

TOWN OF RAYMOND  
401 Webbs Mills Road  
Raymond, Maine 04071

PLANNING BOARD

Special Planning board Meeting to continue agenda of November 8, 2006

Wednesday, November 15, 2006

MINUTES

ATTENDANCE: Patrick Clark, Chairman; Patrick Smith; Samuel Gifford; Ginger Wallace; Allen Tait; Robert O'Neill; and High Coxe, Planner.

ABSENT: Nelson Henry

OTHERS PRESENT: Matthew Phillips, Terrance Dewan Associates; Norman and Janet Pullen; Patrick Cayer; and Greg Foster.

1. Reopening of meeting.

Mr. Clark opened the meeting mentioning the meeting's ground rules and noted the agenda. Mr. Clark announced that the agenda item Map 4, Lot 31A (Dependable Builders Group, Inc./Daniel Franzone) had been postponed to the December 13, 2006 regular meeting.

2. Public Hearing:

- a. Map 1, Lot 20 LRR2  
297 Cape Road  
Norman & Janet Pullen  
Preliminary Approval for 3-lot open space subdivision on 9.45 acres.

DISCUSSION: Matthew Phillips, Terrance Dewan Associates, introduced the project and reviewed the location of the open space subdivision project. He noted that a 12' wide common roadway would serve the lots with easement for the new lots which will represent the frontage. This will be primarily the existing driveway with little change. He said the entrance onto Cape Road had been made more perpendicular to the Cape Road, and the septic sites are located on the plan as well as the wetlands. The storm water buffers are located on the plan which will be preserved. A twelve-inch culvert has been added under the driveway at the Cape Road. They are requesting a waiver to use the overhead wires to lot #3 which is the existing house, but utilities will be underground for the two new lots. He didn't feel there was a need for a landscape plan because it will be an open space plan and left natural. They would like to have the roadway grade 3% instead of 2% to accommodate the lay of the land.

Mr. Coxe said that the last meeting was fairly extensive so there isn't much left to discuss. He noted that it is now reworked as an open space subdivision instead of the original regular subdivision plan. They want to keep the existing garage for recreational use and equipment storage as part of the open space, and the ordinance doesn't specify what buildings can be allowed in the open space part of the subdivision. Mr. Coxe suggested there be notation on the plan saying that it be retained for that use.

Mr. Coxe said the lot ratio should be 3 to 1, length to width, and this plan does not have a problem, but the Board needs to approve. He felt the road frontage had wide latitude for Board approval. He felt the landscaping plan could be waived because there are less than five lots. He thought the utilities could be allowed just to the new lots and allow the existing overhead lines to the existing house. Mr. Coxe noted that the grade for the driveway in the ordinance seemed to be 2% within the first 40 feet of the road, but he continued that the Board could give a waiver to 3% if desired because the cemetery entrance may require it so as not to block its entrance.

Mr. Coxe indicated that the plan for the subdivision should include a homeowners association which would list the regulations for use of the land i.e. buffering on the lots.

Mr. Pullen, applicant, said that the garage housed equipment for the care of the recreational area including the tennis courts, and the lawnmower and felt this storage space was necessary.

Jim Hutchinson, abutter to the north, recently purchased the property and apologized that he was just making comment. He had concern that the waterfront easement line was very close to his property line. He was not opposed to the plan but would like to suggest some changes. 1) He questioned whether the easement to the lake on the north side of the property was necessary on that lot and felt it might be located across one of the lots instead, away from the property line. This would allow less disturbance of vegetation. He noted Shoreland Ordinance Section Q,a. He felt that lot 3 had several existing ways to the water. Mr. Pullen said that they intend to keep the area natural and not cut any trees. Mr. Hutchinson's concern was what would happen to the easement after their ownership. He would prefer to have this easement on one of the existing ways to the water. 2) Mr. Hutchinson felt that the placement of the two lots which are on the northern side next to his property leaving the open space on the southern side of the roadway could be modified. He had concern about the impact on him as an abutter and the close proximity to his land. He asked if lot 1 could be on the southern side of the driveway which would leave more of the north side open space. He felt the south side lot would be more "square" and would give a better building lot.

CLOSE PUBLIC HEARING. Mr. Clark closed the Public Hearing at 7:33 pm.

DISCUSSION: Mrs. Wallace asked if they could make the lots more square. Mr. Clark felt that the driveway would have to be moved in order to site a house. She asked that the garage use be written in the covenants for recreational equipment only. Mr. Pullen replied their intent was only for that purpose.

Mr. O'Neil had a problem with the use of the garage and felt it was larger than needed for recreational storage. He felt it should be removed from the open space. He didn't feel that open space should have structures on it. He said that if it were common land then it might be acceptable. Mr. Coxe explained that if they cut that area out for the garage, they would still have enough land for their open space requirement. Mr. Clark said it would be part of the common elements of the subdivision. Mr. O'Neill felt that if the garage were included in one of the lots which would move one of the lots to the other side of the driveway, it would be acceptable. Mr. O'Neill asked whether the tennis courts were a part of the phosphorus export. Mr. Clark didn't feel they needed to be included in the calculations because it was grandfathered by being built prior to the ordinance. Mr. Smith felt the current layout was best for the use of the land. He liked the clustered plan. He felt that the buffer should be 30 feet on the north side of the lots. He noted test pit 1B because the septic is within the buffer which isn't acceptable and needed to be moved. Mr. Phillips said it could be moved. Mr. Smith agreed that the waivers should be listed on the plan. He said that the utility pole on lot 1 would need an easement. The center radius on lot 2 needs to be 150 feet which will bring it to standard, and a 10-foot radius for the private road. He felt that the homeowner documents should detail what could be done with the garage.

Sam Gifford didn't feel that the increase to 3% grade had anything to do with the traffic on Cape Road. Mr. Phillips said the increase was to maintain the cemetery entrance. Mr. Pullen said keeping a 2% grade would make the entrance to the cemetery difficult to use.

Mr. Tait asked the length of the frontage on the water. Mr. Pullen replied 284 feet. He noted that the requirement for frontage for a subdivision was 225 feet plus 10 feet for every lot. Mr. Coxe said there was only one lot on the water which is the existing lot. Mr. Coxe referenced page 17, article 8, section 4 for road grades. Mr. Clark said this didn't denote an open space subdivision but felt this allowed for plan flexibility. Mr. O'Neill would like the town attorney's opinion. Mr. Hutchinson felt the more restrictive should be used. Mr. Clark noted the ordinance and felt it implied more flexibility. Mr. Tait wanted to be sure that the buffers and lot lines were protected.

Mr. Tait asked if there was a trail across the property. Mr. Pullen said it was an old road which has filled in and used for recreational use i.e. hiking. Mr. Tait had concern that the storm water management plan might not have protection along

the driveway. Mr. Phillips described the plan which moves the water away into swale near the existing house. Their intent was to protect the lake. Mr. Pullen said that the lot #3 driveway was paved and the water runs off onto the sides into the forest. Mr. Tait inquired about the skating pond. Mr. Pullen said it was between the roadway and the garage and has been there since they purchased the property. He noted that there is existing lighting but they have never used it. Mr. Tait felt that the garage could be used if the purpose was specified and owned by the Homeowner's Association. He didn't feel that the lots met the ordinance because they were long and narrow. Mr. Coxe agreed that it gives some cause for discussion but felt the open space requirements allow for more flexibility in the plan and this layout allows more open land in the subdivision. Mr. Pullen wanted to be a good neighbor and said that Mrs. Pullen liked having lot 1 on the southern side of the driveway. The easement to the water will not be a road or even a pathway. Mr. Pullen felt it would be better away from the existing house for the future. Mr. Tait asked about a buffer. Mr. Phillips said the buffers would be documented in the plan for the subdivision, and continued that part of it will be maintained through the storm water buffers. Mr. Clark asked that a note be on the plan to indicate no tree cutting in the buffers. Mr. Pullen felt that evergreen trees could be planted for a better buffer. Mr. Phillips described the easement to the water for lots 1 and 2 which goes from the roadway running north and at the northern boundary turns left to the lake. Mr. Tait noted that restrictions should be on the plan. Mrs. Wallace asked if they could move the easement away from the buffer on the north side of the property.

Mr. Clark commented that since the garage exists and "left over space" it would be all right to leave it in the open space area, but restrictions should be on the plan i.e. no storage for motorized vehicles. He didn't think that a waiver is necessary for the lot configuration. The original lot meets the 3 to 1 ratio. He felt it was the applicant choice where they locate lot 1 on either side of the driveway. He liked the current plan for the open space to be on one side of the driveway. Mr. Clark didn't feel that a landscaping plan was necessary. He didn't believe that a 3% grade was excessive and not an unreasonable request especially with the cemetery entrance involved. He asked if this addresses the site distance requirement. Mr. Phillips replied yes and noted the report from Gorrill Palmer Engineering. Mr. Clark asked to have deed covenants and homeowner association requirements written and included. Mr. Clark felt the easement to the lake was fine as long as it doesn't become more than an unobtrusive path. He felt the private road should have a 50-foot right of way. Mr. Phillips said that it would take land from the open space and lots. Mr. Clark asked if you went to the 50-foot right of way would it change the lots. Mr. Phillips said it would change the density size. He added that presently the roadway is 25 feet wide to the end of lot 2. Mr. Clark wanted a 50-foot ROW from the Cape Road and before lot 3 but added that he wouldn't have a problem with a 40-foot ROW with the permission of the Code Enforcement Officer. He referenced page 78 C,4,d which allows for a waiver and really does not state a requirement. He continued that backlot driveways do need a 50-foot ROW, but he didn't feel this was under those specifications. Mr. Clark

said that if they just widened the easement to the driveway on lot 2, they would only need a 40-foot ROW to that point which would save 300 feet of road easement. Mr. Phillips indicated that they had a Department of Environmental Protection Permit by Rule through Gorrill Palmer for storm water. Mr. Clark asked for the runoff level spreader. Mr. Phillips referenced C401 or C402 in his plans. He asked that they consider the new requirements for this use. It was decided that they needed a detail of this buffer and requirements.

Mr. Smith wanted to protect the stonewalls and asked for a note on the plan or deed covenants. Mr. Clark said it should be noted in both the deed covenants and the Homeowners Association agreement.

MOTION: Patrick Smith motioned to give preliminary approval with the draft conditions:

1. The applicant shall submit reviewed plans that include a note indicating that the existing garage shall be used only to house equipment and supplies necessary to maintain the tennis court, lawn area, ice-skating area, trails and other facilities and will not be used as a garage or for general storage.
2. The applicant shall submit revised plans that include a vegetated buffer of 30 feet between the proposed lots and the property to the north.
3. 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.
4. 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 3.2 of the Land Use Ordinance**.
5. The applicant shall submit revised plans that include a note on the final subdivision plan, per **Article, IX, section 3.210 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."
6. Any Department of Environmental Protection or other agency permit(s) must be given to the town before final approval

7. There shall be a right of way of a 40–50 foot width from Cape Road to the driveway on lot 2.
  8. There be written testimony of the plan for the Planning Board.
  9. That there be a date change on the notation.
  10. That there be a waiver of grade from 2% to 3% for the roadway 75 feet from Cape Road.
- No second.

MOTION: Patrick Smith motioned to allow a 3% waiver for the roadway within 40 feet of the Cape Road.

VOTE: Unanimous 6-0

DISCUSSION: Mr. Tait asked that the easement to water be protected from cutting. Mr. Coxe said it could be included in #8 for the motion but will depend on the attorney's opinion about that easement.

MOTION: Patrick Smith motioned to approve preliminary approval with the revised conditions. Seconded by Samuel Gifford.

VOTE: Unanimous 6-0

### 3. Other Business.

#### a. CPIC Update

Mr. Coxe reported that CPIC requested to look at design guidelines for the Route 302 corridor. Terry Dewan, Terrance Dewan Associates, has offered to help the committee and discuss possible guidelines which will be held December 7, 2006 and will be a public meeting. He felt the administration of those guidelines was of interest. He noted that some boards rely on pier review for decision making. This meeting will be specific for Raymond's Commercial District and Route 302. Mr. Coxe said that there needs to be input from the community, and it's not a quick and easy process.

Mr. Coxe advised that he will come before the December 5, 2006 Selectmen's Meeting to report the major ordinances for the annual town meeting and what changes they will entail. He felt that most ordinance changes would come before the Annual Town Meeting in May and not a special town meeting.

Mr. Coxe said that the updated Shoreland Zoning map should be ready for the December 5, 2006 meeting. This may come before a special town meeting or wait until the May town meeting. This is a digital map and some lines will be changed depending on the regulatory intent. Mr. Clark felt there should be two warrant articles: one to accept the digital format and the other to accept the proposed map changes.

Mr. Coxe reported that he had been involved through Christine McClellan, Chairman of CPIC and Mike Reynolds, Selectman and member of CPIC, with negotiating a plan with Peter Busque about his subdivision project off Webbs Mills Road (Route 85). This would be a conditional rezoning project by the Selectmen to provide a through street from Route 85 to a potential connection to Patricia Avenue and eventually Windham. This subdivision would allow single-family homes with the same density that he would be allowed for multi-family domiciles. This would have to be accepted by a special town meeting possibly in March, 2007. A town meeting would have to be implemented by the Selectmen. The Planning Board would review this as a subdivision and site plan review.

Pat Cayer asked if this would be limited to the Village Residential Zone or restricted. Mr. Coxe replied just to that development.

Greg Foster asked if the rezoning would influence the Shoreland Zone with any changes to the restrictions for timber harvesting. Mr. Coxe replied that this would allow protection around streams. Mr. Coxe felt that going to a digital map would allow more traditional Shoreland Zoning. He added that there hadn't been any specific talk about forestry but that will come up during the discussion or ordinance changes. Mr. Foster asked if it would come before a town meeting. Mr. Coxe, yes. Mr. Foster wanted to know if this would preclude having the forest service oversee timber cutting. Mr. Coxe said it would be discussed tomorrow night at the CPIC meeting.

Mr. Clark had concern about meeting at the modular broadcast studio but felt that the town was making some changes and asked that paper rustling be at a minimum. He felt that they needed to be more efficient and concise with their meetings. Mr. O'Neil wanted to talk about this in executive session. Mr. Gifford felt that Robert's Rules could help run the meeting.

MOTION: Robert O'Neill motioned to go into Executive Session to discuss board procedures. Seconded by Samuel Gifford.

VOTE: Unanimous 6-0

RECESS: Patrick Clark recessed the meeting at 8:47 pm.

MOTION: Robert O'Neill motioned to come out of Executive Session. Seconded by Patrick Smith.

VOTE: Unanimous 6-0

REOPEN MEETING: Patrick Clark reopened the meeting at 9:13 pm.

b. Schedule site walks. None

4. Workshop to continue ordinance review.

Mr. Clark felt they needed to wrap up the last work on ordinances.

Land Use #18-22 have a private consultant for technical related ordinances. Mr. Coxe would draft a scope summary evaluation and suggestion for single lot standards for storm water, septic plans, phosphorus and erosion control regulations. Also all technical environment aspects of the land use ordinance. Mr. Clark wanted to keep them consistent. Mr. Coxe said they would be in line with state rules or best practice policy. There was a question of whether they wanted to use a RFP (Request for Proposal) or a RFQ (Request for Qualifications) to a few consultants which would be open ended for flexibility. It was felt that the RFQ would be easier for firms to provide their best product.

Mr. Coxe said that #24 would have some minor changes.

Mr. Clark felt that definitions were very important. He asked for a matrix for definitions which could be updated easily.

Mr. Clark noted that submission requirements were 15 instead of 12 copies. Mr. Smith added that he didn't want to double up submissions with full size plans rather than both full and half size. Mr. Clark asked if the Board would be able to see enough in a half size plan. Mr. Smith said that there should be a full set for reference. Mr. Clark said that he would like a full size set. Mr. Coxe said half size of some plans were hard to read. It was suggested that the primary set be full size but other submissions of lesser involvement could be half size. Mr. Clark felt that would be an extraordinary ordinance request for the applicant. Mr. Coxe felt PDF electronic submissions would be in the near future which could be printed in any size but there would be one paper submission to the board with full size plans. Pat Cayer felt that large packages on a disk would be beneficial to the applicant and the Board as well as associated departments who are asked for input. He noted that his last submission cost \$1,300 for 15 copies. Mr. Clark felt that everyone should receive the same information. Mrs. Wallace didn't want to produce information from her computer; liked paper copies. Mr. Cayer asked if all members needed a full package or just narratives and synopsis. He understood that some of the members would want the whole package but possibly not all. Mr. Coxe noted that in some towns the planning staff takes the whole package and gives the members what they will need and keep the background information in the office. He did feel that in Raymond with only one secretary this might not be possible. Mr. Clark felt that all members would need a full copy and the digital copies would be extra. Mr. Cayer reiterated that some people would only need parts of the package. He felt the final plan be in digital form so that it can be included in Raymond's GIS.

Mr. Clark noted the definitions and said that the list would probably enlarge.

Mr. Coxe should prepare the open space subdivision. Mr. Coxe felt that a policy statement was needed, but the ordinance didn't have many specifics which should be

tightened up. It was noted that greater incentives should be allowed to encourage this type of subdivision. It was mentioned that the #44 checklist with narrative response is what we have been moving toward, but this would make it more specific for board analyzing.

The #45 frontage requirements and pie shaped lots need to be strengthened. Mr. Clark wanted to set a specific number minimum standards for frontages. They need to look at open space in relation to the subdivision ordinance because some of the requirements in one don't appear in the other. They need to be consistent. Mr. Cayer said that the open space ordinance had flexibility by intention so that the Planning Board had some ability to create a good product. He said that it gave room for movement of requirements to use the land in the most advantageous way.

Mr. Clark mentioned that the multi-family, multi-unit definition needs to be worked.

Mr. Clark added the requirement for a second septic site in open space subdivision should be discussed. Mr. Coxe felt that the concern was with small lots i.e. half acre that if you have a failing system there is another place for a replacement system. Mr. Clark felt that the open space subdivision was more restrictive with smaller lots than a regular subdivision.

NOTE: Subdivision comments on the agenda for their next meeting.

NOTE: It was decided to have another workshop Wednesday, December 6, 2006 7:00 pm

MOTION: Kathryn Wallace motioned to have a workshop meeting December 6, 2006 at 7:00 pm. Seconded by Patrick Smith.

VOTE: Unanimous 6-0

##### 5. Adjournment

MOTION: Robert O'Neill motioned to adjourn. Seconded by Samuel Gifford

VOTE: Unanimous 6-0

ADJOURNMENT: Patrick Clark adjourned the meeting at 9:47 pm.

Louise H. Lester  
Town Clerk