

TOWN OF RAYMOND
Planning Board Minutes

Wednesday, December 13, 2006

7:00 pm.

Town Hall

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

Absent: Allen Tait.

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

Absent: Allen Tait, Nelson Henry (late).

Others present: Chris Vaniotis, Town Attorney

1. Call to order: The meeting was called to order at 7:02 pm. Roll was called and it was determined that there was a quorum present.

2. Approval of Minutes:

MOTION: moved by O'Neill and seconded by Smith to approve the minutes dated November 8, 2006 as corrected. Vote 6/0.

MOTION: moved by O'Neill and seconded by Smith to approve the minutes dated November 15, 2006 as corrected. Vote 6/0 with 1 abstention.

MOTION: moved by Gifford and seconded by Wallace to approve the minutes dated December 6, 2006 as distributed. Vote 4/0 with 2 abstentions.

3. Correspondence:

The following correspondence was read and placed on file:

- a. Correspondence dated November 21, 2006, Cleo Sanborn.
- b. Correspondence dated November 20, 2006, Town Attorney Chris Vaniotis.

The following letters were received and placed on file.

- c. Correspondence dated November 20, 2006, Fire Inspector Craig Messinger.
- d. Correspondence dated November 30, 2006, Code Officer Jack Cooper.
- e. Correspondence dated December 5, 2006, Code Officer Jack Cooper.
- f. Correspondence dated December 12, 2006, Fire Inspector Craig Messinger.

4. Tabled Application:

1. Map 17, Lot 43, LRR1 and Rural – Inlet Point Road/Loon Run

Liastasa Management LLC

Preliminary Application for 13 single family and 30 multi-family units on 63 acres.

Chairman Clark gave a brief history of the project to date, noting that the applicant had appeared previously before the Board five times.

Planner Hugh Coxe was asked to discuss his memo. A copy of this memo is on file.

Town Attorney Chris Vaniotis summarized his response to Planner Coxe's memo. Can an applicant come to the Board with proposed site conditions for a project? Does the PB make its determination based on what will be or what is presently the conditions of the site? Since there was no case law to be found, he turned to the Raymond Ordinances- specifically Subdivision Ordinance to calculate net residential density. Vaniotis stated that he felt that this was a decision the Board would have to determine. He made comments to support the idea of using the existing conditions to make the density calculations. He further commented that this issue comes about because the mineral extraction and the subdivision are happening simultaneously.

A response was given by the applicant's attorney, Chris Neagle. He outlined the reasons he felt that the project review should continue in the direction they are going now. He looked at the definition of net residential density in the Raymond Ordinances and found that it did not contain the wording "existing conditions". The term is used 41 other times in the ordinances, but not here. So that is a starting point. "When the ordinances are ambiguous", he stated that the Board should favor the land owner. Much time and money has been spent on working on this project. DEP has been asked this question as well. And we want to proceed to review this with reclamation plan information. DEP is going forward without batting an eye, using the post reclamation plan. Neagle added that he felt nothing was being hidden here. Neagle further stated that he felt they had met all the necessary conditions of the project and it was unfair to make the applicant use the present site conditions. He stated that there were a lot of reasons to let them to keep going this way. "You may put a condition of approval to document progress with the Town", he added.

Clark commented if the NRD doesn't apply to existing conditions, you would be chasing your tail. Answer from Neagle was that the ordinance does not tell you that you have to deal with the present conditions. You have already approved natural to gravel, now you are being asked to give approval on that. Clark asked Vaniotis if the resource protection zoning would still exist? Answer was that this is the same question being posed in another way. Being asked to approve subdivision as it will be when the mineral extraction is complete and the RP zone no longer exists. Clark asked what happens if the project is not completed? We could be left with part mineral extraction and a subdivision in RP zone. Vaniotis responded that you could deal with that with a condition of approval.

Pat Cayer of Land Services Inc. addressed the Board and made the following points. Condos cannot be built before the extraction. They need to be at reclamation level. We have provided technical information at post mineral extraction grade. Lots of technical folks have been out there. We are not really dealing with assumed conditions. Considerable work and time has been spent to get where we are now. A considerable amount of money has been expended.

Clark asked how and at what point can the Board know if you are in compliance? What if one or the other doesn't get completed? What about the performance bond?? One bond for both?? Cayer replied one bond for subdivision. Clark stated that he wanted some clear way to track this. Gifford asked if this could be done on a gant chart??? which would allow for this to be done before this and that ,and what the alternatives would be.

Cayer added that it would be difficult to give an alternative. The plan is that they will move along very aggressively, with the materials going off site to an adjacent site and pit. There will be a quick turnaround. It may take two years. That is one of the reasons for getting approval while this is going along.

Attorney Neagle made reference to the natural state of the site and stated he felt all of the concerns could be addressed with conditions of approval.

Attorney Vaniotis approached the Board with this idea. The Planning Board may be missing something? The applicant could provide calculations for each(scenario).Get to a certain state of development before they can go on. Tie achievement to number of lots.

It was suggested that the Board might want to table the application to allow applicant to come back with the net residential calculations, absent mineral extraction, and recommend a tracking plan for the project from mineral extraction until such time the site is reclaimed.

Wallace stated that she had heard inconsistencies about the project from other meetings as to what the site would look like. She asked what the difference in calculations would be?

Cayer responded that it would mean two condos and 1 house lots less. That is quite a concession.

Clark commented that we need to get a firm position as how this project will track. You need to provide NRD calculations on the proposed site, and also those based as of current conditions and see if there is a considerable difference. We would like to see all of the information, not just the numbers. We would like to see the phased project with the progress of mineral extraction-relative to current conditions and relative to that stage of construction. Clark asked the Board vote to whether to continue the application as presented or table the application.

Cayer asked for continuation.

MOTION: moved by Wallace with a second by O'Neill to table the application pending additional information including Net Residential Calculations(pre and post mineral extraction) and a Reclamation and development phasing plan. Vote carried 5/1.

8:25

5. Public Hearings:

- a. **Map 13, Lot 7 B RR**
Mamaw's Grove
Kevin Tibbitts
Amended subdivision plan to realign turnaround.

MOTION: moved by O'Neill and seconded by Smith to table this item and take it out of order.
Vote 6/0 Motion carried.

- b. **Map 1, Lot 9 LRR2**
6 Island Cove Road
Richard H. Skillings
Amended subdivision plan to alter easterly boundary line.

Pat Cayer representing the applicant explained that the applicant is proposing to take a portion of lot 3 to sell to an abutting lot owner. The end result being a lot line change to lot 3. The remainder of lot three is already built out. The abutting lot will be less non conforming.

Planner Hugh Coxe

This project is before the Board as an amended subdivision plan. The applicant is seeking to transfer a 1.25-acre portion of his 4.67-acre lot to an abutter, Lorna MacLeod. Because the applicant's lot was part of a subdivision approved by the Raymond Planning Board in January 1984 (Willis Subdivision), he is proposing this as an amendment to that subdivision. The lot line change and transfer of the land do not create a new building lot.

Board member Wallace asked about the purpose of the transfer. Rick Skillings stated that the purpose was to create a buffer zone for that property.

MOTION: moved by O'Neill, seconded by Gifford to approve the amended subdivision plan amendment (lot line change) as presented. Vote 6/0. Motion carried.

The board may want to consider a condition that would require Planning Board review the approval of an amended subdivision plan before any portion of the Skillings land could be utilized in the creation of a build able lot.

8:55 pm

- 6. Applications:**
Map 4, Lot 31A, LRR2/ Fire Lane 12 off Cape Road
Dependable Builders Group Inc./ Daniel Franzone
Pre-Application Conference for 4-lot subdivision.

Chairman Clark recused himself from the Board because of his involvement with the project and handed the meeting over to Vice Chairman, Bob O'Neill.

Planner Coxe shared this project information.

This is a second pre-application sketch plan review for this 4-lot subdivision on 29.3 acres on Turtle Cove, an inlet of Sebago Lake. The board reviewed a previous version of the sketch plan at the September meeting. 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 a little over 9 acres. Two of the lots are proposed to be within about 40 – 50 feet of the shore of the cove but separated from that shoreline by an area of common open space.

The lots are proposed to be served by on-site subsurface wastewater disposal systems and individual drilled wells. The plan also calls for 20 foot wide areas of common open space around much of the perimeter of the subdivision linking the open space. A 50 foot wide right of way along the boundary of lot 1 is shown extending from the proposed road to the parcel to the north.

Bill Thompson was present with Dan Franzone to discuss the proposal. Bill Thompson went over plan showing changes that had been made since the last sketch plan review. He pointed out that they had made a few changes to lot ratios, done a wetland study, test pits, and a topo survey. Thompson said that it was very complicated to try to make a future road connection to the property, and asked if the Board could provide any latitude in that direction. Do they have any latitude to not show a connection?

Thompson explained that they will be asking for road waiver and discussed road grades. Thompson asked whether or not storm water and phosphorous impacts on road needed to be shown?? He was told they did.

O'Neill expressed his thoughts concerning the road in and along the shore. He inquired about the location and where the runoff down this road would go.

Smith and Gifford both commented that they would like to see open space if the ROW for a future connection could not be provided.

The applicant stated that the only option for connectivity could not be made because the homeowners' association was not willing to allow them to go through the subdivision.

Wallace asked if there would be covenants about open space? Yes, was the response.

A site walk was scheduled for Saturday, January 6th at 9am. People should meet at the site(Fire lane 12) at the green canvas temporary garage. Fire lane 12 is off from Raymond Cape Road. Abutters will be notified by mail by the secretary and the applicant will provide 11/17 copies of the plan.

7. Other Business:

Chairman Clark reported that CPIC Terry DeWan had done a presentation on design guidelines for the Commercial District and encouraged those who had missed it to watch it on the Community Access Channel.

Clark announced that there is a need for another member on CPIC. There were no volunteers at this time. Clark alerted the Board to future meeting dates.

8. Adjournment:

MOTION: Moved by O'Neill and seconded by Smith to adjourn.
Meeting was adjourned at 9:35 pm

Karen G. Strout

Recording Secretary 4.