



Raymond Planning Board
Raymond Broadcast Studio
423 Webbs Mills Road
Minutes*
Wednesday, January 14, 2015

Present: Chairman Robert O'Neill, Vice Chairman Bruce Sanford (7:10 pm), Greg Foster, Ben Krauter, Steve Linne, and William Priest.

Absent: None

Staff: Stephanie Carver, Planning Consultant; William Haskell, Contract Planner; Jim Seymour, Contract Planner; and Danielle Loring, Recording Secretary.

Applicant: Owens McCullough and Nathan White; Mark Gray; Tom Greer

Others: Kevin Fay.

1. Call to order: Chairman Robert O'Neill called the meeting to order at 6:30 pm and a quorum was declared.

2. Minutes

- **December 10, 2014**

MOTION: Greg Foster motioned to accept the minutes; seconded by Steve Linne.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (4/0/1 [WP])

3. Ordinance Public Hearing for 2015 Annual Town Meeting

- Land Use Ordinance

- 1. Article 9 (Minimum Standards)**
- 2. Article 10.B (Authority and Classification of Site Plans)**
- 3. Article 10.D (Submission Requirements)**
- 4. Article 12 (Definitions)**

Stephanie Carver explained where they were in the process and that there were some minor changes per the legal review, but she felt that they did not change the intent of the language. Chairman O'Neill read through the descriptions of each proposed ordinance revision.

Chairman Robert O'Neill opened the Public Hearing for comment on the changes to the Land Use Ordinance. There were none and he closed the Public Hearing.

MOTION: Greg Foster motioned to send the warrant articles to the Selectmen with a positive recommendation for Town Meeting; seconded by Ben Krauter.

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DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

– Street Ordinance
1. 4.2 (Plans)

Chairman Robert O'Neill opened the Public Hearing for comment on the changes to the Street Ordinance. There were none and he closed the Public Hearing.

MOTION: Ben Krauter motioned to send the warrant article to the Selectmen with a favorable recommendation for Town Meeting; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

– Shoreland Zoning Provisions
1. Section 14 (Table of Uses)
2. Section 17 (Definitions)

Chairman Robert O'Neill opened the Public Hearing for comment on the changes to the Shoreland Zoning Provisions.

Kevin Fay, Spider Web Way/Spiller Hill Road: Stated that he had tried to follow the land use issues as they have evolved, especially “Municipal Use” definition into “Public Facilities”. He asked Mrs. Carver to describe the key changes. She explained that “Municipal Use” was not a valid use but an ownership matter. She continued that, in a legal sense, there was not a proper definition which was more consistent with a public use but “Public Facilities” was already a definition in the ordinances.

Mr. Fay asked why the term “Municipal Use” was in the ordinance, and Mrs. Carver explained that it was added in 2000 because of a matter going on that involved Town property in the Shoreland Zone but it was not part of the model ordinance. Mr. Fay explained what he thought municipal use was supposed to encompass. He was concerned with protecting the citizens and their rights. He felt that it was opening the Town up for inappropriate uses. Mrs. Carver explained that the language had been reviewed by the Town Attorney and the term “Municipal” should be removed because it sounded like it was regulating the user versus the use, meaning the Town of Raymond. Mr. Fay disagreed with her explanation.

Chairman O'Neill explained that land ownership encompassed certain rights, and the Board was not allowed to exclude property owners as long as it was an allowed use. He explained that they were seeking to fix ordinance language to tighten the use but not prohibit specific users. Mr. Fay did not see the matter as being restrictive versus protective. Chairman O'Neill felt that the changes Mr. Fay was seeking was specific to the ordinance versus the table of uses.

Chairman O'Neill closed the Public Hearing.

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MOTION: Ben Krauter motioned to send the warrant article to the Selectmen with a favorable recommendation for Town Meeting; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

***5. Public Hearings**

b) Town of Raymond

Location: 170 Plains Road (Sand Salt Shed)

Map/Lot: 009/046

Rural Zone

Reason: Applicant is requesting Major Site Plan Review for development at existing Public Works Facility for new Sand-Salt Shed and Pole Barn

Owens McCullough, applicant's agent, introduced himself. He explained that the Town had been allocated money to construct a new sand/salt shed. The existing building will be reused for equipment storage.

He explained that there would be grading completed and a loading ramp installed and that the drainage would remain on the site. He had contacted the DEP and there was nothing required because it was an existing site. He explained there was a small portion that was included in Shoreland Zoning Provisions but they would not be working within that area.

Chairman Robert O'Neill opened the Public Hearing for comment regarding the application.

Bernard Laybourne, 2 Cottage Lane: Asked why they were increasing the capacity. Nathan White, Public Works Director, explained that it was to mirror the current usage. Mr. Laybourne asked if there were going to be any changes to the public sand, and Mr. White stated that it would be unchanged.

Chairman O'Neill closed the Public Hearing.

Chairman O'Neill confirmed that the Board should exclude the Shoreland Zoning standards because that zone was not effected and the Board agreed.

Mr. Linne asked if there were existing wells, and Mr. McCullough did not inventory the wells because existing but can note them on the plan. He explained that, currently, the whole site was infiltration but now doing so provide some treatment as well employee management plans. Moving it further away

Chairman O'Neill explained that they were going to go through the Site Plan Review Standards and recommended Mr. Haskell's suggestions unless there were objections.

Preservation of Landscaping – No Additional Clearing
Relation of Proposed Buildings to the Environment – No Issues
Vehicular Access - Existing
Parking and Circulation – No Issues
Surface Water Drainage – No phosphorus

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Utilities - None

Special Features – Is an existing sand/salt shed

Exterior lighting - Shielded

Emergency Vehicle Access – No issues

Landscaping - No additional landscaping proposed

Other Considerations or Article 9 Standards:

- A. Provide additional operation, maintenance and housekeeping procedures or additional physical controls for minimizing the conveyance of sand/salt to the infiltration basins.
- B. Provide sizing backup for the infiltration basin fore bays - Provided
- C. Review and locate erosion and sedimentation control BMPs, as needed, to protect areas outside the development footprint – Provided
- D. Provide catalog cut sheets for the building-mounted site lighting fixtures.

MOTION: Greg Foster motioned to accept the sand/salt shed with conditions A & D; seconded by Ben Krauter.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

4. Old Business

a) Town of Frye Island

Quarry Cove Road & Cape Road

Map/Lot: 002/011 & 070/006

Reason: Major Site Plan Review for proposed single access, Park & Ride with pedestrian walk ways for Frye Island Ferry.

MOTION: Ben Krauter motioned to remove application from table for reconsideration; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman O'Neill stated the Board was only going to look at the revisions and consider them and then decide if they represented a significant change. (Mr. Sanford arrived at the meeting.)

Mark Gray, applicant's agent, explained that he changed the walkway to include the Fire Department improvements and the hammerhead was removed as a condition of the Fire Department accepting the walkway as emergency access.

Mr. Seymour explained that the Town Attorney had indicated that the Board did not have the authority to waiver under Shoreland Zoning but could under the Land Use Ordinance. Mr. Seymour explained the issues concerning an access road versus walkway and that it could be used in that way.

Mr. Linne was concerned with mixing emergency access with pedestrian traffic and felt that the standard was intended for the primary driveway. He also pointed out that there were 4 plans that would work. Mr. Gray explained that the 4 plans did not meet the sight distance

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requirements. Mr. Sanford agreed with Mr. Linne, that there were better options, but not agree with the Town Attorney with the intention of the 300'. He also felt that this design was better than a four-way intersection. Mr Krauter felt that the waiver should be granted for the previous plan rather the current because it was more of walkway and the TA has provided a letter that the waiver would be defensible. Mr. Foster was fine with the plan and felt that it met the intentions of the ordinance. Mr. Priest agreed with Mr. Linne in regards to the requirement meaning the primary access. He felt it was not the Board's intent to have it be any access to the lot. Mr. Seymour explained that the 300' require was part of another ordinance was developed further.

Mr. Linne wanted to know what would have to happen to make the other 4 plans occur and Mr. Gray responded that the speed would need to be reduced to 25 mph. Mr. Linne asked a speed limit was reduced and Mrs. Loring explained that a Speed Zone Review needed to be completed by the State, which could result in the speed being increased.

Chairman clarified that Mr. Gray had met with the Cape residents, and Mr. Gray confirmed that he had met with representatives and does not want to speak for them. Chairman O'Neill asked if there were there objections to design, and Mr. Gray responded that they objected project but could tolerate the current plan.

Mr. Gray referred to the legal memo and that the first portion indicated that the submitted design met the intention of the ordinance. He explained that there were other designs that were preferable but needed approval to move the project forward because Frye Island was at a decision point. Mr. Sanford suggested looking at the other plans, and Mr. Gray explained that he was representing Frye Island and could not make decisions for them and this was the design being present. He explained that the process needed to move forward in order to get the project to the next phase. Mr. Seymour reminded that the Board that they could not design the project, and can only guide the applicant. He found the 300' language under Off-Street Parking Standards and explained the intent of the standard.

Mr. Sanford asked about the speed limit in relation to the approval. Mr. Krauter responded that the Board needed to look at the application based on current conditions. Mr. Sanford asked if the State would consider the project, and Mr. Krauter replied that they would not. Mr. Seymour warned that the Board had given some insurances for this design. Mr. Gray also explained that the access was only going to be used so the Fire Truck did not have to turn around in the parking lot and reiterated that the attorney said that it met the intentions of the ordinance.

Mr. Priest was still concerned with primary versus secondary driveway. He was stuck on the word "the" in the ordinance, meaning primary. Mr. Seymour reminded the Board that there was only one definition for driveway in the ordinance, which had to do with residential use, so they could not create terms or meaning, such as "primary".

MOTION: Robert O'Neill motioned that the driveway for the pedestrian access meets the intention of the ordinance and recommend with continuation as presented; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: MOTION FAILED (3/3 [RO, BS, SL])

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Mr. Seymour reminded the Board that they needed to state why they were failing the standard. Chairman O'Neill explained that there was a concern with general safety and pedestrian safety. Mr. Seymour asked him to elaborate. Chairman O'Neill felt that they were forcing construction in order to meet the ordinance. Mr. Sanford was concerned with mixing emergency vehicles and pedestrians. Mr. Linne referred to the memo and would rather grant a waiver versus an emergency access road because the previous plan was favorable. Mr. Seymour reminded the Board that their opinion needed to be based on the current plan. Chairman O'Neill wanted to consider reverting back to the previous plan, and Mr. Gray explained that the plan for consideration was before them and reiterated the intent of the ordinance.

Kevin Fay stated that he had reviewed the intent of the ordinance when it was created and had questioned adjacent versus across the street. Mr. Fay explained that he felt the ordinance was contingent on the primary use being 300' to the "entrance". He was concerned with the access being used as a primary access in the future. Chairman O'Neill asked what would happen if the owner chose to do that, and Mr. Seymour explained it would be a violation of Site Plan approval and would need to be corrected. The use was only seasonal and repairs would be at expense of Frye Island.

Mr. Priest asked about "entrance" versus "driveway". Mr. Seymour read the Ordinance language pertaining to accessory access, which used the term "entrance driveway". Mr. Sanford discussed the intention, and Mr. Seymour cautioned against creating definitions. Mr. Priest wanted the attorney address the use of "entrance" and the legal ramifications of issuing a waiver, if needed.

MOTION: Steve Linne moved to table the application to wait for a legal opinion; seconded by Bruce Sanford.

DISCUSSION: Mr. Seymour suggested going through the remaining items so that the application could continue forward.

Steve Linne withdrew his motion and Bruce Sanford withdrew his second.

Mr. Gray stated that he was not going to submit a different plan and wanted a vote.

MOTION: Robert O'Neill moved to continue with the project review; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/0)

Mr. Seymour stated that the applicant had received DEP Stormwater Permit. He reviewed the items left on the table and felt that all had been met, with the exception of Item H (Roads and Driveways).

Shoreland Zoning Standards: Stormwater Runoff and Flood Protection

MOTION: Robert O'Neill moved to accept that the project meets the ordinance for

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Stormwater Runoff [and Flood Protection – Item J of Shoreland Zoning Standards]; seconded by Ben Krauter.

DISCUSSION: Steve Linne clarified that the DEP Permit was based on current plan, and Mr. Gray confirmed.

VOTE: UNANIMOUS APPROVAL (6/o)

R. Erosion and Sedimentation Control Plan – Mr. Seymour explained that this had also been accepted by the DEP.

MOTION: Bruce Sanford motioned that the Erosion and Sedimentation Control and Maintenance Plans meet the intention of the ordinance; Seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/o)

S. Soils

MOTION: Bruce Sanford motioned that the applicant meets the Soils standard; seconded by Ben Krauter.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/o)

T. Water Quality

MOTION: Bruce Sanford motioned that the applicant meets the Water Quality standard; seconded by Robert O'Neill.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/o)

Land Use Site Plan Review **E. Surface Water Drainage**

MOTION: Robert O'Neill motioned that the applicant meets the Water Quality standard; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/o)

Chairman O'Neill did not think that Parking and Circulation were related to the issue of access, and Mr. Krauter agreed but Mr. Linne felt that it was because of separation of pedestrian movement from vehicular traffic. Mr. Sanford stated that the design needed to promote safety.

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C. Vehicular Access

MOTION: Robert O'Neill motioned that the project meets the Vehicular Access requirements as stated in the ordinance; seconded by Ben Krauter.

DISCUSSION: Steve Linne was concerned with the number and control of access points and separation of pedestrian and vehicular traffic.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/2 [BS SL])

I. Emergency Vehicle Access

Chairman O'Neill felt that the plan met the requirements.

MOTION: Ben Krauter motioned that the application meets the requirement for Emergency Vehicle Access; seconded by Robert O'Neill.

DISCUSSION: Robert O'Neill read the requirement from the ordinance. Mr. Sanford felt that there was a conflict with emergency vehicles and pedestrian traffic.

VOTE: MOTION CARRIED (4/2 [BS SL])

D. Parking and Circulation:

Chairman O'Neill read the requirements from the ordinance for Parking and Circulation.

MOTION: Robert O'Neill motioned that the project meets the requirements as set forth by ordinance; seconded by Ben Krauter.

DISCUSSION: None.

VOE: MOTION CARRIED (4/2 [BS SL])

Shoreland Zoning Standards

H. Roads and Driveways

MOTION: Robert O'Neill motioned that the application meets Section H, Roads and Driveways, of Shoreland Zoning Provisions; seconded by Ben Krauter.

DISCUSSION: William Priest clarified that the standards did not have anything to do with access, and Robert O'Neill confirmed that it was related to physical specifications.

Steve Linne asked if G (Parking Areas) had failed, and Jim Seymour responded that it was approved last time.

Robert O'Neill explained that they could still deny the project because of the ordinance standard for access was not met.

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Bruce Sanford asked if they had to reconsider approval, and Jim Seymour confirmed.

VOTE: UNANIMOUS APPROVAL (6/0)

MOTION: Bruce Sanford motioned to reconsider the vote for Item G, Parking Areas, of Shoreland Zoning Provisions regarding the 300' access requirement; seconded by Steve Linne.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/2[GF BK])

MOTION: Bruce Sanford motioned to table Item G approval pending legal review of the issues outlined; seconded by William Priest.

DISCUSSION: Jim Seymour advised the Board to consider the legal advice carefully. Steve Linne stated he wanted to know what their options were. Mark Gray expressed the concerns that he had with the process.

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

Mr. Priest asked if they were required to hold a new Public Hearing.

MOTION: Robert O'Neill motioned that the changes presented were not significant enough to trigger a Public Hearing; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/0)

5. Public Hearings

a) Meyer Realty Investments, Inc.

1263 Roosevelt Trail

Map/Lot: 053/042A

Reason: Minor Site Plan amendment to include a new 1,200 sq. ft. storage building.

Mr. Seymour explained that the applicant wanted to improve the property along the rear, additional parking, and resurfacing the rear. He explained that the applicant had reduced the original proposal to address parking concerns and addressed runoff with drip edge.

Tom Greer, applicant's agent, explained that the owner was looking to add storage for tenants and the building would provide buffer for light pollution from headlights.

Mr. Linne wanted to know why the oil-water separator was removed and wanted to know about the berm, and Mr. Greer explained that the applicant was using a curb.

Article 10: Site Plan Review

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Preservation of Landscape – Mr. Sanford asked if they needed greenspace, and Mr. Seymour explained that it was not required JS not if gravel. Mr. Sanford wanted the gravel noted on the plan. Mr. Seymour added that it did not change the impervious surface and required more maintenance.

Surface Water drainage (E) – Mr. Seymour explained that he did not have the Phosphorus Export calculations but can make a condition. Chairman O'Neill wanted the applicant to submit a maintenance plan as well

Utilities and Special Features – Standards Met

Lighting – Using cutoff fixtures.

Emergency Access – Existing. No concerns.

Landscaping – Mr. Seymour explained that intention was shielding neighbors and retraining buffer. Chairman O'Neill wanted to know if they were removing vegetation for the building, and Mr. Greer responded that there would be a little but not much.

Design standards:

Site plan – Mr. Seymour stated that the Board was only looking at portion of site being considered.

Signs – Existing

Chairman O'Neill listed the outstanding issues:

- Phosphorus calculations
- Maintenance plan
- Cross hatched walk way

Chairman O'Neill opened the Public Hearing for comment and he closed it because there was none.

MOTION: Ben Krauter moved to approve the project with Conditions of Approval as discussed; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/0)

6. Planner Communication

a) Consideration of Finding of Fact for:

Herluf & Donna Madsen

Autumn Lane

Map/Lot: 011/043D

Rural Zone

Reason: Private road extension for Autumn Way

7. Adjournment

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MOTION: William Priest motioned to adjourn; seconded by Robert O'Neill.

VOTE: UNANIMOUS APPROVAL (6/0)

Chairman Robert O'Neill adjourned the meeting at 9:29pm.

Danielle Loring
Recording Secretary