



**Raymond Planning Board
MINUTES*
Wednesday, December 8, 2010**

Attendance: Interim Chair Robert O'Neill, William Priest, Bruce Sanford, and Greg Foster

Absent: Chair Patrick Clark.

Staff: Planner Hugh Coxe and Danielle Loring, Recording Secretary

1. Call to order.

2. Approval of Minutes:

a) November 10, 2010

MOTION: Greg Foster moved to accept the minutes for the November 10, 2010 meeting as submitted. Seconded by Bruce Sanford.

VOTE: UNANIMOUS APPROVAL (4/0)

3. Communications: None

4. Applications: None

5. Ordinance Workshop:

a) Open Spaces

Mr. Coxe explained that Open Space provisions show up in two places, the subdivision ordinance where 10% area be put in Open Space or up to 10% be for recreation. Then, any subdivision on the waterfront have 200 feet of shoreland be designated for Open Space and an additional 10 feet for every developed lot in the subdivision. Developers can choose to not use Open Space, but they have to show that they meet the purposes of the subdivision.

There are two types of subdivisions. One is clustered where reduced lot sizes and the amount that the lot was reduced is put into Open Space. The other is conservation where there are fewer, larger lots and a portion of each lot is protected by Open Space, also known as country

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estates.

Mr. Coxe continued to explain that the density calculation and different uses for Open Space. He reported that there were eight principles that had been reduced to six and the Planning Board members should review those principles to ensure that there are no ordinance conflicts. He felt that it would be beneficial to create a checklist for Open Space applications that included narrative.

Mr. Coxe continued by stating that the next step was to look at the difference between productive and protected lands. Mr. Sanford in making a definition for active and passive activities, but feels that the Board has always tried to stay neutral in defining things because it creates gray area that can cause problems for future applicants. Mr. O'Neill agreed and felt that if the land required modification for proposed use then it would be active, but if it was used as is then it was passive. Mr. Coxe reminded them that activity, such as ATV use, do not require the land to be developed but cause more environmental disturbance than footpaths. Mr. Sanford suggested that, in that case, that recreational use be considered active and passive land use is Open Space. Mr. Priest recommended that the Board only define what is passive and it should be the burden of the applicant to the outcome of their project is such.

Mr. O'Neill pointed out that Open Space should be limited to only major subdivisions because minor subdivisions did not have the space necessary. Mr. Coxe agreed that making that restriction would eliminate problems that may arise. Mr. Priest wanted to know if there was a way to leave up to the discretion of the Planning Board, rather than eliminating it all together and Mr. O'Neill suggested it may become a problem if everyone started asking for waivers.

Mr. Coxe continued by pointing out that when there were large amounts of Open Space, there needed to be someone responsible for managing and up keep of the area. He felt that there should be a stewardship included in the ordinance, because even though a homeowners association usually took care of this, the Town should have a safe guard in place with the added language. Mr. Sanford agreed but he felt that it was not fair to the homeowner for developers to begin swapping around Open Space after lots had been sold. Mr. O'Neill also agreed with this point and wanted to know if language could be added to the ordinance to stop developers from doing this after the first lot had been sold. Mr. Coxe stated that a developer does have to come before the Planning Board to make sure that it is permissible. Mr. Sanford wanted to know how it was written in a deed and Mr. Coxe explained that the Open Space is written into a deed as "X" amount of space with the understanding that the it is owned by the association and a portion is allowed to be swapped.

Mr. Priest suggested putting restrictions on the subdivision at the time of approval and that those conditions had to met in order to swap land at a later date. Mr. Sanford agreed but he was still concerned that they had not defined Open Space and Recreational Space. There was continued discussion about whether or not there should be maintenance and stewardship documents and the primary concern was that stewardship funds only covered the cost of the investigation, not the corrective action. Mr. O'Neill felt that there was enough self enforcement in subdivisions to keep matters in order. He felt that enforcement required more manpower and involvement than the Town was able to afford. Mr. Priest agreed but felt that

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the Planning Board should have more involvement in covenants. Mr. Coxe reminded the Board that in order to be able to review covenants required someone with training, not just the typical employee. He suggested that they could make it the burden of the applicant to provide a summary of the proposals. He said that covenants should define how the Open Space will be maintained.

Mr. Coxe briefly touched up Single Lot Development where a portion of the lot is put into conservation easement, which could be sold at a later date while still retaining the right for development. He was not sure why it was part of the Subdivision Ordinance.

Mr. O'Neill wanted to know if it would be a possibility to work with Raymond Conservation Commission and have them submit supporting documents. Mr. Sanford agreed because requiring supporting documentation from other groups mean that the Planning Board would have to worry about having expertise in that area. Mr. Coxe said that it should be made clear that the Planning Board has the decisive power in these issues and the problem can lie in trying to gather all these materials under time constraints. Mr. Priest suggested that it not just be a defined group, like Raymond Conservation Commission, but it could be any third party such as a biologist or a forester.

Mr. Coxe moved on to issues regarding septic systems because right now they were required to have two spots designated for a septic system in case one fails. He was not sure if it was really necessary. Mr. Priest suggested that rather than suggesting two locations, that they have developers upgrade the system. Mr. Sanford agreed and also felt that they could require that the developer leave land adjacent to the system to have the ability to expand it if necessary. They agreed that this discussion would be more effective at the next meeting with the Code Enforcement Officer present.

The Board discussed Open Space in Shoreland Zoning and the requirements where 200 feet of water front was to remain in Open Space. The language was vague regarding requirements for the waterfront. It was agreed that the requirement should be that the Open Space in Shoreland Zone should be an area that was 200 feet by 50 feet deep.

It was agreed that there would be no definition for Open Space. That undeveloped land would remain in Open Space. If the developers planned to make it into a recreational area, they would have to come before the Planning Board for approval.

6. Adjournment.

MOTION: William Priest moved to adjourn the meeting. Seconded by Robert O'Neill.

VOTE: UNANIMOUS APPROVAL (4/0)

Interim Chair Robert O'Neill adjourned the meeting at 8:58pm.

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