



**Raymond Planning Board:  
Minutes\*  
Wednesday, December 11, 2013**

**Present: Chairman Robert O'Neill, Vice Chair Bruce Sanford, Greg Foster, Ben Krauter, Steve Linne and William Priest.**

**Absent: None.**

**Staff: Jim Seymour, Contract Planner; Stephanie Carver, Planning Consultant; Chris Hanson, Code Officer; and Danielle Loring, Recording Secretary.**

**Applicant: Peter & Donna Marcinuk (Applicants), Andy Morrell (Agent), James Ross (Applicant), and Tom Dubois (Agent)**

**Other: Pat Cayer, Barbara Lovell, Peggy Jensen, Kevin Fay**

**1. Call to order:** Chairman Robert O'Neill called the meeting to order at 7:01pm and a quorum was declared.

**2. Consideration of Warrants for Public Hearing**

**a) Land Use Regulation Map**

Mr. Seymour explained that Panther Run was incorrectly zoned as a stream versus a river on the existing Land Use Map and the warrant would correct those lots and place them in the LRR1 zoning.

Mr. Linne asked about the box on the map, and Mr. Hanson responded that it delineated the Commercial District.

MOTION: Bruce Sanford motioned for the inclusion of the article on the warrant; seconded by William Priest.

DISCUSSION: None.

VOTE: MOTION CARRIED (5/1 [GF])

**b) Land Use Ordinance**

**1. Site Plan Review**

**o Article 10.B (Authority & Classification of Site Plans)**

Mr. Seymour explained that this would change the reviewing authority designations based on square footage for a project.

Mr. Sanford was concerned that exterior renovations only included those that occurred on the

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outside of the building, not interior renovations, Mr. Seymour clarified that renovations, including usage changed, would involve a building permit, and suggested revising the Bylaws to notify the Board of any staff review approvals.

MOTION: Steve Linne motioned to send the warrant to public hearing; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/o)

**\*a) Land Use Regulation Map**

MOTION: Bruce Sanford motioned to amend the original motion to send the map to public hearing; seconded by William Priest.

DISCUSSION: None.

VOTE: MOTION CARRIED (5/1 [GF])

**2. Residential Growth Management**

**• Article 5.E.7**

Mr. Hanson explained that the recommendation had been to remove Article 7, but the Board had decided to amend the language to only allow 100% of the ten year average and read some of the numbers allowed for the next few years.

The Board discussed that their concerns with the number of permits continuing to be reduced. They suggested corrections such as including a growth factor of 110% of the ten year average but decided to eliminate the language completely from the ordinance and leave a reserved section if they decided to include the language again in the future.

MOTION: Greg Foster motioned to remove the Growth Management language from Ordinance; seconded by William Priest.

DISCUSSION: Mr. Sanford also suggested that the Board make a recommendation that the Comprehensive Plan Committee to provide guidance for growth.

MOTION AMENDED: Greg Foster motioned to recommend that the warrant to sent to public hearing to remove the Growth Management Ordinance; seconded by William Priest.

DISCUSSION: Steve Linne asked if the ordinance could be suspended, and Mr. Hanson responded that it could not but it could be removed with the space reserved. Mr. Krauter stated that he did not support removing the language but thought that the factor should be changed to 110% of the ten year average and watch the economy.

Mr. Linne stated that he was concerned with the potential of several elder housing or multi unit complexes coming in at once, and Mr. Seymour explained that elderly housing, accessory apartments and low income housing were exempt from the standard anyways. Mr. Linne then

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responded that he saw it as only effecting single family, and Mr. Hanson explained that it would effect condominiums, duplexes, and apartments in Growth Management areas.

The Board discussed the purpose of the ordinance and potential issues with removing the language. Chairman O'Neill thought that it was a good goal to try to push density to the village area but development wanted to be in the outer areas, not in the rural areas. He did not feel it was worth keeping because of the experience. The Board decided to move forward with the Town Attorney's recommendation of removing the language.

Pat Cayer explained that, historically, development was cyclical and it would be policed by itself and the ordinance was not necessary.

VOTE: UNANIMOUS APPROVAL (6/0)

### **3. Planning Board, Zoning Board, and Administration Fees**

- **Land Use Ordinance**
  - **Article 6.C (Appeals Procedure)**
  - **Article 10.C (Site Plan Review- Administration)**
- **Subdivision Ordinance**
  - **Article 5 (Preliminary Plan)**
  - **Article 7 (Minor Subdivision)**

Mr. Seymour explained that the warrant was drafted by Attorney Mary Costigan to manage escrow fees.

MOTION: Steve Linne moved to send warrant to Public Hearing; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/0)

### **4. Parking Standards**

- **Article 4.F.4.C (District Regulations- Commercial District)**
- **Article 9.C (Off Street Parking)**
- **Article 10.F (Performance Standards)**
- **Article 12 (Definitions)**

Mr. Seymour explained that in Article 4.F.4.C. the Board was removing the standards for parking from Bulk & Space and placing it into performance standards to be more flexible.

MOTION: Greg Foster moved to send to Public Hearing the Article regarding Parking Standards list with revisions as noted; Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/0)

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## **c) Shoreland Zoning Provisions**

### **1. Section 15.G (Parking Areas) and Section 17 (Definitions)**

Mr. Seymour explained that the intention of the revisions were to create reasonable standards for parking. The revisions would create pods or capping as a parking mechanism in combination with the 15% lot coverage maximum for the Shoreland Zoning Provisions. They also addressed environmental concerns and phosphorus management.

Chairman O'Neill asked Kevin Fay to address his email. Mr. Fay explained that he was asking the Board to address items that would extend beyond parking facility such as waste management or long term storage. He was looking to limit the use to parking. Chairman O'Neill asked if there were standards in the ordinance that would limit the size of a shed, and Mr. Hanson explained that there were guidelines in the building code but not within the Town's ordinance. Mr. Linne explained that he understood where Mr. Fay was coming from but was afraid of creating too many definitions and thought that it may be an issue of nomenclature. Mr. Seymour reminded the Board that, when reviewing an application for Site Plan Review, not only the would the Board be going through the Shoreland Zoning Standards but the Site Plan Review Standards would also apply and did not think that they should narrow the structure. Mr. Linne agreed because of the practical use should be apparent. Mr. Fay clarified that he was concerned with there being more than necessary allowed for the use, and Mr. Seymour agreed with his concern but it would depend on the situation. Chairman O'Neill wanted to know where the Board would have the authority to restrict items, and Mr. Seymour responded that the Board had authority also under the Site Plan Review Standards.

Pat Cayer reminded the Board of the application that was currently being considered and questioned the timing of the changes. Chairman O'Neill confirmed that the ordinance changes would have no effect on the application but would just tighten the language up and not change the allowed use. Mr. Cayer wanted to know what the rush was, and Chairman O'Neill explained that revisions were only allowed once a year. Mr. Linne added that the changes had come about because of revisions that were necessary in the Commercial District. Mr. Cayer thought that it was a knee jerk reaction to the pending application and did not agree with moving forward. Chairman O'Neill asked for comments that were relevant to the content of the revisions.

MOTION: Steve Linne moved to send the Shoreland Zoning parking standards warrant, as modified, to Public Hearing; seconded by William Priest.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/1 [GF]/ 1 [ab BK])

### **2. Section 15.V (Public Boat Launch Facility & Associated Parking Areas) and Section 17 (Definitions)**

Stephanie Carver explained the purpose of the ordinance, and added that that there were suggested revisions to the warrant regarding a semantics issue of "cleaning" versus "washing." Mr. Sanford felt that it should be revised to "...,Cleaning, and/or washing." Mr. Linne thought that the issue was that "washing" would imply that there would be a water disposable area. Peggy Jensen explained that "washing" was overdeveloped and strayed away from the rural

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character. She felt that just an area to remove invasive species was appropriate because the law protected the town from individuals not cleaning their equipment.

Mr. Linne was concerned with the definitions section because the current public boat launches were on private land. The Board continued to discuss how to define use and the intention of the ordinance, which was to give guidance if the State decided to open a public boat launch. They did not want to limit use of a private owner that may want to open their property to the public.

MOTION: Bruce Sanford motioned to send the warrant to public hearing with modifications; seconded by William Priest.

DISCUSSION: None.

VOTE: MOTION CARRIED(5/1 [SL])

### **Public Hearing Items:**

#### **3. Applications**

- a) Peter & Donna Marcinuk  
112 Spiller Hill Road  
Map 015, Lot 123C  
Rural (R) Zone**

**Reason: Applicant is requesting consideration to amend Spiller Hill/Gay Brook subdivision to create a new lot and associated back lot drive way.**

Mr. Seymour explained that application was an amendment to a subdivision that was created and last amended in 2009. He continued that Mr. Marcinuk was looking to carve off an acre from his 25 acre lot. He added that there were some things missing from the original application but they had submitted additional materials since the packets went out to the Board. He recommended letting the applicant's agent explain his modifications.

Andy Morrell, BHM Consulting, stated that he had made changes in response to Mr. Seymour's memo and suggested going through the items and he would address his changes.

Chairman O'Neill opened the Public Hearing for comment.

Pat Cayer, Spiller Hill Road, explained that he was an abutter and was not against the project but was concerned with the extent of cutting and the lack of buffer left to the other residential homes. Mr. Sanford noted that there was no proposed tree cutting plan.

Chairman O'Neill asked if there was additional comments and there was none so he closed the Public Hearing.

Mr. Seymour suggested going through his review comments first and explained that the applicant had noted the terminus for the hammer head turn around, but he was concerned that the lot could be further divided and there may be issues with such items as meeting setback requirements and snow removal. He was concerned that the grading profile may be

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above the 10% max. In terms of the Back Lot Driveway (BLD) design, he wanted to see the addition of culverts, but they did show utilities and needed another test pit for the septic design.

Mr. Morrell stated that they could move the right-of-way (ROW) to help address concerns. Mr. Seymour stated that he wanted to see a planner profile because of the steep grade, especially in terms of the drainage plan, and did not want to set the precedent to be waiving it.

Mr. Priest asked if there were any restrictions for the subdivision in regards to further development, and Mr. Seymour responded that he did not believe so, but the development would be well under the net density.

Mr. Seymour asked about the foresting, and Mr. Marcinuk stated that he had a Timber Harvesting Permit from the State. Mr. Hanson stated that cleared openings were areas that were not cleared more than 25% or 15000 square feet, but he had not been to the site to confirm. Mr. Marcinuk explained that he had completed patch cutting for other purposes but it was not the full 3 acres. Chairman O'Neill wanted know what the 3<sup>rd</sup> page of the plan was, and Mr. Morrell responded it was the erosion control plan for the house.

Chairman O'Neill agreed that they should have a planner profile, and Mr. Morrell asked if the Board wanted to see a profile of the existing portion or just new. Mr. Seymour responded that he would like to see from Spiller Hill to the terminus.

Mr. Seymour stated that, in regards to tree clearing, there was a requirement under Subdivision Ordinance Article 6.9 that might require the applicant to plant a buffer. Mr. Sanford asked for clarification, and Mr. Seymour explained that the Board could require it because, generally, subdivisions were in rural areas. Mr. Sanford thought this would be covered by language in the Land Use ordinance and referred to Article 6 and was in favor of a site walk. Mr. Hanson stated that there were rules for timber harvesting that the State was now managing those standards for the Town. Mr. Foster explained how clear openings were measured.

Mr. Cayer explained that his issue was that the cutting had been done up to the boundary line.

Mr. Seymour clarified what the Board wanted, which was to have the Code Officer conduct a site visit. Mr. Sanford stated that if the Board was going to consider a new buffer area, then they should arrange a site walk to know what it looks like. Mr. Linne stated that he would defer to Code Officer and have a Board site walk only if Mr. Hanson thought it was necessary. Mr. Hanson asked if Mr. Foster would join him, then Mr. Seymour asked about timing because the applicant had already submitted new plans with the recommended changes. Chairman O'Neill felt that the Board could make the necessary corrections and have an approval at the next meeting. Mr. Seymour suggested that Code Officer meet with Mr. Marcinuk's forester.

Chairman O'Neill recapped what the Board was requesting which was a profile, second septic test pit, and general responses to comments and were going to wait for the recommendations on buffer. Mr. Morrell requested something in writing from Code Officer regarding the site walk and comments from Mr. Seymour.

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**b) James & Patricia Ross**  
**118 Spring Valley Road**  
**Map 016, Lot 045B**  
**Rural Residential (RR) Zone**

**Reason: Applicant is requesting consideration of approval for a new private way.**

Chairman O'Neill explained that, in the intention full disclosure, he and the applicants were members of the same road association and, though he was not a direct abutter, the common land for his subdivision was abutting the subject parcel. He explained that he did not feel that there was a direct conflict of interest and deferred to the Board's judgment, and they did not find that there was a conflict of interest.

Mr. Seymour explained that the parcel had road frontage off of Valley Road and Spring Valley Road. The applicant had intended to build a Back Lot Driveway (BLD) but the revised standards required him to meet private road standards.

Tom Dubois, Main-Land Consulting, explained that he had a revised packet, and Chairman O'Neill explained that the Board would take the revised packet but they would not likely reach final approval.

Chairman O'Neill opened the Public Hearing for comment and asked if there were any comments and there were none. Chairman O'Neill closed the Public Hearing.

Mr. Seymour explained that they had received all of the materials in response to his concerns with the original application. His only remaining concern was that there were no house location plans. He was requesting that the lot plan not have a signature block in case development changed but wanted to see the road planned approved. Mr. Dubois was concerned with creating a road maintenance agreement because there was no one else located off of the private way, and Mr. Seymour explained that the applicant should create standards for how he would maintain the road in case there were a second driveway added.

Mr. Sanford stated that he was concerned with the 12" culvert, and Mr. Seymour stated that it was adequate for the use.

The Board continued to discuss the layout of the lot, potential buffers, and cutting limitations. There was concern with not putting the building envelope on the plan, and Mr. Seymour clarified that he would not want the envelope on the recorded plans because then it would require additional approval if there were revisions. Chairman O'Neill asked what was allowable change, and Mr. Dubois explained that it was within 150' of the proposed site. Mr. Linne was concerned with setting two sets of standards from the last applicant they were reviewing, and Mr. Dubois reminded them that the last was part of the Subdivision and this was not.

**MOTION:** Bruce Sanford moved to table the application to get the additional materials; seconded by Robert O'Neill.

**DISCUSSION:** Mr. Dubois explained that they had already made the changes except for the maintenance plan, and Chairman O'Neill explained that the Board had not had time to review

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the materials.

VOTE: UNANIMOUS APPROVAL (6/0)

#### **4. Planner Communications**

**a) Setting the date for Ordinance Public Hearing: January 29<sup>th</sup>**

**b) Reviewing the policy for Plan Review Approvals and Bylaws**

#### **5. Adjournment:**

MOTION: William Priest motioned to adjourn; seconded by Bruce Sanford.

VOTE: UNANIMOUS APPROVAL (6/0)

Chairman Robert O'Neill adjourned the meeting at 9:47pm.

Danielle Loring  
Recording Secretary