement, it does not give the board any specific authority to deny an application based on fiscal information nor does it permit the board to impose additional fees or off-site improvements based on the information contained in a community impact statement.

The board may want to consider a peer review of the road design and layout. DEP will review the phosphorous management plan, the stormwater 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. DEP approvals should be made a condition of any approval by the planning board.

**Article VIII, section 11 of the Subdivision Ordinance** requires the board to review and approve proposed street lights and fire hydrants. The plans include street lights at each intersection within the subdivision but do not appear to propose a street light at the entrance to the subdivision at the intersection of Hemlock Lane and Route 121. Often for public safety purposes all intersections including the subdivision entrance are lighted.

The plans do not show any fire hydrants. While the houses will be sprinkled the fire department often prefers to have some additional water supply.

I will seek the input of public safety on both of these items.

The plans provide for a 60 foot wide right of way to the Hersey property to the South. There is another large undeveloped parcel owned by Peter Busque adjacent to the Dries and Hersey parcels. The board may want to consider whether there should be a right of way for future access to that parcel as well. Also, the board may want to consider whether the right of way to the Hersey parcel, or any right of way to the Busque parcel, should be built (partially or fully) or cleared` at this time in anticipation of future road connections.

**Article V, section 2.2.12 of the Subdivision Ordinance** requires that post-development storm water runoff does not exceed pre-development rates. The stormwater runoff calculations show an increase at one of the study points (#2). The applicants suggest that the increase is not significant to the downstream environment and set out their reasons in some detail on pages 3 – 4 of their report.

**Article VIII, section 15 of the Subdivision Ordinance** requires calculated post development phosphorous export be less than or equal to the DEP's allowable per acre allocation for each watershed. The proposed development falls in the Panther Pond and the Thomas Pond watersheds. The applicants are able to meet the requirements in the Panther Pond watershed but exceed the limits in the Thomas Pond water shed (the allowable limits are 0.77 lbs per year and the calculated export is 0.97 lbs per year). The applicants suggest that the increase will not "cause a significant adverse effect to the

Thomas Pond watershed” and have offered to pay \$2000 compensation fee as prescribed by state statute (see page 5 of the applicants Stormwater report).

The subdivision plans should include a certification from a registered land surveyor that the survey accurately reflects the true existing conditions.

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.

There does not appear to be any documentation showing that the proposed monumentation will meet the materials and installation standards of **Article IX, section 1 of the Subdivision Ordinance**.

The proposed street names will need to be approved by the appropriate town officials.

There should be a note on the final subdivision plan making reference to the Declaration of Covenants and Homeowners Association documents per **Article XIII, Section D.2 of the Land Use Ordinance**.

If the roads are intended to be private then, per **Article IX, section 3.2.10 of the Subdivision Ordinance** a note is required on the final subdivision plan stating “All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town until they meet all municipal street design and construction standards and are approved as such by the Town Meeting.”

Comments from the Public:

Rolf Dries spoke to the public in reference to the proposed emergency access to Libby Road and reassured them that he did not want to turn Libby Road into a thoroughfare.

Dave ? Of Libby Road questioned the need for two accesses. He also stated concerns about who is going to stop the traffic when the gate gets damaged. He was told that there would be a provision added to the association maintenance agreement that would provide for the gate maintenance.

Ernest Allen spoke up to the Board about his concerns regarding the phosphorous. He asked the Board to take a close watch and keep informed.

Lisa Garni also expressed concerns about phosphorous.

Fred Butler spoke about Thomas Pond and his concerns about phosphorus.

Michael Fortin asked how many people would have keys to the gate? He said he could see no pluses to having access to Libby Road.

Jean Carter spoke of her concerns about traffic and the dangerous intersection at 121. She felt another access was needed.

Mark Daigle commented that there was too much traffic to consider a waiver here. He felt that they should look for another connection other than Libby Road.

Public Hearing was closed at 9:45 pm.

Comments from the Board included the following requests and concerns:

- cut down more on the phosphorous
- post performance guarantee for roads
- investigate future connection to Busque parcel
- investigate similar connection to Hersey lot
- look at reducing number of lots and/lot size to reduce phosphorus
- consider reducing number of lots to lessen impact on wildlife
- revise maintenance to include gate to Libby Road
- need for street trees
- community impact statement

MOTION: moved by O'Neill and seconded by Wallace to grant Preliminary Approval to Susan and Rolf Dries for Rolling Brook Subdivision, a 41 lot open space subdivision referenced by Town of Raymond Tax Map 6, lots 56 & 59A with the following conditions and waivers:

1. The applicant shall provide a Declaration of Protective Covenants, Reservations, Restrictions and Easements for the homeowners association for review by the town attorney to ensure that the applicant has met the provisions of **Article XIII, section D of the Land Use Ordinance** pertaining to open space uses, preservation of the open space in perpetuity, ownership of the open space land, and maintenance of the open space and all common elements of the subdivision. The Declaration shall also include specific obligations of the homeowners association regarding the maintenance and operations of the gate between Libby Road and the subdivision.
2. The applicant shall obtain all necessary permits for this project including permits from Maine DEP and the Town of Casco.
3. The applicant shall submit a landscaping plan showing the streetscape (such as street trees) and how cul-de-sac circles will be landscaped.
4. The applicant shall submit a Community Impact Statement as provided in **Article VIII, section 3 of the Subdivision Ordinance**.
5. The applicant shall confer with, and obtain approval from the Raymond Public Safety, for location of street lights within the subdivision.
6. The applicant shall submit revised plans that meet the phosphorous export limits for all watersheds in which the subdivision is located.
7. The applicant shall submit revised plans that include a certification from a registered land surveyor that the survey accurately reflects the true existing conditions.
8. The applicant shall submit revised plans with documentation showing that the proposed monumentation will meet the materials and installation standards of **Article IX, section 1 of the Subdivision Ordinance**.
9. The applicant shall submit revised plans that include a note on the final subdivision plan making reference to the Declaration of Covenants and

Homeowners Association documents per **Article XIII, Section D.2 of the Land Use Ordinance**.

10. The applicant shall submit revised plans that show well exclusion areas on each proposed lot and a note on the final subdivision plan describing the restrictions.
11. For any roads intended to be private, the applicant shall submit revised plans that include a note on the final subdivision plan, per **Article IX, section 3.2.10 of the Subdivision Ordinance** stating “All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town until they meet all municipal street design and construction standards and are approved as such by the Town Meeting.”

### **Waivers**

Based on its finding that the fire departments of Raymond and Casco believe that public safety is adequately addressed by the proposed road configuration (The applicants’ primary point of access to the subdivision is Hemlock Lane. The second point of access is proposed to be a 50-foot right-of-way to Libby Road, located in Casco adjacent to the subdivision, which would be limited to emergency vehicle access only) and the residents of Libby Road would be adversely impacted by a full connection, the board grants a waiver of the requirement of **Article IX, section 2.6 of the Subdivision Ordinance** and **Section 5.4 of the Street Ordinance** which require subdivisions of 15 or more lots to have two points of access to existing town streets or streets within an approved subdivision.

Based on its finding that the proposed 5 foot wide walking paths located adjacent to the road system in a 20 foot wide easement are better suited to the purposes of Open Space Subdivision ordinance, would not export additional phosphorous, and will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the requirement in **Article IX, section 5 of the Land Use Ordinance** to provide sidewalks when the subdivision abuts a major street pursuant to.

Based on its finding that the Class B high intensity soil survey provides sufficient data for locating primary and secondary sites for subsurface waste disposal on each lot, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the requirement in **Article XIII, section C.5.b. of the Land Use Ordinance** that the plans show an alternative second site on each lot that is adequate for subsurface waste disposal.

Vote carried 6/0.

11:01 pm

**MOTION:** moved by Tait and seconded by Smith to waive the 10 o'clock rule.

Vote carried 6/0.

### **5. Application:**

Map 4, Lot 31A LRR2  
Off Raymond Cape Road (FL 12)  
Dependable Builders Group, Inc.  
Daniel Franzone  
Sketch Plan/Pre-Application Conference for Turtle Cove Estates, a 4-lot  
subdivision on 29.3 acres.

Chairman Pat Clark recused himself from the Franzone application because he has had prior contact with the applicant and maybe offering comments on his behalf. Vice Chairman Bob O'Neill took over the meeting as Chair.

Presentation by applicant:

A brief presentation was given by Bill Thompson of BH2M the applicant's agent. The proposed subdivision will have 4 lots on 29 acres and will be accessed off from fire lane 12 which is off from the Raymond Cape Road. They are looking for several waivers-

- road length
- subdivision access
- lot length to width ratio
- 10% reserve open space

Planner Hugh Coxe's presentation:

This is a pre-application sketch plan review for a 4-lot subdivision on 29.3 acres on Turtle Cove, an inlet of Sebago Lake. The property is located on Fire Road 12 off of the Raymond Cape Road and is accessed by an existing private gravel road with a 50 foot right of way. The applicant proposes to upgrade the existing road to the boundary of the property and then build a new road to serve the four lots and provide the necessary road frontage. The applicant has proposed four lots ranging in size from just over 3 acres, the minimum allowed in this zoning district, to 13 1/2 acres. Two of the lots are proposed to be on the cove and each would have the required 225 feet of shoreline.

The lots are proposed to be served by on-site subsurface wastewater disposal systems and individual drilled wells. The plan also calls for a 20 foot wide easement across lot 3 to the cove for the benefit of all lots in the subdivision.

Issues the board may want to discuss include the length of the proposed dead-end road system, the ordinance requirements to reserve 10 % of the land, including shoreline, in open space, the appropriateness of the lot configurations, the road design, and whether to hold a site walk.

**Article IX, Section 3.2.5 of the Subdivision Ordinance** limits dead-end streets in subdivisions to 1,000 feet in length from its connection with an existing public street or an approved subdivision street. The applicant has proposed a street system that far exceeds the 1000 foot limitation. The existing private road which the applicant proposes to upgrade is about 1700 feet in length and the new roadway would be about 900 feet for a total dead-end road length of about 2600 feet.



**Article VIII, Section 4.1 of the Subdivision Ordinance** requires that subdivisions reserve a minimum of ten percent of the gross area of the subdivision as open space. **Article VIII, Section 4.6** requires that, for subdivisions located on a lake, a portion of the waterfront area must be included in the reserved land. That reserved shorefront land is required to have a minimum of 200 feet of shoreline plus ten additional feet for each unit/lot. Here the open space land would be required to have a total of 240 feet of shoreline.

The applicant's land has 458 feet of shoreline, and waterfront lots are required to have 225 feet of shoreline. It does not appear that there is enough shoreline frontage for even one waterfront lot and to still meet the open space requirements of the ordinance.

**Article VIII, Section 10 of the Subdivision Ordinance** requires that the lot layout should not result in odd shaped lots or length to width ratios of greater than 3:1. Lot 2 should be examined with these provisions in mind.

**Article IX, Section 3.2.2 of the Subdivision Ordinance** states that all streets in the subdivision shall be designed so that, in the opinion of the Board, they shall provide safe vehicular travel. The street design standards in **Section 5.5 of the Street Ordinance** require a minimum angle of street intersection of 75 degrees or greater and encourages the intersection to be as close to 90 degrees as possible. Neither intersection of the proposed new subdivision road is 90 degrees but the second intersection appears

it may be less than 75 degrees. The road design should be reviewed with these ordinance provisions in mind.

Comments and requests from the Board:

- more contour mapping
- a design with a shorter road lay out
- site walk before hunting season begins

**6. Other business:**

Due to the lateness of the hour no other business was conducted.

**Adjournment:**

**MOTION:** moved by O'Neill and seconded by Wallace to adjourn at 11:35 pm.

Karen Strout

Recording Secretary