

Wednesday, August 20, 2008
Minutes*
Raymond Planning Board
423 Webbs Mills Road
Jordan Small Middle School Modular Broadcast Studio

7:00 pm

ATTENDANCE: Chairman Pat Clark, Vice Chairman Robert O'Neill, Greg Foster, Sam Gifford, and William Priest. Ginger Wallace was absent.

STAFF:Planner Hugh Coxe and Recording Secretary Karen Strout.

1. CALL TO ORDER: Chairman Clark called the meeting to order at 7: 23 pm. Roll was called and a quorum declared. Purpose of the meeting stated was to hold a public hearing and to act on the request of Hancock Land Management who were seeking preliminary approval for Pismire Bluff, a four lot subdivision off from Conesca Road.

2. APPROVAL OF MINUTES:

MOTION: moved by Sam Gifford, seconded by Greg Foster to accept the minutes dated July 9, 2008, as distributed.

Vote: 3/0/2 abstained (O'Neill, Priest). Motion carried.

3. CORRESPONDENCE:

Letter dated July 17, 2008 from Town Manager Don Willard re: workshop with Selectmen (Item to be discussed as a workshop item)

4. PISMIRE BLUFF:

Before opening the public hearing Chairman Clark asked Planner Coxe to review his prepared memo.

PLANNER PRESENTATION:

ISSUES

- ✓ Subdivision review-Planner Coxe commented that Attorney John Bannon had agreed with the applicant's approach to the project as it related to subdivision review.
- ✓ DEP issues still somewhat unresolved.
- ✓ Hugh did not send out project for peer review; board still does have discretion to send project to peer review
- ✓ No new narrative for this project's open space subdivision requirement, but many of old points still apply.

WAIVERS REQUESTED

- ✓ Article IX, section 3.29 which requires access to subdivision by interior road
- ✓ Article VIII, section 11.2 requiring underground utilities
- ✓ Article V, section 2.2.12 a storm water management plan
- ✓ Article XIII, section C.5.b requiring two septic sites per lot
- ✓ Article V, section 2.2.20 which requires a landscaping plan

OTHER COMMENTS

- ✓ declarations have been submitted and will be sent to town attorney
- ✓ third party inspections may or may not be needed
- ✓ fire suppression- need something in writing from RFD
- ✓ site distance at entrances calculations and methodology needed
- ✓ natural resources letter
- ✓ trail system data

APPLICANT PRESENTATION:

Pat Cayer of Land Services Inc. and John Larson of Pinkham and Greer addressed the outstanding issues and concerns.

PUBLIC HEARING:

Chairman Clark opened the public hearing at 7:58 pm.

Abutter Taci Hartley expressed her concerns about the effect that a development would have on Crescent Lake and wanted to be certain that this project would be looked at by the experts because of the results that over development might have on the watershed.

Response by Pat Cayer of LSI:

Cayer commented that there are already safe guards in place to mitigate the phosphorus. He added that there is a clearing restriction on lots and the home owner's covenants restrict fertilizers to phosphorus free types for lawns.

Chairman Clark further added: subdivisions are permitted by law and board's role is to make sure that they comply with the ordinance.

Public Hearing was closed at 8:05.

BOARD DISCUSSION:

- ✓ Chairman Clark stated that on the issues of subdivision law he was willing to defer to the Town Attorney.
- ✓ Clark further commented that he felt peer review and third party inspections were not needed.
- ✓ Clark stated that a letter will be required from the Fire Department stating they were satisfied with one tank.
- ✓ Clark also felt that the applicant needed to provide the site distance numbers in writing with an explanation of how they were calculated.

BOARD ACTION:

MOTION: moved by Robert O'Neill and, seconded by Sam Gifford to grant a waiver of Article IX, section 3.2.9 Subdivision Ordinance provisions requiring access to individual lots only by internal subdivision roads and prohibiting direct access to lots from public roads.

Vote: 5/0. Motion carried; waiver granted.

MOTION: moved by Bill Priest and seconded by Robert O'Neill to deny the waiver of Article VIII, Section 11.2 Subdivision requirement to install utilities underground.

DISCUSSION: Priest and O'Neill supported the ordinance requirement that underground utilities be installed for new subdivisions. Foster and Clark supported the waiver.

Vote: 3/2 (Foster, Clark). Motion carried; waiver denied.

MOTION: moved by Robert O'Neill and seconded by Chairman Pat Clark to grant waiver of Article VIII, Section 11.2 Subdivision requirement to install utilities underground.

Vote: 3/2 (Priest, Gifford). Motion carried; waiver granted.

MOTION: moved by Robert O'Neill, seconded by Greg Foster to grant waiver of the Article V, section 2.2.12 of the Subdivision ordinance requirement for a Storm water Management Plan for peak flow.

Vote: 5/0. Motion carried; waiver granted.

MOTION: moved by Greg Foster, and seconded by Sam Gifford to grant a waiver of the Article XIII, Section C.5.b provision of the LUO requiring two designated sites per lot for septic systems in open space subdivisions.

Vote 5/0. Motion carried; waiver granted.

MOTION: moved by Robert O'Neill, seconded by Sam Gifford to grant a waiver of the Article V, Section 2.2.20 requirement of landscape plan.

Vote: 5/0. Motion carried; waiver granted.

Chairman Clark read into the record the same disclaimer from purchasing materials exclusively from Hancock Lumber that was read for the Rosewood Heights Subdivision, which stated that this was not an endorsement by the Town of Raymond of that practice.

MOTION: moved by O'Neill and seconded by Priest to **grant preliminary approval** for Pismire Bluff, a four-lot open space subdivision referenced by Map 15, Lot 91 with the following conditions of approval:

1. Prior to final approval, the applicant shall obtain all necessary **permits** for this project including permits from Maine DEP.
2. Prior to final approval, the applicant shall provide a **Declaration of Covenants**, 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.
3. Prior to final approval, the applicant shall provide written confirmation from the Raymond Fire Department that the 10,000 gallon capacity in-ground concrete water storage tank and hydrant at the intersection of Conesca Road and Hancock Road required as part of the *Rosewood Heights* application, is sufficient **water supply for fire protection** for this project as well.
4. Prior to final approval, the applicant shall provide revised plans that include **sight distance calculations** along Conesca Road for each entrance drive and an explanation of how the distances were calculated.
5. Prior to final approval, the applicant shall provide revised plans that include a note listing all **waivers** granted by the Planning Board.

Waivers

1. Based on its finding that the shape or physical condition of the parcel does not permit access to or creation of a street other than the existing public way, common access will be utilized which will allow all proposed lots to be serviced by common curb cuts, 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 IX, section 3.2.9 Subdivision Ordinance provisions requiring **access to individual lots only by interior subdivision roads** and prohibiting direct access to lots from public roads.
2. Based on its finding that visual impact to the area would be insignificant from placement of utilities above ground, that the public right of way would be adversely impacted if utilities were placed underground, 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 Art. VIII, Section 11.2 Subdivision Ordinance requirement to **install utilities underground**.
3. Based on its finding that the site drains directly to Bartlett Brook and then into Crescent Lake, that the increase in peak flows leaving the site is 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 that a Storm water **Management Plan** demonstrates that the post development storm water runoff does not exceed the predevelopment storm water runoff for the 2, 10 and 25 year storm event.

4. Based on its finding that the soils at this site are well drained and therefore there is little likelihood of system failure, setback and well-placement requirements on smaller lots make it difficult to find two acceptable sites per lot for septic systems, 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 provisions of the Land Use Ordinance requiring two designated sites per lot for **septic systems** in open space subdivisions .

5. Based on its finding that the proposed lots and open space are currently wooded, lots are subject to 12,000 sf clearing limitations, 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 the Article V, Section 2.2.20 requirement for a **landscaping plan**.

Vote: 5/0. Motion carried. Preliminary approval was granted.

9:09 pm short recess

9:11 pm reconvened.

6. CPIC UPDATE:

Sam Gifford and Planner Coxe gave an update on the work being done by CPIC.

Discussion included:

- ◆ triggers for site plan review
- ◆ site review matrix for commercial district only
- ◆ request for Planning Board feedback on framework
- ◆ possible joint meeting with CPIC

7. WORKSHOP:

a. Correspondence dated July 17th from Town Manager regarding a joint workshop with the Planning Board was discussed. Planner Coxe was asked to speak with Town Manager Don Willard to gain more insight into the focus for the workshop with a potential workshop date being September 10th .

b. Ordinance Workshop time line was discussed with the target date of November 25th as the Special Town Meeting date. What we have to date for Special Town Meeting:

- ◆ 6 site design technical amendments which have received legal review
- ◆ subdivision ordinance reformatted
- ◆ stream protection language
- ◆ updated land use map

Consensus of the board was that they would also like to see the following completed for consideration at the Special Town Meeting as well:

- ◆ major and minor subdivision requirements
- ◆ backlots
- ◆ open space uses

Agenda for Sept 10th meeting will include a possible workshop with the Selectmen, a discussion of the CPIC matrix, and further ordinance preparation for the November special town meeting, tentatively set for the 25th of November.

MOTION: moved by Robert O'Neill, and seconded by Sam Gifford to adjourn at 9:54 pm.
Vote: 5/0.

** 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*