

Wednesday, July 9, 2008

Minutes*

Raymond Planning Board
401 Webbs Mills Road
Jordan Small Middle School Modular Broadcast Studio

7:00 pm

ATTENDANCE: Chairman Pat Clark, Greg Foster, Sam Gifford, Ginger Wallace, and William Priest.

ABSENT: Vice Chairman Bob O'Neill; William Priest after 9:08 pm.

STAFF: Planner Hugh Coxe, and Recording Secretary Karen Strout.

1. CALL TO ORDER: Chairman Clark called the meeting to order at 7: 12 pm. Roll was called and a quorum declared to do business. Meeting's agenda was read.

2. APPROVAL OF MINUTES:

MOTION: moved by William Priest, seconded by Sam Gifford to accept minutes dated June 4, 2008, as distributed.

Vote: 5/0; motion carried.

MOTION: moved by William Priest, seconded by Greg Foster to accept minutes dated June 11, 2008, with one clarification. On page 2, line 6, change the phrase "free trade" to trade restraint".

Vote: 5/0; motion carried.

3. CORRESPONDENCE:

There was no official correspondence. Chairman Clark did recognize that there were late communications relating to the Hancock project: peer and legal review documents and a planner memo addendum. Copies have been placed in the project file.

4. CONTINUED APPLICATION for Rosewood Heights Final Approval:

This application for final approval was heard at the June 11, 2008, meeting and tabled. Contract Planner Hugh Coxe summarized his memo and reviewed Attorney John Bannon's comments. Copies of these have been placed on file.

Tom Greer of Pinkham and Greer presented the Board with a memo and explained the modifications that had been made since the June meeting. Chairman Clark asked Mr. Greer for further explanation of the phosphorus. Applicant's agent Pat Cayer of Land Services Inc. reviewed the details that had been added to the plan since the June meeting. Cayer added that the applicant had not proposed open space uses. He further commented that no particular trail system was proposed. A lengthy discussion ensued regarding the open space and its uses.

8:04 pm

Topics of discussion included:

- ◆ types of recreation- active vs. passive
- ◆ tie uses of open space to shore land ordinance list of uses
- ◆ treatment of the 3 acres of upland
- ◆ tree cutting
- ◆ impervious areas
- ◆ motorized vehicles
- ◆ structures
- ◆ one time managed cut
- ◆ snowmobile trails

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MOTION: moved by Ginger Wallace, and seconded by Sam Gifford to have included in the homeowners' covenants the following open space provisions: no cutting of trees, no structures, no motorized vehicles, and no creation of additional impervious area, with out Planning Board review.

Discussion:

Greg Foster stated that he would not support the timber harvesting restriction. Cayer suggested dedicating the whole open space to passive recreation. Cayer added that he would like to see the board allow a one time selective cut outside of the RP area. Other suggestions discussed were a managed forestry plan approved by the Code Officer, and a snow mobile crossing.

Vote : 2/3; motion fails.

MOTION: moved by William Priest, and seconded by Sam Gifford that any changes in the use of the open space would require planning board approval and that the entire open space have the following restrictions: no structures-primary or accessory, no creation of impervious areas, and no motorized vehicle use. One snowmobile crossing could be allowed, if needed. There would be no tree cutting except by a managed plan approved by Code Enforcement Officer.

Vote: 4/1 (Wallace); motion carries.

MOTION: moved by Clark and seconded by Gifford that a memorandum be added to the homeowners declaration of covenants , subject to attorney review, to show an agreement by both parties of the rights and responsibilities of each association for Rosewood Drive .

Vote: 5/0 unanimous; motion carries.

William Priest left at 9:08 pm.

MOTION: moved by Clark, seconded by Gifford to use Attorney John Bannon's language to address the issue of purchasing materials exclusively from Hancock Lumber: " The Planning Board's approval of the Declarations does not constitute an endorsement or approval of the restriction requiring lot buyers to purchase all building materials from Hancock Lumber. This Board lacks jurisdiction to decide whether the declarations are fair to prospective buyers."

Vote: 3/1; motion carries.

MOTION: moved by Ginger Wallace and seconded by Sam Gifford to grant final approval to Hancock Land Management LLC for Rosewood Heights, a 13 lot open space subdivision referenced by Raymond Tax Map 15, lot 7 , with the following waivers and conditions:

1. Based on its finding that the proposed streets will likely retain wooded areas on either side after development occurs, lots are subject to 12,000 s.f clearing limitations, the land is currently wooded, each lot is proposed to be developed and landscaped independently, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of Article V, Section 2.2.20 requirement for a landscaping plan.

2 .Based on its finding that adequate sight distance in each direction of the intersection of Rosewood Drive and Conesca Road could be achieved with some minor trimming of vegetation within the street right of way of Conesca Road, sight distance was found to be adequate in 1997 when the road was upgraded, there have not been any known problems on that portion of road due to sight distance, only a small increase in traffic would result from this subdivision 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 VIII, Section 6 of the Subdivision Ordinance requirement of a minimum sight distance in each direction of 10 feet per each mile per hour of posted speed limit, on the condition that adequate roadside warning signs be posted prior to the intersection of Rosewood Drive and Conesca Road, which warns motorists that there is an intersection ahead.

The plans for the sign shall meet the approval of the Raymond Road Commissioner and the sign shall be provided, at the applicant's expense, prior to issuance of any building or construction permit related to this application.

3. Based on its finding that the small increases in the post development storm water runoff drain through a large are of wetland and directly to Bartlett Brook and then into Crescent Lake will be

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easily accommodated, the increase is considered insignificant, 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, section 2.2.12 of the Subdivision Ordinance requirement for a Storm water Management Plan that demonstrates that the post development storm water runoff does not exceed the pre-development storm water 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, 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, 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 XIII, Section C.5.b of the Land Use Ordinance requirement for two designated sites per lot for septic systems.

5. Based on its finding that topographic conditions on lots 1 and 12 make access to those lots from Rosewood Drive more suitable than access from the proposed new road (shown as “Abbey Road” on the subdivision plan S-2 submitted May 20, 2008), that access from Rosewood Drive to those lots will better preserve the proposed storm water buffer on lot1, 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 provisions of Article VIII, section 10.3 of the Subdivision Ordinance that require vehicular access be located only on the less traveled way when lots have frontage on two or more roads.

6. Based on its finding that capped iron monuments in place of granite monuments are sufficient in locations along Abbey Road and Rosewood Drive as shown on the plans, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a partial waiver of the provisions of Article IX, section 1.2 of the Subdivision Ordinance that requires all road angle monuments be 4” square stone to instead provide capped iron monuments in place of granite monuments in locations along Abbey Road and Rosewood Drive as shown on the plans.

Conditions of Final 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 subdivision approval.
2. Prior to release of the recording mylar, but not later than January 9, 2009, the applicant shall provide Declaration of Covenants, and By-Laws, for a homeowners association that includes all of the lots in the Rosewood Heights Subdivision, that ensure 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, including storm water management and road infrastructure. Such documentation shall meet the approval of the town attorney.
3. Prior to release of the recording mylar, but not later than January 9, 2009, the applicant shall provide revised plans that include a note on the plans indicating all waivers granted by the Raymond Planning Board.
4. Prior to release of the recording mylar, but not later than January 9, 2009, the applicant shall provide revised plans that show the location and content of roadside warning signs to be posted prior to the intersection of Rosewood Drive and Conesca Road, which warns motorists that there is an intersection ahead. The plans for the sign shall meet the approval of the Raymond

Road Commissioner and the sign shall be provided, at the applicant’s expense, prior to issuance of any building or construction permit related to this application.

5. Prior to issuance of a building permit for lots 1 and 13, the applicant shall install permanent monumentation to delineate the limits of clearing for those lots in the form of iron rods fitted with plastic caps indicating "Buffer – Do Not Disturb" along the buffer boundary.
6. Prior to release of the recording mylar, but not later than January 9, 2009, the applicant shall revise the plans pursuant to the testimony and proceedings of the July 9, 2008 Planning Board meeting. Those revisions shall include, but not be limited to:
 7. A revision to note #13 on the subdivision plan (sheet S-1) which describes the allowed open space uses as follows: In accordance with Article 13, section D.1 of the Raymond Land Use Ordinance, the open space area depicted on the plan shall be preserved and maintained for active or passive recreation, and resource conservation. Within the open space there shall be no addition of impervious surfaces, no addition or construction of any structure or building, no use of motorized vehicles except for snowmobiles, and no cutting of trees unless a forestry plan is submitted to, and approved by, the Code Enforcement Officer. Any proposed change in use must be approved by the Raymond Planning Board. The open space parcel may not be further subdivided, and no uses other than recreation or conservation may be allowed.
 8. A revision to paragraph 27 of the Declarations of Covenants which describes the allowed open space uses as follows: In accordance with Article 13, section D.1 of the Raymond Land Use Ordinance, the open space area depicted on Sheets 1 and 2 of the subdivision plan shall be preserved and maintained for active or passive recreation, and resource conservation. Within the open space there shall be no addition of impervious surfaces, no addition or construction of any structure or building, no use of motorized vehicles except for snowmobiles, and no cutting of trees unless a forestry plan is submitted to, and approved by, the Code Enforcement Officer. Any proposed change in use must be approved by the Raymond Planning Board. The open space parcel may not be further subdivided, and no uses other than recreation or conservation may be allowed. Maintenance and management of said Open Space shall be the responsibility of the Home owner's Association established pursuant to paragraph #21 of this Declaration.
 9. A revision to the Declarations of Covenants to prohibit the use of fertilizer containing phosphorous anywhere in the subdivision, and which requires deed restrictions on each lot prohibiting the use of fertilizer containing phosphorous on any lot in the subdivision.
 10. Prior to release of the recording mylar, but not later than January 9, 2009, the applicant shall submit a site layout plan and a road plan and profile showing the final design and location of all buffers, culverts and infrastructure pertaining to storm water and phosphorous management, as well as final storm water and phosphorous calculations, to the peer reviewer for his review and approval.
 11. Prior to release of the recording mylar, but not later than January 9, 2009, the applicant shall submit an agreement, or a memorandum of agreement, between the Rosewood Heights Road Association (or the applicant on behalf of the Rosewood Heights Road Association) and any road association or homeowners association that currently has responsibility for the maintenance and upkeep of any portion of Rosewood Drive. Such agreement or memorandum of agreement shall set forth the rights and responsibilities and cost sharing arrangements of each such association with respect to the maintenance and upkeep of Rosewood Drive. Such documentation shall meet the approval of the town attorney.

Vote: 4/0; motion carries.

MOTION: Sam Gifford moved, and Greg Foster seconded that the board waive Article VII, section 1 b. of their by-laws in order to place the signing of the mylar for Rosewood Heights Subdivision on the agenda, but that the mylar be held until the conditions of approval and all financial responsibilities to the Town have been met.

3/1 (Wallace) abstained; motion carries.

5. CPIC UPDATE: Sam Gifford reported on the recent work done by the Comprehensive Plan Implementation Committee.

6. WORKSHOP:

9:30 pm

Contract Planner Hugh Coxe reported that the Board of Selectmen had scheduled a special town meeting for October 29th. Hugh passed out a revised time line that the Planning Board would need to meet. Language would need to be to the Town Attorney by August 22 . A Planning Board workshop was scheduled for August 20th to work on revamping minor vs. major subdivisions and open space subdivisions- permitted/appropriate uses, and definitions.

MOTION: moved by Ginger Wallace and seconded by Sam Gifford to adjourn at 9:40 pm.
Vote: 4/0.

** Meetings are broadcast live on the public access channel and rebroadcast at a later time. The DVD is the official legal record of the meeting . Copies may be signed out at the Town Office .*

*Karen G. Strout
Recording Secretary*