



**Raymond Planning Board  
Minutes\*  
Wednesday, January 12, 2011**

**Attendance:** Chairman Pat Clark, Greg Foster and Bruce Sanford

**Absent:** Vice Chair Robert O'Neill and William Priest.

**Staff:** Chris Hanson, Code Enforcement Officer; Hugh Coxe, Planner; and Danielle Loring, Recording Secretary.

**Other:** Deb Baker

**1. Call to order:** Chairman Pat Clark called the meeting to order at 7:16pm. There was not a quorum present but Mr. Clark said that they had the authority to continue considering that there were mitigating factors and weather but would need a vote from the Board.

**MOTION:** Greg Foster motioned to continue the ordinance workshop even though there was no quorum present. Seconded by Bruce Sanford.

**VOTE:** UNANIMOUS APPROVAL (3/0)

**2. Public Comment**

Mr. Clark continued that there was a member of the public whom had asked to speak and said that he would allow it if there was Board approval. Both Mr. Sanford and Mr. Foster said that they had no problems allowing her to speak.

Deb Baker, 23 Valley Road, said that she wanted to thank the Board for all of their hard work and to say that she respected their decision to take no position on the conditional rezoning to allow for a wireless communication facility on Farm Road. She stated that she respected all agreements between the parties involved and then thanked the Board for allowing her to speak.

**3. Approval of Minutes:**

**a) December 8, 2010:** Tabled until quorum was present.

**4. Applications:** None

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## **5. Other business:**

### **a) Ordinance Workshop**

Mr. Coxe summarized the work that he had completed since the last meeting. He said that he took the same language from the subdivision ordinance and added it to the Land Use Ordinance that the applicant needed to submit a narrative that the proposed use meets the purpose of the Open Space ordinance. He changed the language to state that Open Space would only be allowed for major lots and excludes minor lots, which are less than five lots.

Mr. Coxe continued by stating that there were two types of Open Space Subdivisions. One being the Cluster which are a bunch of small lots with a large common area. The other are Conservation Density lots which are large, ten acres or more a piece, and a portion of each lot was reserved in Open Space. He clarified that the major lot restriction of five or more lots should only apply to the Cluster types, and not Conservation Density, because it was much more achievable for one, rather than the other.

Mr. Sanford was concerned that the five lot rule may cause gray area and Mr. Coxe stated that it should not be a problem because of the way that each subdivision is formed. The language of how each are formed was preserved, meaning that conserved land was still retained through, easements, further subdivisions, and restrictions imposed by building envelopes.

Mr. Coxe continued by saying that, based on how the ordinance was written, it was not clear what the level of restriction for Open Space. As drafted, there was nothing stopping someone from developing the land as they wished. Mr. Sanford was also concerned that, unlike Cluster Subdivisions, Open Space in Conservation Density subdivisions could be restricted from others in the subdivision. Mr. Clark said that he was okay with that because the purpose was to conserve the land. He felt that it was more about protecting the environment such as water quality, density control, privacy and wildlife habitat preservation, rather than recreational use. He would like to see more incentive to create subdivisions like this because then more land would be preserved. He suggested allowing individual driveways versus requiring a fourteen foot access road that was not necessary.

The Board moved on to discuss how to define Open Space and its uses. They decided that the default was that land would be in resource protection and any other use would require the developer/owner to go before the Planning Board. This also means that the Open Space needs to be maintained in its current condition, except for passive use. Passive uses are those that have minimal soil disturbance, does not include buildings, be used by non-motorized vehicles, with the exception of snowmobiles.

The next discussion was on how to manage the Open Space subdivisions. There was concern that by defining activities, it would prevent people from making logical and practical decisions about land use. They felt that it was better to leave the default as passive production and the discretion of the Planning Board for all other development. The major concern was that there were inconsistencies between the Land Use and Subdivision ordinance and it should be the

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primary objective to tie the two together. The other concern was who was going to enforce the regulations once they were in place. It was the general feeling that it was going to be left up to the home owners association, unless a complaint was brought forward to the Town. Mr. Sanford thought that it might be useful to make it a condition that in order to get a Certificate of Occupancy the lot must be in compliance and in good condition. Mr. Hanson assured the Board that he did review plans when they were submitted and found that many subdivisions did police themselves

In terms of maintenance, it was decided that they were not going to require a stewardship, but that maintenance be included in the covenants for the lot. It was going to be a condition that when applicants come before the Planning Board, they need to have the final covenants, rather than submitting them at the time of the application and having to send them off for staff approval. Mr. Coxe said that it may be an option to have the applicant work with a third party to have a preliminary review of the conservation proposed. Mr. Clark did feel that they should not require third party review because a well planned application should not have that extra step. Mr. Sanford agreed that it should not be a requirement but felt there should be encouragement.

The language for the 20% Open Space expansion bonus was changed to be “up to 20%” because there were lots that were not large enough to achieve this and the 20% could not come from the personal property portion of the lot.

The Board decided to remove the requirement for the second septic location. Instead, when a subdivision was proposed, they wanted to see a HHE 200 design for a three bedroom home with a well exclusion zone within 100 feet. The purpose of doing this was to ensure that each property could have a well and septic that meets standards. This did not mean that there could not be other designs later on down the road with Code Enforcement approval, but that the current plan was feasible.

Mr. Clark was concerned with lots being allowed to have more than a 50% reduction of the acceptable allowance for street frontage because it created lots that were nonconforming. It was hard to build upon these lots without negatively impacting the neighborhood. Mr. Coxe felt that there were provisions in the ordinance that would prevent certain things from happening. Mr. Clark agreed, but felt that with Cluster subdivisions were problematic because they were submitted as a complete package. Mr. Hanson recommended that the wording be that the developer show that each lot was buildable. Mr. Clark agreed and felt that it offered direction for developers as well as consistency.

The Board discussed Flexible Open Space (FOS). As it was stated, the developer could propose Open Space for a subdivision and could swap it out at a later phase of the project. Mr. Clark did not think that FOS was a problem as long as it came before the Board for approval, but did not think that there should be automatic Flexible Open Space. Mr. Sanford stated that he did not think that it was a good idea because it could be problematic if it was allowed at a later phase of the project. Mr. Clark suggested that the owners should be involved in the process and the home owner association's approval be required before it came before the Planning Board. Mr. Sanford felt that it created uncertainty for the buyer when they thought they were

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purchasing a certain portion of defined Open Space.

The next discussion was about Open Space within the shoreland zone. It was agreed that there was going to be a 50 foot minimum for water frontage and easement with practical access to the Open Space with no minimum water depth. It was suggested that the access road not be considered in the Open Space calculation. Mr. Hanson wanted to know why they could not just go through all of these standards at the time of the application. Mr. Clark explained that if it was not in writing than the Planning Board had no more of a viable argument than the applicant.

## **6. Adjournment:**

MOTION: Bruce Sanford motioned to adjourn. Seconded by Greg Foster.

VOTE: UNANIMOUS APPROVAL (3/0)

Chairman Pat Clark adjourned the meeting at 9:01pm.