



**Raymond Planning Board
Draft Minutes*
Wednesday, February 13, 2013**

Present: Chairman Patrick Clark, Vice Chair Robert O'Neill, Greg Foster, William Priest, Bruce Sanford and Dan West.

Absent: None

Staff: Town Attorney Mary Costigan, Esq., Contract Planner Jim Seymour, Code Officer Chris Hanson, and Recording Secretary Danielle Loring

Applicants:

- **Gateway Place: David Greep (Applicant), Norm Chamberlain (Agent)**
- **Frye Island: Pat Cayer (Agent), and Mark Gray (Engineer).**

Other: Jeff Pierce, Phil Lowe, Kevin Gleason, Peter Morgan, Jr., Nonie Irving, Roy Irving, David Bond, Mary Frances Gagne, Tom & Ann Ewig, Mike Lebel, Barbra Lovell, Steve Phillips, Elaine Chipman, Doug Chipman, Andy Broaddus, Gloria Coffin, Kathleen Sullivan, Joe & Peg Olsen, Kevin Fay, Chad Thompson (Portland Water District), Joan Stanley, Jim Stanley and Joe Jala.

1. Call to order: Chairman Patrick Clark called the meeting to order at 7:06pm and a quorum was declared.

2. Approval of Minutes:

a) January 16, 2013

MOTION: Bruce Sanford motioned to accept the minutes; seconded by Greg Foster.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/0/1 [RO])

3. PUBLIC HEARING

a) New Application

**David Greep (Gateway Place), 1207 Roosevelt Trail/Map 057, Lot 001
Applicant is requesting a site plan review for expansion of existing building
and construction of new building.**

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**Item taken out of order

Contract Town Planner Jim Seymour summarized the project for Gateway Place as a major site plan review, which would include an expansion on the existing building and construction of a new building.

Norm Chamberlain, Agent and Engineer for Taylor engineering, explained the design details for the proposed project. He addressed the issues with storm runoff and felt that the project met all the requirements for parking, which he had estimated peak traffic 25-30 PCE (Personal Car Equivalent) and the MDOT did not require them to have a traffic study unless they were over 100 PCE. He then mentioned that they were going to install soffit lights and post lights. Mr. Sanford wanted to know if the traffic count was for both businesses, and Mr. Chamberlain confirmed. Mr. Sanford followed up that he was concerned that the actual traffic counts were going to be higher and Mr. Chamberlain stated that he did not think that it would be a significant difference and would not exceed the 100 PCE benchmark.

Mr. Chamberlain continued by explaining the function of the berms towards the phosphorus calculation. He explained that the project was allowed an output 0.17 lbs of phosphorus per year but the system they were proposing made it so that the total output was estimated at 0.01 lbs of phosphorus per year.

Chairman Clark explained that he was concerned that there were two entrances to the site, but since they were existing it was fine and it seemed to make sense for the site. Mr. Chamberlain agreed because there were a lot of vehicles with boat trailers and that characteristic was necessary for the site to allow for them to maneuver.

Chairman Clark continued that he was leaning toward requiring them to extend the sidewalk or to include part of the driveway as a walk way. Mr. Chamberlain replied that he was concerned with space and combining pedestrian and vehicular traffic.

Mr. Priest asked if the buildings were going to use well or connect to public water, and Mr. Chamberlain replied that the new building was going to use public water.

Chairman Clark asked Mr. Seymour to address any issues with the application.

Mr. Seymour stated that because the Windham zone was a residential zone, there needed to be a 25 foot buffer. He continued that Mr. Greep had agreed to give an easement from his abutting property to meet this requirement. Mr. Chamberlain added that Mr. Greep was seeking to have his abutting property zoned as commercial in Windham. Chairman Clark was concerned with the subject property abutting a residential zone and felt that the applicant may need to go to the Zoning Board of Appeals or have adequate landscape buffer/screening. He explained that the land between the lot and building could be considered as landscaping but did not meet the screening standard. Mr. Seymour suggested that they could put up a stockade fence but would need to do some planting to meet the requirement of the landscape buffer strip. Mr. Chamberlain asked if a staggered line of white pines work, and Chairman Clark responded that the Board had allowed that condition in the past. Mr. Foster wanted to know why the Board could not waive the condition, and Chairman Clark responded that it was a zoning issue and under Bulk Space and Requirements.

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**Item taken out of order

Mr. Sanford stated that he was concerned with sidewalks. Mr. Seymour explained that the existing sidewalks stopped at the entrance and that the applicant was requesting the Town fund the installation of any additional sidewalks, as the request had been made when the initial sidewalk project was being completed.

Mr. Seymour suggested that the Board open the hearing for public comment so they could address those issues as well. Chairman Clark opened the hearing for public comment and there was none, and Chairman Clark closed the hearing to public comment.

Mr. Sanford continued that he was estimating that the sidewalk was going to cost Mr. Greep \$7,500 at a minimum and would rather see an internal sidewalk, where less work was required. Mr. Seymour clarified that sidewalks were not an ordinance requirement but a suggestion under the design guidelines and asked Mr. Chamberlain if the applicant would be willing to create the conditions of the previous suggestion. Mr. Chamberlain responded that he thought that there was enough room to run it along the property line, and Chairman Clark added that permission was required from the State if they were outside of the property line. Mr. Foster suggested that the conditions be left as they were, and Chairman Clark stated that the applicant can make that request. He asked if the applicant felt that the conditions were safe and secure, and Mr. Chamberlain confirmed. The Board agreed to leave the sidewalk conditions as they existed.

Mr. Seymour stated that the applicant was requesting that the Town move their town signs in order to improve site distance. Mr. Hanson added that the Public Works Department had agreed to supply the posts to have them moved. Mr. Seymour asked if they needed to address the signage for the area, and Mr. Hanson responded that the applicant could need to apply for a sign permit for any new and replacement signage but that the proposed signage was well under the allowed square footage for the property.

Mr. Seymour recommended that the Board make a condition regarding the maintenance of the buffer strip and requirements for the retention pond. Mr. Chamberlain ask if the applicant was able to get the parcel rezoned, would they still need the buffer strip, and Chairman Clark responded that they would need to come back in to get the plans changed to remove that condition.

MOTION: Robert O'Neill motioned to approve the application by David Greep with the modifications that the buffer strip be maintained on the Raymond parcel completely; that the drainage be controlled as discussed; and that the signage be reviewed by staff before construction; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

b) Tabled Application

Town of Frye Island, Cape Road & Quarry Road-Map/Lot: 002/011 & 070/006

Applicant is requesting a site plan review for a Park & Ride for ferry landing.

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**Item taken out of order

Chairman Clark summarized the application and asked the Mr. Seymour to brief the Board on the application, and Mr. Seymour stated that the subject property was located at the intersection of Cape Road, Quarry Road and Wild Acres Road. The application first came forward in July 2012. The original application was for a 50 car parking lot. They have since revised their plans and resubmitted to the DEP.

Mr. Seymour described the traffic pattern for the project. He continued that the Board had requested a traffic study, and he summarized the report submitted. He summarized the site walk performed with the public the previous summer. He explained that other revisions included sidewalks, adding a queue line to the ferry landing, proposing to widen and pave quarry cove Road as well as recalculated the phosphorus calculation, revised lighting, and proposing on-site traffic monitor or employee. He explained that the question before the Board was whether or not the existing condition was more dangerous than the proposed conditions and explained the safety issues that the project was creating through “conflicts of movement”. He was recommending seeing a plan that showed how they planned to control the site.

Mr. Seymour continued that he had not had any contact with the DEP regarding the stormwater permit and recommended seeing that approval before the Board granted their approval. He explained the buffers that were being proposed and added that Public Works was concerned with the proposed culvert because of the history of the site. He added that he was also concerned with major storm events and the issues that may be created by allowing for higher flow.

Mr. Seymour pointed out that Frye Island had provided documentation that they had right, title and interest to use Quarry Cove Road. He explained that they were also requesting to build a retention pond to collect stormwater and Portland Water District was asking that more be done to collect water.

Mr. Seymour explained his concerns were that the size of light poles needed to be reduced and there were other concerns with significant wetlands that were present and assumed that they were forested wetlands which did not apply.

Chairman Clark asked the applicant to speak.

Stephan Chute, *Esq.*, asked to make an objection and Chairman Clark reminded him that the Public Hearing had not been opened yet.

Patrick Cayer, Land Services, Inc., introduced the members helping with the presentation, including Dave Bond, Chairman of the Transportation Committee for Frye Island, who explained the hierarchy of the transportation committee in relation to the town's government. Frye Island assured the Board that there have been ample opportunities for the Frye Island residents to speak about the application and those opportunities have been well publicized.

Mr. Cayer explained that he took input from the last meeting seriously and revisited prior designs that had been created. One of which involved relocating Cape Road to get it away from the Ferry landing, but Frye Island found that it was expensive and there were issues with

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**Item taken out of order

disconnecting abutters from their road frontage.

Chairman Clark asked that the applicant give a brief summary, and he reiterated the format for the meeting.

Mark Gray, JAMM Engineering, described the changes were made to the plans which included addressing the issues regarding Stormwater raised by Portland Water District (PWD) and Mr. Seymour, but the design configuration had remained the same. However, they were now proposing to pave the parking lot as well as proposing two stacking lanes and paved shoulder for pedestrians.

Mr. Gray continued that they would be expanding the queuing lane to include a paved shoulder to reduce people walking among the cars as well as attempt to reduce erosion on Quarry Cove Road, moving down to Wild Acres, by paving and putting in an armored ditch. To increase safety, they had created a drop off area on the plans and Mr. Gray felt that this was consistent with a low intensity use parking lot.

Mr. Gray explained his culvert calculations which involved looking at the 50 year storm, which indicated that there was no increase in the peak discharge rate. He felt that the existing culvert was undersized and that increasing the size would stop it from running "over full" and would make the water run lower. His calculations show that the existing culverts would wash out the road in a 100 year storm.

Mr. Gray stated that the current phosphorus limit was 1.5 lbs per year and the previous plan used most of that up but had now been reduced by one-third using buffers. He explained that the majority of phosphorus would come from the vehicles and the material that they track in.

Chairman Clark stated that he was ready to move into the public comment portion.

Mary Costigan, Town Attorney, explained that the Board had the authority to determine whether the project was consistent with the provisions of the ordinance and the guidelines therein. She asked that the public be mindful of those provisions and limit their comments to those issues and asked that comments regarding the Frye Island process be excluded because that was not the Board's charge.

Chairman Clark asked that statements not be redundant and implemented a three minute time limit. He added that he would poll the Board at 10:00pm to see if they wished to continue. He would also stop anyone making personal claims or issues with the project.

Chairman Clark opened the hearing to the public.

Ms. Cositgan added that questions to the Board and the applicant go through the chair and would be addressed at the end.

Mr. Chute stated that he represented Friends of Raymond Cape (FORC), and he had filed an opposition that included signatures from 200 residents. He felt that the application was not complete and there was insufficient evidence of right, title and interest. He added that Frye Island was without authority to own property on Raymond Cape and requested that the Board

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make a motion to deem the application was incomplete and dismiss it or have it withdrawn.

Chairman Clark responded that the Board had received correspondence from Frye Island's attorney that they are within their rights to do so. Ms. Costigan reminded Mr. Chute that whether or not Frye Island could own property was not within the purview of the Board. Mr. Chute argued that it had everything to do with right, title and interest in order to have the authority to move forward with the project, and Chairman Clark explained that the Board had received information regarding right, title and interest. Mr. Seymour added that there were deeds within the original and revised applications, and Chairman Clark explained that that was all the Board had ever required.

Mr. Chute requested a vote for the completeness of the application. Chairman Clark explained that the Board deferred to the Planner to make that determination and application only came before the Board when it was deemed complete. Mr. Chute again requested a motion from the Board about the completeness and his request was denied by Chairman Clark.

Mr. Chute argued that in order to make ruling the Board was requires a vote, and Chairman Clark polled the Board and then declined to vote.

Pete Morgan, 8 Bridges Lane, stated that he was concerned that the parking lot will become more in the future. Chairman Clark explained that this was not time to speculate.

Tom Ewig, Ewig Reality, LLC. on Whittemore Cove Road, stated that he was concerned that parking lot will increase traffic and felt that the project would reduce the quality of life. He was also concerned with the opposition from Frye Island residents.

Kevin Gleason, 1 Whittemore Cove, said that he was concerned with safety, especially with the mention of golf carts being used to transport people across the road. He was also concerned with lighting and parking lot activities after hours.

Joe Jala, Papoose Island, stated that he did not want to create a parking lot for three weekends a year and felt that the use was commercial. He was also concerned with decline in property values and affect to tax base.

Chairman Clark explained that the existing and proposed uses was allowed under the ordinance.

Kevin Fay, Wild Acres, asked if this project was in an LRR1 Zone, and Chairman Clark confirmed and stated that there was a table of permitted uses in which a parking lot was allowed. Mr. Fay responded that his comment was about appropriateness relative to a rural area and felt that the proposed use was an industrial use. Chairman Clark clarified that they may have individual beliefs but the deliberation were based on the provisions of the ordinance.

Phil Lowe, Pine Tree Rod & Gun Club, stated that he was concerned with pedestrian traffic. He asked if there was a vernal pool assessment completed, and Chairman Clark state that there was none known but they had asked applicant to elaborate on how that was determined.

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Mr. Lowe explained the difference between significant and standard vernal pools. He added that he would like the applicant to reduce the light pollution and add paths for biking and pedestrians. He would also like them to provide a fire hydrant for the residents with easements, reduce noise pollution. He felt that there should be no increase in run off and would like to see infiltration basins. He would also like to see a long term maintenance agreement for the structures proposed. He asked if this plan accounted for other phases in the project, and Chairman Clark responded that that information was not relevant to the application that they were considering. Mr. Lowe asked how the applicant would go about making changes in the future, and Chairman Clark explained that alterations would require them to come back before the Planning Board.

Andy Broddus, 891 Sunset road (Frye Island), stated that he supported the project but only conditionally following the exact standards of the ordinance, including what was deemed reasonable and acceptable. He added that he would like restrictions for long term parking because of the seasonality of the island and did not think the golf cart issue was an issue. He did not think that the pedestrian issue was serious because did not feel that the parking lot was going to be used much. He felt confident that the board would determine what they could do but not what they would do.

Gloria Coffin, 119 Wild Acres, was concerned with noise and light pollutions. She also had a letter from Bob Foley from 135 Wild Acres regarding the traffic disruption. She described that, in his letter, he mentioned shuttling people from the mainland to reduce the number of vehicles. She asked if the lighting was going to be year round, and Mr. Sanford replied that it was.

Joe Olsen, 1 Spiderweb Way, stated that he was concerned with the future of the project. And the controls being implemented over the traffic. Chairman Clark cautioned that the Board could only consider what was before them even though the plans do indicate that it was "Phase 1." Mr. Olsen asked why they were not showing the complete development as requested, and Chairman Clark responded that the applicant had the right not to show the future plans.

Richard Flowerview, Frye Island Transportation Committee, stated the intention behind the project was they were trying to be proactive about the island's growth.

Steve Phillips, Cape Road, asked if the applicant had considered other options, and Chairman Clark explained that it was not the prevue of the Board.

Jim Stanley, 98 Wild Acres, said that he was concerned with safety and increased traffic. He was also concerned with the overall plan and thought that it burdened the Raymond Cape residents with their problem. Chairman Clark stated that he did not think that the project would generate traffic but felt that it was dealing with existing traffic problems.

Barb Lovell, Wild Acres, did not see a need for the facility and thought that the project was premature. She explained that she did not feel inconvenienced with peoole parking along the Cape Road while they were waiting for the ferry.

Jean Jala, Papoose Island, was concerned with pedestrian traffic, light pollution and habitat

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degradation. Chairman Clark pointed out that the applicant had proposed to improve Quarry Cove Road.

Mike Lebel, 12 Sebago Road, explained that his property abuts the ferry landing. He shared many of the same concerns but did not think that majority of Frye Island residents wanted the project. He was concerned with safety and the overall scope of the project.

Chairman Clark closed the public comment section and reiterated the concerns raised. He stated that the Board was going to go through the application based upon the criteria in the ordinance. He explained that they would review the Shoreland Zoning issues first and the nine criteria.

Chairman Clark explained that the first criteria was “safe and healthful conditions”. The applicant was proposing a queue which would remove loading cars from traffic but increases pedestrian flow. The question at hand was if the proposed conditions were safer than existing.

Chairman Clark pointed out that he did not see a proposed cross walk, and Mr. Seymour confirmed that it was necessary. Chairman Clark recommend 5' sidewalk with curbing and guardrail. He also requested management of the parking area including employee supervision and a flashing light. Mr. Seymour stated that they could look at traffic measures such as light but afraid human nature would overrule it.

Chairman Clark suggested that the applicant could look at traffic calming measures such as speed bump or round about. Mr. Seymour did not think that personnel during peak hours was sufficient and was not sure if it was enough in general.

Mr. Gray indicated that the ferry attendant would have a direct line of site to maintain traffic control and that during peak hours an additional person would redirect traffic off Cape Road through the queue line. Chairman Clark asked if the traffic attendant would act as a crossing guard. Mr. Gray responded that the personnel would be responsible for maintaining order and keeping traffic directed. There was currently room to queue 22 cars on the ferry road, but in order to exceed the queue line, you would need more cars than 22-23 cars per hour that the ferry can manage. He commented that even though the project was imperfect, that was better than the present conditions.

Mr. Seymour stated that they have included a drop off zone, but what happened when that spot filled, and Mr. Gray responded that if that spot was filled then people were going to park along the side of the road. Mr. Seymour commented that he was concerned that parked cars, with people emptying out or doors open, would reduce lane size and he wanted to know how big the right of way was, and Mr. Gray responded that there was none. Mr. Seymour pointed out that that created a problem because then they were encroaching on private property.

Chairman Clark stated that he was disappointed with the traffic report because it spoke of use of parking lot as a queue line not as a drop-off parking use, and Mr. Gray responded that was because it was unknown how the lot would be used. Mr. Seymour stated that they needed to know what the parking program was, and Mr. Gray responded that there were several options for its use. Mr. Seymour then asked how the applicant intended to regulate it. Would there be stickers or first come first serve, and Mr. Gray responded that staff will monitor the site.

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Chairman Clark reiterated that no information given regarding the management of the parking lot. Mr. Gray wanted to know where there concerns were stemming from and it was related perceived abuse, and Chairman Clark stated that it was the fact that they have no information about how the use was going to be managed.

Mr. Gray continued that there was parking that was observed in the existing queue lane, and Chairman Clark stated that the information had not been clearly translated to the Board. Also, if those spots were taken with long term “parkers” then how does that affect queuing line. Mr. Seymour was concerned with the number of cars and felt that visitors or local use of the lot needed to be factored in as well.

Mr. O'Neill stated that he was concerned that the applicant kept referring to the road as “country” and not having a lot of pedestrians but then creating a situation that produces more pedestrians while also saying that it was not going to be utilized. Mr. Gray explained that they were not sure how they were going to calculate those factors because pedestrians may not be there during peak time.

Mr. Priest voiced his concern that when the original project was proposed it was to reduce congestion but now it was building a complex. Mr. Gray stated that he welcomed suggestions but supported the project but does not feel that the applicant was planning to change the design. Chairman Clark stated that they may be asked to change their design. He suggested to allow two-way traffic off of Cape Road to either queue or park. Mr. Cayer stated that there were sight distance issues with that location.

Mr. Sanford stated that he was concerned with the future of the project, and the safety concerns associated with the project for only a 2-3 weekend a year problem.

Mr. Cayer suggested continuing with the technical review because he felt that the project met the provisions of the ordinance.

At 10pm Chairman Clark polled the Board to see if they are interested in continuing. Mr. O'Neill stated that he was leaving. Mr. Sanford stated that he would like to continue because of safety issues.

Mr. Cayer stated that this was the application before them and they had addressed those issues and concerns raised at the last meeting but this was the project they came back to and safety was a concern.

Mr. Foster agreed to continue.

Mr. West asked if there was a possibility of having a 4-way stop at the intersection. Mr. West and Chairman Clark discussed the possibility or having a temporary stop sign during peak hours. Mr. Cayer responded that they were concerned with rear-ending accidents.

Chairman Clark polled the Board about the applicants ability to meet the Shoreland Zoning Standard condition 1, regarding safe and healthful conditions. Mr. Priest, Mr. West, Mr. Sanford, Mr. O'Neill and Chairman Clark did not feel that the applicant had met the standard and Mr. Foster felt that they had. Chairman Clark instructed the applicant to present

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additional materials regarding the safety standards including the location of sidewalks and pedestrian traffic as well as site monitoring and the schematic for the proposed drop off area.

Robert O'Neill left at 10:08pm

Mr. Sanford commented that he wanted to make sure that traffic monitor were qualified individuals.

The Board moved on to the next condition:

2. Will not produce pollution, erosion or sedimentation to water surface.

Mr. Seymour stated that he felt that paving the site would reduce sedimentation and lowering concentration for phosphorus run off. He continued that the site plan standards indicated that the applicant had met the standards for the lot and made efforts through buffers to reduce calculations below the allowed amount.

Mr. Sanford recommended that the Board table the application until DEP granted approval, and Mr. Seymour stated that could also grant conditional approval.

Chairman Clark announced that they had also received correspondence from PWD which mirrors the concerns raised by staff. Mr. Seymour read into record the letter submitted by Chad Thompson, Source Protection Coordinator, which requested that more proactive measures be taken, especially if there were additional phases to the project.

The Board continued to discuss with the applicant the DEP Stormwater application and the process regarding its approval as well as the rights to Quarry Cove Road through the applicant's deed.

Chairman Clark then summarized the difference between the Shoreland Zoning and Street standards and the quantitative nature of the process. The Board generally follows the more strict standards and they need to ensure that the minimum DEP standards met those Shoreland Standards. He then showed a diagram that indicated where buffers were and were not. He showed that the bulk of the water was allowing for run off to go to the lake without phosphorus treatment. He explained that the applicant was able to meet the phosphorus calculations by borrowing from the remaining 26 acres of the lot. He showed that they created a balanced phosphorus budget but it was not necessarily effective. The Shoreland Zoning Regulations require different infiltration measures, which was a difference of qualitative versus quantitative.

Mr. Cayer stated the standards were vague and the phosphorus budget was quantitative. Ms. Costigan read the standards under parking areas and there was a standard that all runoff needs to be contained within the site, then Mr. Seymour read the Stormwater Runoff Standards and pointed out that it required points of infiltration. He suggested that the applicant had plenty of areas to improve upon with their proposal.

Mr. Gray explained that the buffers proposed were what he could come up with for the site. He had run the numbers for 100 year storm and they indicated that the culverts were

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proactive and responsible. He then showed a plan indicating the project at a peak rate of runoff. He explained that the DEP standards do not account for seasonal projects and that this lot was not going to produce the calculated phosphorus year round.

Mr. Sanford asked if there was any benefit to looking into pervious pavement versus 18" culverts. Mr. Seymour responded that they would have to look into calculations and reducing runoff would reduce the need for that that was something that he had discussed with them. He felt that the situation was unique because the project was at the closest end to the resource and the BMP's were spread throughout. Mr. Sanford suggested all of the road be completed as pervious or at least certain sections, and asked what the effect would be of doing that within the loop. Mr. Seymour responded that it would reduce or eliminate runoff, but there could also be financial assistance if the applicant went in that direction but the applicant was concerned with performance.

Mr. Gray stated that pervious would not work with the site conditions because the results will be the same after traffic and sediment infiltrated the pavement, and the Board's prevue was not to design project but to look at application.

Mr. Seymour stated that he was concerned with the velocity and potential flow of water, and Mr. Gray stated that would be handled with an engineered ditch. Mr. Seymour indicated that those had a potential to fail.

Chairman Clark discussed the options for variation, and Mr. Seymour explained how pervious surfaces worked.

Mr. Sanford was concerned that if the public was not allowed to ask about future phases, that the Board should not be allowed to request items that could be expanded at a future date.

MOTION: Dan West motioned to accept point number 2 as satisfied the requirements; Seconded by Brice Sanford.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/1[PC])

MOTION: Bruce Sanford motioned to continue the application on another agenda; Seconded by Dan West.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

4. Board Communications

None

5. Planner Communications

None

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6. Adjournment

Chairman Patrick Clark adjourned the meeting at 11:03pm.

Danielle Loring
Recording Secretary

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