

TOWN OF RAYMOND
Planning Board Minutes

Wednesday, November 8, 2006

7:00 pm.

Jordan Small Middle School Broadcast Studio

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

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

1.Call to order: The meeting was called to order at 7:04 pm and roll was called. It was determined that there was a quorum present to do business. Chairman Pat Clark greeted the group and explained that this was first meeting to be broadcast on the access channel from the broadcast studio.

2. Approval of the minutes:

MOTION: moved by Bob O'Neill and seconded by Sam Gifford to approve the minutes dated September 13, 2006 with the deletion of the first sentence on page 12. Vote 6/1 abstention.

MOTION: moved by Bob O'Neill and seconded by Sam Gifford to approve the minutes dated October 11, 2006 with the addition of /6 after a 0 vote on a motion that failed. Vote 6/1 abstention.

MOTION: moved by Bob O'Neill and seconded by Allen Tait to approve the minutes dated October 18, 2006 as written with the workshop date corrected. Vote 5/2 abstentions.

3. Correspondence:

There was no correspondence.

4.Tabled application:

The following application had been tabled at the October 11, 2006 to be continued at the November 8, 2006 meeting. The applicant was requesting approval for an amended subdivision plan to create an additional lot.

Map 11 Lot 42 1 & 7 R
Tarkiln Hill Estates
Tarkiln Hill Road
Enchanted Homes, LLC/ Dave Fossett

Pat Cayer summarized what had transpired at the last meeting and asked for reconsideration of storm water waiver denied at the October meeting.

Town Planner Hugh Coxe offered to review his memo:

The Board considered this application last month and after public testimony, substantial discussion and after denying two motions for waivers, tabled the application to allow the applicant to prepare further submissions and return to the Board this month to address the Board's remaining concerns.

The existing subdivision contains 23 lots with about 50 acres of open space on 95 acres. The proposed amendments would add 1.05 acres of land currently in open space to lot 7, and divide the enlarged lot 7 into two lots (7a & 7b) of 1.3 acres. The application also requests to remove the area encompassing the wet pond on lot 1 from that lot and place it in common open space, which the Board appeared to find acceptable at last month's meeting. The board was not willing to grant a waiver on an increase in phosphorous export to the Panther Pond watershed caused by the additional lot and instructed the applicant to see what could be done to eliminate the added phosphorous export. The Board also voted against a waiver to permit an increase in the peak runoff of storm water to the Farwell Bog watershed.

The applicant is now proposing to address the phosphorous export through conditions on proposed lots 7A and 7B which would require that a lot owner seeking a building permit, have a detailed lot design prepared that demonstrates to the Code Officer that the post development phosphorous export from the two lots combined would not exceed that for the previously approved lot 7. The applicant also proposes the Board reconsider the waiver request to allow for a minor increase in peak storm water runoff from the lots on the basis that the only feasible means of reducing that runoff rate would be with the construction of infiltration or detention systems in the open space and that the negative impact on the open space would outweigh the benefit to storm water management.

The applicant is back to look at two issues- 1. Will the Board accept a condition of approval to address the increase in phosphorous 2. Will the Board reconsider their waiver which was denied at the October meeting. It is at the Board's discretion .

Typically onus to address the ordinance requirements for subdivisions is on developer, rather than lot owners. Although another method to address this is shared responsibility with two lot owners. Hugh's view was that it was cleaner to do that at this time, rather than impose on lot owners. He further stated that reconsideration certainly is the Board's prerogative.

Comments from the Board with responses from applicant's team:

Sam Gifford questioned whether or not this issue could be dealt with individually lot by lot. Response from Mark Gray: the burden can be shared equally by adopting language. Gray further commented that he wasn't aware that storm water was the issue, but thought it phosphorous. It would not be that difficult to do both of them. You can make the waiver motion include both of them. Gray commented that they should be able to deal with this. The applicant was also asked why there was no site plan for the lots. The response was that they wanted to allow the owner to do that. Smith commented on the BMPs. O'Neill: If you push to back, there is problem towards the brook. Only one real spot they can build. Must go to back; since they have to go there, the passing off to the homeowners doesn't make any sense. We should put the onus on the developer. The new owners will want to be to the back to maximize the view. Why aren't the lots engineered now??? Why are you asking us to do something that we do not usually do? Response: It takes away from the homeowners. It is expedient to the Planning Board. The intended market is upscale. Tait: What about the common sense aspect? Where do you draw the line? There is an ordinance. I think it makes it easier if we determine that the ordinance draws the line. From my standpoint the houses at the top are a visual impairment. I am not in favor of this. Gray: we can write very specific language, very prescriptive. Cayer:

added stated he could add note to the plan. Speaking to common sense topic. Will there be further lotting? No, the applicant has met the density with this lot. Wallace questioned putting the review in hands of CEO. She thought the PB wanted to see the calculations. Wallace agree with Tait regarding site locations on the lots. I want to see good plan notes and not put the onus on the homeowners. Cayer responded that he felt these problems are fairly minor. Board member Henry did not have any issues and stated that he had confidence in developer's doing the right thing. Chairman Clark agreed with Planner Hugh Coxe's comments referenced in his memo. He stated that he personally did not have a concern with run off to pond. He did disagree with the applicant regarding phosphorus; .73 is not insignificant. His personal preference was to have development window provided. It is fairly simple to do bmp device and if applicant needs flexibility, he may need to revise the plans. Gray said he would disagree with the phosphorus. It would be a very easy problem to deal with, but the storm water is a bit more difficult. We have to change a couple of the curb numbers and areas in catchments and rerun. Your looking at the whole model. But is not that difficult procedurally. Functionally this is on the back of the developer, not the homeowner, as it is part of the sale. Probably I'll be doing it (Gray). Reason for this prescriptive solution is 1. get off your table and 2. that it allows the developer more flexibility with the homeowner. Clark commented that he would feel more comfortable having something provided to the Board. Show a proposed building window, then if the owner needs more flexibility, he can come back for approval. Cayer- Added DEP is reviewing this and have not finished. Plan to pay \$500 to them anyway.

MOTION: moved by O'Neill and seconded by Gifford to a grant waiver for phosphorous standard in Article VIII, section 15 of the Town of Raymond Subdivision Ordinance with conditions as discussed at this meeting and as stated in language in plan notes. Applicant will put in tbd values and modify the plan notes and get to staff for review showing that Lot 7a and Lot 7b will not exceed tbd values and that this will be written into final conditions of approval.

Vote: 5/2 opposed. Motion carried.

MOTION: moved by O'Neill and seconded by Henry grant a waiver for storm water standard w/ condition that the code officer will review this before building permit is issued. Applicant will have to satisfy the code officer that there will be no increase as a result of each lot. This will be condition of approval which is to be written separately for each lot.

Vote: 5/2 opposed. Motion carried.

MOTION: moved by O'Neill seconded by Smith to grant approval for the amended subdivision plan requested by Enchanted Homes, LLC/ Dave Fossett for Tarkiln Hill Estates referenced by Raymond Tax Map 11, Lot 42 1 & 7 with conditions as presented and discussed during this evening's meeting (to be added).

Vote 5/2 opposed. Motion carried. 8:32 pm.

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 amended subdivision approval.
2. Prior to release of the recording mylar, but not later than May 8, 2007, the applicant shall provide the Town with copies of all necessary permits required from the Maine DEP for amending the subdivision plan.

3. Prior to release of the recording mylar, but not later than May 8, 2007, the applicant shall revise the plans pursuant to the testimony and proceedings of the November 8, 2006 Planning Board meeting. Those revisions shall include, but not be limited to:

- a. A note on the plan stating that prior to obtaining a building permit for lots 7A and 7B, a site design and phosphorous calculations shall be prepared by a professional engineer that demonstrate to the Raymond Code Officer that the after-treatment phosphorous export from lots 7A and 7B to the Panther Pond watershed will not exceed 0.04 pounds per-lot.
- b. A note on the plan stating that prior to obtaining a building permit for lots 7A and 7B, a site design and stormwater management plan shall be prepared by a professional engineer that demonstrate to the Raymond Code Officer that there will be no net increase in storm water runoff rate from lots 7A and 7B.
- c. Notes on the plan indicating the waivers granted by the Raymond Planning Board.
- d. Revised plans that include a certification from a registered land surveyor that the survey accurately reflects the true existing conditions.

Waivers

- Based on its finding that control of phosphorous export from lots 7A and 7B will require grading plans and phosphorous calculations for each lot, that the applicant has proposed a reasonable alternative to meeting **Article VIII, section 15 of the Subdivision Ordinance** by requiring the individual lot owner to provide the plans and calculations to the Code Officer in order to obtain a building permit, 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 V, section 2.2.26 of the Subdivision Ordinance** for a phosphorous control plan as part of the amended subdivision review on the condition that phosphorous control plans and calculations for lots 7A & 7B that demonstrate that no more than 0.04 pounds of phosphorous are exported from either lot in its post-development condition to the Panther Pond watershed are submitted upon application for a building permit for those lots.
- Based on its finding that management of storm water runoff rate from the development of lots 7A & 7B can be achieved through individual lot site design, 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 V, section 2.2.12 of the Subdivision Ordinance** for a storm water management plan as part of the amended subdivision review on the condition that storm water management plans for lots 7A & 7B that demonstrate no net increase in post-development storm water runoff rate from either lot are submitted upon application for a building permit for those lots.

5. Public Hearings:

a. Map 17, Lot 43 LRR1 & R Inlet Point Road/ Loon Run Liastasa Management, LLC Preliminary Approval for a subdivision for 13 sf & 30 multifamily units on 70 acres.

Pat Cayer of Land Services, Inc. gave a detailed overview referencing the application submitted for this project on behalf of the applicant.

Some of the Issues noted:

- the site distance at intersection of North Raymond Road is a problem
- fire protection- all will have sprinkler systems
- storm water will be managed by four infiltration basins to direct water
- Sweet Associates- doing extensive testing
- Paul Lawrence has done soils work which is included
- clustered houses will be towards the center of site and wrapped with open space
- Notched Pond- 200 foot setback except existing lodge
- no waterfront usage- except in area of lodge
- restricting water use to non motorized watercraft
- no marina type docking- canoe or kayak use and take out (except a tie up at lodge)
- open space has suggested walking paths which are minimal- not cleared and graded leave ground cover in place
- landscaping architect has worked up a presentation- within condo area- street scape of trees with sidewalk and grassed esplanade- village appeal.
- Lighting along street scape- to walk at night to lodge
- Lodge area- proposing a common sitting area and outdoor fire place
- Working on buffer enhancement plan

Mark Gray made very brief comments.

Planner Hugh Coxe reviewed his memo. Board has seen this project four times. This is a preliminary application plan for a 3-lot open space subdivision on 9.45 acres on Sebago Lake with access from the Raymond Cape Road. The Board reviewed a sketch plan at its August meeting. The current plan is in most respects the same as the open space subdivision plan presented at that time. The Board conducted a site walk on August 30.

The applicants propose three two-acre lots accessed from a common driveway within a 25 foot access easement. The project will include 3.3 acres of contiguous open space dedicated to the homeowners and an easement to provide access to the lake for the owners of the interior lots. Each lot is proposed to have on site wells and private subsurface septic.

Currently one house is located on the parcel about 60 feet from the shore of the lake. This house is currently served by a 10 foot wide dirt driveway. The proposed driveway would follow the existing driveway but would be upgraded to meet the street ordinance

requirements for a Private Street serving up to four lots (12 foot travel way with 2 foot shoulders on each side). The existing home is served by overhead electrical and the applicants propose to serve the two new houses from that existing line. The parcel also contains an existing garage and tennis court, both of which are proposed to be in the open space.

The application includes a Site Narrative in which the applicants have identified and discussed six key issues for this project including several waiver requests.

Issues:

- Board may want to request legal interpretation from Town attorney
- Inlet Point Road should meet the standards
- 250 buffer is unique to this – typically 100 feet. Cannot be any septic fields or storm water infrastructure in that area. Open question for the board. Clear for 100, not so clear for the rest.
- maybe necessary to submit some supplemental materials.
Board may want peer review
- DEP is reviewing
- Groundwater recharge- need to apply for license
- concerned about odd lots 12 & 13 and several others
- Connection- future road connections were discussed
- Board may request community impact statement due to size of project; good information for long range planning
- Lot shape- there are some lots with significant with steep slopes 11, 12, 13 and some others are odd shapes
- Use of open space– RVstorage- and parking storage are not probably appropriate.
- Drive way access to one and eleven not in compliance, noting that you cannot have a driveway on both roads
- Second septic site missing on lots
- State of ME Preservation letter
- Utility plan- in the works
- Lighting plan- some- should include timing
- Signage ???
- waste disposal plan needed
- performance guarantee needed
- septic plans are incomplete- board may want to condition..Common septics- maintenance and use needs to be in covenants of HO documents
- Covenants were light on open space maintenance
- Lodge- common element- currently non-conforming, if change in use needs CEO or appeals board approval. Not pb issue.

Chairman Clark opened public hearing at 9:51 pm.

Comments:

Bruce Tupper- RFD not for or against the project but made the following points:

- 1) Road grade of 12 % more grade makes it more difficult to provide emergency services
- 2) Line of sight is poor at the intersection. Although there have been no accidents now, when more we add more traffic there would be more chance.
- 3) Alarms will be required in all of the buildings with sprinklers, monitored fire alarms. Without an alarm, the FD would not be called.
- 4)Multi units requires commercial systems; 3 unit and over .

John Carr 49 Inlet Point Road, an abutter second down from Lodge said he was neither for or against. His property is a rental project. His interest was in who will maintain Inlet Point Road? The Home owners Association for the Loon Run Development? Cayer responded that the developer has an easement to the proposed development. The road outside of the development would be the same, but that details may possibly be able to be worked out. There was also an inquiry about pets. Response was that there were no restrictions, but that the Town did have a lease law.

Clark closed the public hearing at 10:01 pm.

Chairman Clark interrupted the discussion to poll the Board to see if they wanted to take up any new applications after 10 pm. They agreed to complete the discussion of the application already in progress, but not to continue with any new applications..

MOTION: moved by Gifford and seconded by O'Neill to continue this meeting's agenda at the special workshop meeting to be held next Wednesday, November 15, 2006 at 7:00 pm at the Town Hall. 10:15 pm.

Comments by Planning Board:

Clark stated that felt that the interpretation of RP zone should come from Town Attorney. He would like to have the TA give that determination. Hugh stated that he will send this to out tomorrow.

Concerns and issues:

- There are two street connections which are not a public street, but has been interpreted as two connections.
- Cayer- It is a private street, must have be approved.
- Clark-Can it be considered two with it's loop?
- Coxe-Ordinance language is not clear. It is hard to believe that the applicant is not going to meet the intent of the ordinance.
- Plan to widen and resurface and add shoulders down to where present houses are- not in the area where the houses are already built. The association and homeowners will demand a high level street and standard for maintenance.
- The applicant was requested to ask fire department to write something about the two points of access for the board.
- Tait had questions about the resource protection zone.??? hard to get the big picture. Is it possible to get an idea of the regrading? And asked for a clarification. Clearly we have some low elevations and it will be at grade.
- Request made for needs Narrative with mineral extraction phasing and plan.

Board member O'Neill left at 10:51 pm.

Other Issues:

- Buffer strip- provide narrative as how it meets the ordinances. See Hugh's narrative.
- Community impact statement:Straw poll- board was mixed- Hugh-the intent is to allow for long range planning.Cayer- aged restricted- no kids- private road- impact is on traffic and services. Did not feel that this was necessary.
- Site distance issue clarified
- resubmit letter
- Smith requested site grading distance as an issue, as well as 12 % grades , and lack of phasing plan,

- performance guarantee needed
- Tait- referencing previous recommendation, I was not for it. It is really a matter of being concerned to support the COMP and the ordinances to protect our environment. He commented that he would like the project moved back from waterfront.

MOTION: moved by Patrick Smith and seconded by Sam Gifford to table this application to a future meeting. 6/0. Motion carried.

This session ended at 11:08 pm with the remaining agenda items continued to a Special Meeting to be held on November 15, 2006.

Karen G. Strout

Planning Board Secretary