

**TOWN OF RAYMOND
PLANNING BOARD MINUTES**

Wednesday, May 9, 2007
7:00 pm.

Raymond Town Hall

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

Absent: Nelson Henry.

Staff Attendance: Hugh Coxe, Town Planner; and Sue Carr, Deputy Clerk acting as Recording Secretary.

1. Call to order: The meeting was called to order at 7:09 pm. Roll was called and it was determined that there was a quorum present to do business.

2. Approval of Minutes:

MOTION: moved by Robert O'Neill and seconded by Patrick Smith to approve the minutes dated April 11, 2007.
Vote : 6/0

MOTION: moved by O'Neill and seconded by Smith to approve the minutes dated April 26, 2007.
Vote: 6/0.

3. Correspondence:

- a. Letter dated April 9, 2007 from Raymond Fire Dept. re: Tenny Hill Estates.
- b. Letter dated April 11, 2007 from Kathleen Bent re: Rollingbrook Subdivision.
- c. Letter dated April 17, 2007 from Kathleen Clarke re: Rollingbrook Subdivision.
- d. Email dated May 5, 2007 from K. Marie Clarke re: Rollingbrook Subdivision.
- e. Email dated May 5, 2007 from Nancy Salway, Sec. Of Thomas Shore Rd. Assoc.

Communications were acknowledged and placed in Planning Board files.

Chairman Clark made an opening statement to the public pursuant to the "Right to Know Law" M.R.S.A. 401. Clark further referenced excerpts from the MMA Planning Board Manual page 22 Public Participation, page 26 Basis for the Board's Decision, as well as excerpts from Planning Board By- Laws Article VI, Section 9, and Article XI, Section 6. A copy of this statement is part of the Planning Board file.

4. Tabled Applications:

time: 7:18

**Map 55, Lot 30, Commercial District/ 11239 Roosevelt Trail
Speedy Gas/ Anthony Accousti Trust
Site Plan Review**

Planner Hugh Coxe reviewed his memo for the site plan of this 3000 square foot convenience store behind the existing Speedy Gas Station. He further commented that the applicant had submitted revised plans and several narratives to address the issues that had been raised at the previous meetings. Applicant Anthony Accousti reviewed what had been added to the plan and asked for waivers.

Board Action:

MOTION: moved by Smith, and seconded by Gifford to grant a waiver for **Article X, Section F.6.e** for separation distance between entrances to a site in order to allow the proposed new exit from the drive-thru lane, which will serve to mitigate traffic impacts.

Vote: 6/0.

MOTION: moved by Smith, and seconded by Gifford to grant a waiver for **Article X, section D.1.b.14** Site Plan submission requirement for a stormwater management plan that shows that post-development stormwater does not exceed pre-development stormwater runoff on the basis because some of the existing impervious surface will be converted to lawn and landscaping and because a ditch along Elizabeth Avenue will be extended, the project will not increase the rate of stormwater runoff or decrease the quality of the runoff.

Vote: 6/0.

MOTION: moved by O'Neill, and seconded by Smith to grant site plan approval to Anthony Accousti Trust for **Map 55, Lot 30, Commercial District/ 11239 Roosevelt Trail, Speedy Gas** 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 Site Plan approval.
2. Prior to issuance of a building permit, the applicant shall provide a performance guarantee pursuant to the requirements of **Article X, section C.3.a.**
3. Prior to release of the mylar, but not later than November 9, 2007, the applicant shall submit revised plans that include a note on the plan indicating waivers granted by the Raymond Planning Board.
4. Prior to release of the mylar, but not later than November 9, 2007, the applicant shall revise the plans pursuant to the testimony and proceedings of the May 9, 2007 Planning Board meeting. Revisions shall include, but not be limited to the following:
 - Addition of curbing, designed to meet the specifications found in the detail sheet C500, along the edge of the pavement where it meets the vegetated buffer along the Route 302 right-of-way.
 - Additional landscaping along the back boundary of the site in order to screen headlights.
 - Designation of an area of sufficient size to meet the parking deficiency to be reserved for future off-street parking in the event that a change of use of the premises shall make such additional off-street facilities necessary.
 - The name, seal and certification of the registered land surveyor who prepared the plan.
 - A note on the plan documenting the percentage by which the proposed building will expand the size of the existing lawful non-conforming building on the site.

Waivers

1. Based on its finding that by converting some of the existing impervious surface to lawn and landscaping and by extending a ditch along Elizabeth Avenue the project will not increase the rate of stormwater runoff or decrease the quality of the runoff, 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 **Article X, section D.1.b.14** Site Plan submission requirement for a stormwater management plan that shows that post-development stormwater does not exceed pre-development stormwater runoff.
2. Based on its finding that the proposed new exit from the drive-thru lane will serve to mitigate traffic impacts , 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 X, Section F.6.e** for separation distance between entrances to a site.
3. Based on its finding that the current operation and use of the applicant's property has not resulted in parking shortages, that the increase in the retail use within the shopping center site would be well under the 30% allowed for non-conforming uses under **Article III, section A.1.c**, that the non-conformity of the parking on this site would not be expanded, that the parking requirements of **Article X, section F** are unnecessary or excessive, that a landscaped area of sufficient size to meet the parking deficiency will be set aside and reserved for future off-street parking in the event that a change of use of the premises shall make such additional off-street facilities necessary, 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 parking requirements pursuant to **Article X, section F.5** to permit the parking in the area of the site identified on the plan as Lots 15, 15A, 16 & 17 to remain as currently constructed.

Vote:6/0.

5. Applications:

time: 8:04

Map 6, Lot 56 & 59A RR/Hemlock Lane Rollingbrook Estates/ Rolfe and Susan Dries Final approval for 41 lot open space subdivision

Planner Hugh Coxe reviewed the project with his memo to the Board and commented that this was a final review for a 41 lot open space subdivision that would have 63 acres of open space and a trail system. Coxe reviewed in his memo the eleven conditions that had been attached to the preliminary approval and how the applicant had/ or planned to address each of them.

MOTION: moved by O'Neill, and seconded by Smith to grant final approval to Susan and Rolfe Dries for Rollingbrook Estates referenced by Map 6, Lots 56 & 59A 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 the release of the recording mylar, but not later than November 9, 2007, the applicant shall provide a Declaration of Protective Covenants, Reservations, Restrictions and Easements for the homeowners association in a form that is satisfactory to 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, and which contains a requirement to hire an engineer as a third-party inspector to evaluate construction and installation of the stormwater management systems in accordance with current Maine DEP stormwater rules.
3. Prior to the release of the recording mylar, but not later than November 9, 2007, the applicant shall provide copies of all permits required for this project including permits from Maine DEP and the Town of Casco.
4. Prior to the release of the recording mylar, but not later than November 9, 2007, the applicant shall submit revised plans that include a revision to note #14 that refers to the specific title of the Declaration of Covenants and Homeowners Association documents.
5. Prior to issuance of a building permit, the applicant shall enter into an agreement with the Cumberland County Soil and Water Conservation District (CCSWCD), for a third party review of the implementation and maintenance of soil and erosion control best management practices (BMPs) during the construction phase. This shall include on-site monitoring of the use of soil and erosion control best management practices (BMPs) during the construction phase. In order to satisfy this condition the applicant shall submit a copy of an executed contract with the Cumberland County Soil and Water Conservation District (CCSWCD) for such third party review.
6. Prior to issuance of a building permit, the applicant shall install permanent markers to delineate the limits of clearing for each lot.
7. Prior to the release of the recording mylar, but not later than November 9, 2007, the applicant shall revise the plans to show that each lot will be required to retain at least two trees within the road right-of-way and that those trees shall be 8" dbh or greater to the extent practicable.
8. Prior to the release of the recording mylar, but not later than November 9, 2007, the applicant shall revise the plans to include a note that describes the restrictions in the limited disturbance buffers.
9. Prior to the release of the recording mylar, but not later than November 9, 2007, the applicant shall revise the plans to include a note that describes the restrictions in the well exclusion zones.

Waivers

1. 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.

2. 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.

3. 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: 6/0.

time:8:54

**Map 18, Lot 18C Rural/Tenny Hill Road
Tenny Hill Estates/Sabcor, Inc.
Final Plan Review for 9 lot open space subdivision**

Planner Hugh Coxe reviewed his memo to the Board. A letter dated April 9, 2007, from Fire Inspector, Craig Messinger was read supporting the applicant's request for a waiver of road length given that the buildings will have sprinkler systems installed.

Board Action:

MOTION: moved by O'Neill, and seconded by Gifford to grant a waiver for **Article V, sec. 2, sub-sec. 2.20** requirement for a landscaping plan based on its finding that the proposed lots and open space are predominantly wooded and each lot will be developed and landscaped independently, that each lot will be required to retain at least two trees within the right-of-way (to the extent practicable), and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance.

Vote: 6/0.

MOTION: moved by O'Neill, and seconded by Wallace to grant a waiver for **Article IX, sec. 1, sub-sec. 2.5**, which limits dead-end cul-de-sac street in subdivisions to 1,000 feet in length based on its finding that Raymond Fire & Rescue approves the proposed roadway extension in excess of 1000 feet, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance.

Vote: 6/0.

MOTION: moved by Gifford, and seconded by Smith to grant a waiver for **Article V, Sec. 2, sub-sec. 2.25** submission requirement for an estimate of the amount and type of vehicular traffic to be generated by the project based on its finding that this project will generate a low volume of traffic and nothing about the project is expected to cause a traffic safety hazard, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance.

Vote: 6/0.

MOTION: moved by O'Neill, and seconded by Gifford to grant final approval to Sabcor for Tenny Hill Estates referenced by Raymond Tax Map 18, Lot 18 C, 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 the release of the recording mylar, but not later than November 9, 2007, the applicant shall provide a Declaration of Protective Covenants, Reservations, Restrictions and Easements for the homeowners association in a form that is satisfactory to 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.
3. 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.

4. Prior to the release of the recording mylar, but not later than November 9, 2007, the applicant shall either verify that clearing is allowed in the 75 foot wetland setback or revise the plans to comport with the current DEP regulations for permissible activities within that 75 setback.
5. Prior to the release of the recording mylar, but not later than November 9, 2007, the applicant shall revise the plans to show that each lot will be required to retain at least two trees within the road right-of-way and that those trees shall be 8" dbh or greater to the extent practicable.

Waivers

1. Based on its finding that the proposed lots and open space are predominantly wooded and each lot will be developed and landscaped independently, that each lot will be required to retain at least two trees within the right-of-way (to the extent practicable), 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, sec. 2, sub-sec. 2.20** requirement for a landscaping plan.
2. Based on its finding that Raymond Fire & Rescue approves the proposed roadway extension in excess of 1000 feet, 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 IX, sec. 1, sub-sec. 2.5**, which limits dead-end cul-de-sac street in subdivisions to 1,000 feet in length.
3. Based on its finding that this project will generate a low volume of traffic and nothing about the project is expected to cause a traffic safety hazard, 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, Sec. 2, sub-sec. 2.25** submission requirement for an estimate of the amount and type of vehicular traffic to be generated by the project.

Vote: 6/0.

time: 9:35

**Map 17, Lot 43 LRR1 & Rural/Inlet Point Road
Loon Run at Notched Pond/Liastasa Management LLC
Final Plan Review for 13 single family and 30 multi-family units on 63 acres.**

Planner Hugh Coxe gave a brief review of the project using his prepared memo.

Board Action:

MOTION: moved by O'Neill, and seconded by Smith to grant final approval to Liastasa Management LLC for Loon Run referenced by Raymond Tax Map 17, Lot 43 with the following conditions:

1. No residential units or residential lots may be sold until the roadway and stormwater infrastructure is completed in accordance with the approved development plans, except that application of the finish coat of pavement may be delayed (subject to a performance guaranty) until such time as the residential unit construction is substantially complete, up to a maximum of two years from the issuance of the first building permit for a residential unit.
2. At the time of approval of this plan, the Planning Board has determined that the portion of the development parcel that is situated within the shoreland zone contains ±4.4 acres of land zoned Resource Protection as a result of having contiguous sustained slopes of 20% or greater. Such land has been deducted from the net residential acreage of the parcel, limiting allowable net residential density to 25 dwelling units. Pursuant to a mineral extraction permit and reclamation plan approved by the Planning Board on May 10, 2006, the subdivider proposes to re-grade portions of the site and anticipates that such re-grading will reduce the amount of land zoned Resource Protection by ±4.4 acres, thereby allowing 5 additional dwelling units within the subdivision.

This approval authorizes the construction only of units 1 through 24 as shown on the plan. Units 25 through 30, identified on the Plan as Phase 2, shall not be constructed unless the subdivider demonstrates to the Planning Board that, as a result of the mineral extraction and reclamation on the parcel, the area of the parcel zoned Resource Protection due to steep slopes has been reduced by ±4.4 acres, at which time the Planning Board's review shall be limited to compliance of the then existing site conditions with the requirements of this subdivision approval and with the requirements of the approved reclamation plan. Such demonstration of compliance with this condition shall be in the form of an as-built post-mineral extraction topographic survey prepared by a professional land surveyor depicting contours at a minimum of two-foot intervals and drawn on the same scale as the previously approved reclamation plan. The Code Enforcement Officer shall not issue building permits for units 25 through 30 until the Planning Board has confirmed in writing that the subdivider has made such demonstration to the satisfaction of the Planning Board.

3. 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.
4. Prior to release of the recording mylar, but not later than November 9, 2007, the applicant shall obtain all necessary permits for this project from Maine DEP.
5. Prior to commencement of construction of infrastructure within the development, the applicant shall provide the Code Enforcement Officer with documentation demonstrating that funds to cover construction of alterations to North Raymond Road have been placed in escrow with the Town.
6. Prior to release of the recording mylar, but not later than November 9, 2007, the applicant shall submit a letter from Maine DEP confirming that placement of wells within 300 feet of infiltration basins is acceptable.
7. Prior to issuance of any building permit for units 1 through 12 and units 16 through 18 as shown on the plan, which contain areas where on-site septic has been evaluated based on assumed post-mineral extraction and reclamation conditions, the applicant shall provide the Code Enforcement Officer with new HHE-200 forms for each lot or unit for re-evaluation based on the actual post-mineral extraction and reclamation conditions.
8. Prior to issuance of a building permit, the applicant shall enter into an agreement for a third party review of the implementation and maintenance of soil and erosion control best management practices (BMPs) during the construction phase. This shall include on-site monitoring of the use of soil and erosion control best management practices (BMPs) during the construction phase. In order to satisfy this condition the applicant shall submit a copy of an executed contract with the Cumberland County Soil and Water Conservation District (CCSWCD) or some other entity approved by Maine DEP for such third party review.

Waivers

1. Based on its finding that the Raymond fire department believes that public safety is adequately addressed by the proposed road configuration, that the applicant will widen and straighten the road in the area of the intersection of Inlet Point road and Loon Run, that the applicant will design and build the Inlet Point Road so that it will come as close as possible to meeting the street design guidelines of **Section 5.5 of the Street Ordinance** that limit the maximum grade to 10% for private streets, and that the proposed road configuration meets the intent and purpose of the ordinance, 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.
2. Based on its finding that the Raymond fire department believes that public safety is adequately addressed by the proposed road configuration, that the applicant will widen and straighten the road in the area of the intersection of Inlet Point road and Loon Run, that the applicant will design and build the Inlet Point Road so that it will come as close as possible to meeting the maximum grade limit of 10% for private streets, and that the proposed road configuration meets the intent and purpose of the ordinance, the board grants a waiver of the street design guidelines of **Section 5.5 of the Street Ordinance** which limits the maximum grade to 10% for private streets.
3. Based on its finding that the proposed project is immediately adjacent to Notched Pond, a receiving body of water with a large amount of stormwater capacity, and that comparison of peak discharge rates before and after development is not relevant, the board grants a waiver of the requirement of **Article V, Section 2.2.12 of the Subdivision Ordinance** which requires a Stormwater Management Plan that demonstrates that the post development stormwater runoff does not exceed the predevelopment stormwater runoff for the 2, 10 and 25 year storm event.
4. Based on its finding that the on site soils are well drained and thus not likely to result in system failure, and that well placement and setback requirements for septic systems on "clustered" lots such as those proposed make it difficult to locate two septic sites per lot, the board grants a waiver of the **Article XIII, Section C.5.b of the Land Use Ordinance** requirement for two designated sites per lot for septic systems.

Vote: 6/0.

time: 10:02

6. Other Business:

- a. **Ordinance Update Discussion-** Hugh Coxe gave the Board an update.
- b. **CPIC Update:** No April meeting. Next meeting TBD.

c. Announcements:

May 16th Planning Board workshop at Town Hall
May 19th Town Meeting at JSMS Gym

8. Adjournment:

MOTION: moved by O'Neill and seconded by Wallace to adjourn at 10:10 pm.

Vote : 6/o.

*Minutes prepared by Planning Board Secretary Karen Strout
with motions and notes provided by Sue Carr
Acting as Recording Secretary at the meeting.*