



Raymond Planning Board
 Raymond Broadcast Studio
 423 Webbs Mills Road
Minutes
Wednesday, November 10, 2021
 7:00PM

Present: Chair Robert O’Neill, Vice-Chair Edward Kranich, Greg Foster, Kevin Woodbrey (via Zoom), Mike D’Arcangelo, Kyle Bancroft and Mark Childs

Staff: CEO Alex Sirois, Contract Town Planner James Seymour of Sebago Technics, Fire Inspector Wayne Jones, Recording Secretary/Administrative Assistant Sandy Fredricks

Others: Mary Costigan, Esq. Town Attorney; Leah Rachin, Esq.; Keith Richard, Esq., Dustin Roma , Chris Byers & Dale Knapp

Call to order: Chair Robert O’Neill called the meeting to order at 7:20 pm due to technical difficulties; Quorum was declared

Approval of Minutes: October 13th, 2021
 Greg moved to approve Minutes as written.
 Ed seconded.
 All in favor? 6 yes/0 no/1 abstain (Kyle)

New Business

Review of Findings of Facts – Historical Modification to Findings of Facts – Board Review not open for Public Comment

Matter/ Applicant	Mackay v. Town of Raymond Port Harbor Holdings I, LLC
Location	1328 Roosevelt TRL Map: 050 Lot: 043/000 Zone: LRR1 & Commercial Jordan Bay Marina Expansion
Description	Remanded by Superior Court, Docket #AP 20-07 Remanded for further Findings of Facts with respect to “visual access” only. No Public Hearing, No new information

Bob asked Attorney Costigan to give a brief overview of this matter. Attorney Costigan read the Order for Remand into the record. She continued to explain that the criteria is subjective and has always been about public views. Ms. Costigan further explained that the Board needs to elaborate further on its findings regarding views.

The Board permitted each of the parties' attorneys to give a summation of their previously submitted letters. Ms. Rachin spoke first on behalf of Port Harbor stating she respectfully disagreed with the Court and visual points of access are upheld.

Mr. Richard, representing the appellants, spoke next stating the Board did not consider the view from Indian Point in their decision and the Court stated there was no distinction between public and private views. He began to quote excerpts from the Transcripts of the Planning Board meetings in this matter.

The Board discussed the matter. Kevin stated his recollection of the Site Walk was the view from Indian Point was not pristine and was slightly impeded. He continued that this impedes the view only a little more. He further stated that he believes the Board made its decision based on law.

Mike stated he is comfortable with the applying to private view; the ordinance says preserve visual points of access and this is reasonable.

Greg stated an issue he deals with in forestry is property rights. A taking can take almost all of your property so long as you don't take the last blueberry you can sell.

Ed stated the applicant has the right to use his property; we decided correctly.

Bob stated he doesn't think a marina is an unexpected business in an area on a major lake.; boat traffic has impacted visual but not unreasonably. He continued that the believed the Board properly tested the ordinance and there was no real reason for the project not to be approved.

Ms. Costigan summarized what she has heard and will draft new Findings and provide them to the Board for signature.

Ed moved to approve the Findings of Fact as Mary has expressed.

Mike seconded.

All in favor? 5 yes (Bob/Ed/Greg/Kevin/Mike)/0 no/ 2 abstain (Kyle/Mark)

Old Business

Sketch Plan Review of Amended Plan previously submitted

Applicant	Raymond Hills LLC
Location	Map: 051 Lot: 22-A Zone VR
Description	Webbs Mills Road Major Subdivision Application 18-Unit Condominium Subdivision

Dustin requested this be tabled tonight; they will clean up the application and submit at a later date. Bob stated it is already tabled, we will leave it there.

Amended Subdivision Review for Preliminary Approval

Applicant	R.N. Willey & Sons
Location	Map: 005 Lot: 027/000 Zone VR
Description	Patricia Avenue Subdivision Amended Subdivision Application 9 Lot Open Space Subdivision

Ed moved to remove from the table.

Greg seconded.

All in favor? 7 yes/0 no/0 abstain

Jim summarized the application and reviewed his Memo. Dustin stated the minimum lot size had been misinterpreted and they have corrected Lots 4 & 5. He further stated the Open Space is 3.82 acres.

He continued that DEP looked at this with the Solar Project in Windham to be certain that it wasn't one big project. Dustin stated they are asking for a Waiver of the Road Standards to allow the 4% slope and condition that the Signed Plan will not be released until DEP approval is provided. He further stated they are agreeable to Wayne's requirements.

Jim stated, for clarification, the Solar Farm will be utilizing a portion of the Right-of-Way separate from the Subdivision; they are not utilizing the same portions of the Right-of-Way.

Ed stated he has concerns on the sight distance on the curve. Jim stated they looked at this with Nathan, it has good access. He continued that it is reasonable to request a sign showing the intersection ahead. He further stated that a Condition of Approval could be to review the intersection with the Public Works Director and if signage is required, the applicant will pay for it. Dustin stated there is sufficient sighting. Jim stated that perhaps a streetlight would be necessary.

Bob asked Dustin if he submitted the Waiver request in writing; he had not and explained why it was requested.

Jim stated the Board could go through the criteria and hopefully we will get DEP approval by the next meeting. He further stated he will prepare draft Finding of Facts for the next meeting.

Jim stated there will be six (6) COAs: Subject to DEP approval; Written Waiver Request; Receiving Statement of Financial Capacity; Elevation of basements 1' above

wetlands; Compliance with Fire Department Memo of 02-26-2021 and Streetlight being added.

Mike moved to grant Preliminary Approval subject to Conditions of Approval:

1. Subject to DEP approval
2. Written Waiver Request
3. Receiving Statement of Financial Capacity
4. Elevation of basements 1' above wetlands
5. Compliance with Fire Department Memo of 02-26-2021
6. Streetlight being added

Greg seconded.

All in favor? 7 yes/0 no/0 abstain

The Board, CEO and Town Contract Planner discussed the status of Ordinance revisions.

Bob read the Conditions and Conclusions of the Findings of Fact regarding the BWC Lake Floria LLC, Raymond Solar Farm into the record.

Ed moved to accept the Findings of Fact.

Mike seconded.

All in favor? 6 yes/0 no/1 abstain (Kyle)

The Board discussed timing of Ordinance workshops for amendments and agreed upon 6:00 p.m. on December 8th, 2021

Planner Communications – Nothing additional

Adjournment

Greg moved to adjourn

Mark seconded

All in favor? 7 yes/0 no/0 abstain

Adjournment 8:45 p.m.