

**TOWN OF RAYMOND
PLANNING BOARD MINUTES**

Wednesday, March 14, 2007

7:00 pm.

Jordan Small Middle School Broadcast Studio

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

Absent:none

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

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 to do business. Chairman Clark welcomed new member Greg Foster to the Board.

2. Approval of Minutes:

MOTION: moved by Smith and seconded by Gifford to approve the minutes dated February 21, 2007, with the addition of an "s" to the word area on page 2 line 5.

Vote : 5/ 2 abstentions (Foster, O'Neill).

MOTION: moved by O'Neill and seconded by Smith to approve the minutes dated February 26, 2007, as presented.

Vote: 4/3 abstentions (Foster, Wallace, Henry).

3. Correspondence:

- a. Letter dated March 9, 2007 re: Painted Ridge from Attorney Chris Neagle.
- b. Letter dated March 14, 2007 from Jeff Amos requesting extension of time for Rolling Brook.
These letters were placed in the respective Planning Board files.

4. Public Hearing:

- a. Map 8, Lot 108 B & 117 RR
Whitney Way
Michael Manning
Site Plan Review for extension of private way.

No public hearing was held. Application was withdrawn from the agenda and will be taken up at another meeting.

5. Applications:

7:15 pm

- a. Map 1, Lot 20 LRR2
297 Cape Road
Norman and Janet Pullen
Requesting Final Subdivision approval for 3 lot open space subdivision.

Planner Hugh Coxe summarized his memo and reviewed the issues and concerns the Board had expressed at previous meetings. He also commented on the waiver s requested. A letter from abutters Jim and Ann Hutchinson was read into the record by Chairman Clark.

Matt Phillips from Dewan Associates highlighted the changes that had been made since their last appearance before the Board. This included, but was not limited to the following topics:

- widened common access easements

- 30 foot buffer
- lot 1 new test pit on 1c
- lot 1 & 2 suitable well locations shown
- road center line revised to meet minimums
- metes and bounds added
- permit from dep received

Larry Bastion of Gorrill & Palmer led the discussion of the requested waivers. The first waiver requested was for the road grade. He stated that extensive earthwork would be needed if this were not granted. Much land disturbance would occur, if they were not allowed to leave grade as is along cemetery. The second waiver from the common open space requirement was being requested because the existing home which sits on the water front.

Consensus of the Board was they had no concern over the road grade and that a 50' access easement long the property line would serve the purpose for access.

MOTION: moved by O'Neill and seconded by Smith to grant a waiver for **Section 5.5(A) of the Street Ordinance**.

Based on its finding that a state statute (13 M.R.S.A. Section 1371 (A)) restricts "construction or excavation" within 25 feet of "the boundaries of an established graveyard," that the applicant has looked at numerous realignments of the section of the road adjacent to the cemetery in order to minimize the grade but has found that each scenario would result in detrimental impacts to the abutting property and the applicants' property, that the existing road configuration has not posed problems at the current level of use and will be made safer with the proposed two foot widening of the driveway, that the subdivision road will serve only three houses and therefore will see light vehicle usage, that the Raymond Cape Road is not a heavily traveled road, 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 of the 2% maximum road grade limitation for roads within 75 feet of an intersection in **Section 5.5(A) of the Street Ordinance** to allow them to leave the existing grade of the first 130 feet of the driveway as is because an upgrade of that portion of the common driveway to meet the town's standards would require construction and excavation to take place within 25 feet of the cemetery.

Vote: 6 / 1 abstention (Foster).

MOTION: moved by O'Neill and seconded by Gifford to grant waiver for **Article VIII, section 4 of the Subdivision Regulations** to include water-frontage in the open space of the proposed Open Space Subdivision.

1. Based on its finding that there is an existing house along the waterfront, that there is not enough shore frontage to satisfy the required shore frontage for both common open space and for a single family residential lot (and thus would create a nonconformity), that reservation of shore frontage would not serve any useful open space purpose, 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 VIII, section 4 of the Subdivision Regulations** to include water-frontage in the open space of the proposed Open Space Subdivision.

Vote 6/ 1 abstention (Foster).

MOTION: moved by O'Neill and seconded by Gifford to grant final approval to Janet and Norman Pullen for a3- lot open space subdivision referenced by Raymond Tax Map 1, lot 20 LRR2 with the following conditions :

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. Prior to release of the mylar, but not later than September 14, 2007, the applicant shall submit revised plans that include a note on the plan indicating waivers granted by the Raymond Planning Board.

Vote 6/ 1 abstention(Foster).

7:52pm.

b. Map 4, Lot 15 LRR2
 1500 Roosevelt Trail
 James Cummings
 Requesting final approval for Painted Ridge, 15 lot subdivision.

Hugh Planner memo reviewed his memo. One remaining issue is that of right, title, and interest of the property. A letter dated March 9, 2007, from Attorney Chris Neagle who represents abutter and property owner John Bennett, requested

that the Board not grant final approval until the issue were resolved.

2.

John Bennett told the Board that no agreement had been made with Cummings. Bennett would like to see the relocation of the Row and a guarantee that the road will be built along his property at no expense to him. John Bennett expressed concerns that the road actually be built.

Discussion:

- make it a condition of approval not to extinguish rights until the bond is posted
- time line – road completed in two years
- 6 months that there must be an agreement worked out between Cummings and Bennett

MOTION: moved by O'Neill and seconded by Smith to grant final approval to Jim Cummings for Painted Ridge, a 14 lot subdivision, referenced by Tax Map 4, Lot 15 LRR2 with the following conditions:

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.

Prior to release of the recording mylar, but not later than September 14, 2007, the applicant shall revise note 17 on the Plan, and the note within lot 14 on the plan, to read "There Shall Be No Division Of Or Development On Lot 14 Without Planning Board Approval."

Prior to release of the recording mylar, but not later than September 14, 2007, the applicant shall provide final homeowner association documents to the Town that have been reviewed and approved by the Town Attorney.

Prior to release of the recording mylar, but not later than September 14, 2007, the applicant shall execute and deliver the easement deed for the 25 foot trail easement.

Prior to release of the recording mylar, but not later than September 14, 2007, the applicant shall provide evidence of an agreement with John Bennett concerning the rights to an easement across the subject property, to be reviewed by the town attorney, that satisfies the requirement that the applicant has sufficient right, title and interest pursuant to Article V, section 2.2.28 of the Subdivision Ordinance.

Prior to issuance of any building permit, the applicant shall provide the Town with a performance guarantee in an amount set by the Town Manager and in a form satisfactory to the Town Attorney, to secure the completion of all required improvements.

Prior to issuance of any building permit for any lot, the lot owner must demonstrate that the lot has a well that meets the town ordinance requirement.

The board grants a waiver of the requirement for submission of HHE-200 forms for subdivision approval however completed HHE-200 forms must be submitted to the town prior to the issuance of a building permit for any lot within the subdivision.

Vote 6/1 abstention(Foster).

8:21 pm

c. Map 11, Lot 5A R
Mountain View Estates
20 Granite Ridge Drive
Fred & Arlene Michael
Preapplication Conference to create a 3 + acre lot

Hugh addressed the Board with his memo. His comments are on file. He commented that this is an amended subdivision plan. Three lots were approved in 1999. The applicants are proposing to split off a nearly 4 acre lot and to gain access off from the existing road.

Consensus of the Board was that a site walk would not be necessary because most members were familiar with the site.

Board comments:

Patrick Clark elaborated on all of the subdivision requirements. He stressed to the applicant the need to justify the waivers that he would be requesting.

8:46pm

6. Other Business:

Correspondence from Jeff Amos requesting an extension of the Preliminary Approval given to Rolfe and Susan Dries in September was read.

MOTION: moved by O'Neill and seconded by Gifford to grant a 6 month extension to the Dries for their preliminary plan approval.

Vote 7/1 to approve.

8:58 pm

a. Ordinance Update Discussion- RFP

MOTION: Moved by O'Neill, seconded by Gifford to let Planner Coxe use his discretion to accept or reject the RFP proposals already submitted or to request additional ones.

Vote 7/0 to approve.

b. CPIC Update:

Hugh gave a brief overview of what work was being done. He further commented that other ordinance updates are being worked on to be presented as a draft at Town Meeting. Their next meeting is to be held after the Public Hearing on Monday night.

c. Announcements:

Planning Board /CPIC Public Hearing for Proposed Zoning Map and Ordinance revisions will be next Monday, March 19th. PB/ CPIC are on agenda for Selectmen's Meeting March 22nd.

8. Adjournment:

MOTION: moved by O'Neill and seconded by Gifford to adjourn.

9:02 pm.

Karen G. Strout

Recording Secretary