

PLANNING BOARD

Town of Waterboro

Meeting Minutes
September 12, 2001

I. ROLL CALL

Susan Dunlap calls the meeting to order at 7:35 p.m. noting attendance of Tim Neill, Ken Danforth, Roland Denby, Everett Whitten, and Todd Morey.

At this time Everett Whitten made the motion to go into executive session to discuss a committee members status on the board. Todd Morey seconds the motion. Motion carries with a unanimous vote in favor. Sue notes that the party declined to be present at this meeting and that the Planning board by-laws gives the board the authority to enter into this executive session for this reason.

The meeting is called back to order at 8:15 p.m.

Dwayne Woodsome enters the meeting at 8:30 p.m.

II. APPOINTMENTS

Andre Cote is present with a revised sketch plan for Meadowbrook subdivision on Tax map 11 lot 42. Bill Thompson, project engineer from BH2M was also present along with Dave Ordway who is Mr. Cote's attorney. Bill Thompson explains the revisions to the original plan. The road comes in 600' to a looped end with a 125' radius, which services 3 lots. The plan has been scaled down to 13 lots. The 600' is measured from the end of the 500' dirt road that exists off the end of Brookside Drive and services four to five existing homes. Mr. Thompson states that the lots will be serviced by drilled wells. They plan to provide fire protection either in the form of fire pond or other means if necessary. The gravel access road that is existing will be improved to town standards as will the 600' road into the subdivision.

There is discussion amongst the board whether this road requires a waiver on the length allowed of the dead end. Mr. Thompson stated that the board gave them the direction that the road being constructed would be considered from the end of the 500' gravel access road and that the new portion could not exceed 600'. This is what they have presented to the board in this revised plan.

Todd Morey states that the board gave the developer this direction and said that the 500' gravel access already exists and would not be taken into consideration in the new road. That if the road were not longer than 600' they would not need a waiver.

Bob Gobeil asks how wide the right of way is going to be. Mr. Thompson answers 50'. Bob G. replies that he thinks it should be 60' to give room for sidewalks. Everett Whitten states that there are no provisions in our ordinances to require a 60' right of way or to require sidewalks. Todd Morey adds that if the board were to require sidewalks that they could be incorporated within the 50' right of way. There is no need to require a 60' right of way.

Roland Denby asks if they intend to make this a town road. Mr. Thompson answers that they do. Roland adds that this would have to go to town meeting to be accepted as a town road. Susan Dunlap asks if they intend to bring the 500' existing gravel access road up to town standards as well? Mr. Thompson answers yes.

A resident from Brookside Drive asks what about fixing the existing Brookside Drive? Susan Dunlap states that we are not at that point in the review process yet. The first thing the board needs to decide is if they are going to endorse this plan.

Susan Dunlap asks why the board should not be considering the 500' portion of existing road in the total length being developed? Todd Morey states that the board has discussed this with the developer and has already indicated to Mr. Cote that they would only consider the 600' of new road beyond the 500' that is already there. Todd adds that we are bound to that. Susan Dunlap states as long as the board is comfortable with that. Susan reads from a letter from the town attorney regarding this project advising the board that they need not consider Brookside Drive in the total length of road because that has been accepted as a town road. They should only be considering the length of road in the request for subdivision. Susan asks what was the original request for the waiver? Mr. Thompson replies that it was 1,100 feet on top of the 500 feet.

At this time the Preliminary Plan checklist was reviewed.

The following is a list of items that will need to be provided to the board on the next set of plans for preliminary plan approval.

- Signature line for the developer
- Address of soil scientist
- Address of hydro-geologist
- Dimensions and bearings of all lots
- Widths of all adjacent streets
- Widths of easements
- Show fire ponds and hydrants on plan
- Hydro-geological study
- Soil characteristics
- Soil suitability report
- Restrictive covenants if they decide to have any
- Proposed common land
- Provisions for mail delivery
- Proposed road standards
- Pavement width
- Street elevations
- Street grades
- Sidewalks
- Driveway locations
- Storm sewers, catch basins and culverts
- Erosion control plan and stormwater drainage plan
- Street signs and locations (the developer to check with E911 for the road name).
- Street access to adjoining properties.

At this time Everett Whitten made the motion to accept the Sketch plan of Meadowbrook subdivision as presented. Roland Denby seconded the motion.

There is discussion regarding the hydro-geological study and whether the board is going to require one. Typically the board considers waiving that requirement for subdivision of under 3 lots. There is no motion to waive this requirement. It is noted that a site walk has already been performed on this property.

Mr. Cote asks the board about setting up a new meeting with the road review committee. Todd Morey states that he urges the applicant to set up a meeting with that committee. It is not the planning boards duty to set road review meetings. There is a brief discussion regarding the current condition of Brookside Drive. Roland Denby states that there isn't much the planning board can do about the existing road because it is a town road. Dwayne Woodsome adds that the road review committee will advise the board on the current conditions of Brookside Drive and the planning board can make a decision to require the developer to upgrade Brookside Drive based on that advise. Susan Dunlap states that the advise from the town attorney stated that the board should review this road request solely on its own merits. Sue adds that the board is reviewing a road that will service 13 lots. It is Sue's opinion that if Brookside Drive in currently substandard that it is not Mr. Cote's responsibility to fix that. Dwayne disagrees stating that Brookside Drive was build to a standard to service a certain number of homes and that it is not the town's fault that Mr. Cote is putting 26 more cars on that road. The road will be servicing 13 more homes, which puts it into a different category of road. With that number of homes the road should be a collector road, which is required to be a through road, servicing up to 25 homes.

The second appointment is Myron Edgerly for final approval of his site plan application for Baker Automotive and Funtime Video and Tanning on Tax map 4 lot 41. The original checklist for site plan review was reviewed for the items that the board has requested from Mr. Edgerly. The board requested the boundaries of the site and abutting street widths. Mr. Edgerly has provided a plan showing the right of way width of Route 202. The board had requested a layout of off street parking with the spaces and aisles marked on the plan. It is not clear to the board that there is sufficient turn around space between the aisles of the parking because the plan is not drawn to scale. The proposed uses of this site plan require a minimum of 20 spaces according to the ordinance. Todd Morey informs Mr. Edgerly that he must provide a set of plans 24 x 36 to scale as the ordinance requires including the topography of the lot in no greater than 2' intervals. The topography map that Mr. Edgerly provided was a USGS topo map Buxton sheet with 20' intervals. The ordinance states that a minimum of 2' intervals if suggested but the board may allow greater contour intervals. Todd Morey states that the board is requiring a plan with existing topography and proposed topography on a full size set of plans drawn to scale.

Mr. Edgerly will return to the board with the requested material for final review.

The third appointment is American Tower for final approval of their conditional use application for a 190' tower on Tax map 13 lot 44-2. Katie Donovan is present to represent American Tower and the property owners Andrew and Gail Woodsome. Katie provides the board with revised plans showing the 190' fall zone, and showing the lease area to be the minimum square feet for the AR zone. Katie provides the curb cut permit from DOT. Katie reports that the balloon test has been completed. Katie provides a draft approval from NEPA and based upon that report is waiting for the SHPO approvals. Based on American Tower providing all the requested information, Todd Morey made the motion to approve the conditional use permit for American Tower with the following conditions:

- Contingent upon approval from SHPO.

Everett Whitten seconds the motion. Motion carries with a 5-0-1 approving with Dwayne Woodsome abstaining.

The fourth appointment is Francis E. Wood for final approval for site plan on Waterways project on Tax Map 22 lot 4B. Steven Stearns and Alan Burnell are present as project engineers from Pinkham and Greer. Mr. and Mrs. Segee have presented the planning board with a letter of their concerns and a copy is given to the applicant and engineers.

Susan Dunlap states that at the public hearing there was a brief discussion regarding whether the board should require the waste water plan to be peer reviewed by Sebago Technics because of the fact that there is a potential for 700 gallons of water per day going into soggy ground. Susan adds that

when you build a 2 ½ foot plateau that is level with Route 202 you are creating a moat and between the plateau and Route 202 there are 2 houses. Susan adds that she can't figure out where 700 gallons of water a day is going to go when the land is already saturated when Hamilton Brook rises up.

Todd Morey asks Steve Stearns if he would like to respond to the letter presented to the board from the abutting property owner's, Mr. and Mrs. Segee.

Mr. Stearns responds to concerns as they are listed as follows.

Concern #1 regarding groundwater contamination. The state of Maine requires wastewater discharge license, which has been applied for and received from Maine DEP for up to a maximum of 700 gallons per day for a car wash facility. The applicant hired a geotechnical engineer to evaluate the groundwater and nitrates generated from the site. There was a 30-day comment period for the wastewater license application and that period ended last Monday. There have been no comments presented to Mr. Stearns knowledge. Mr. Stearns believes that the applicant has addressed the ground water concerns by having the engineer do those studies and by those being reviewed and permitted by the State.

Concern #2 regarding drainage. The site had to be raised 2 ½ feet to make the drainage work to meet state and town requirements because this site falls in the watershed of Shaker Pond, which the state designates as a pond most at risk. They had to meet specific criteria for the stormwater quality as well as quantity. This has been reviewed by DEP and the project has received a stormwater permit as well as passed a peer review by the town's engineering firm, Sebago Technics.

Concern #3 regarding possible snow removal problems. Mr. Stearns states if we have a winter like last winter there could be a snow removal problem. However, there are areas on the site to store snow and Mr. Wood is prepared to haul the snow away if he has to.

Mr. Stearns adds that the Hamilton Road end of the site has not been raised and if anything the project creates a barrier between the brook and the Segee property.

Todd Morey asks a question of the board about what can be built in the setbacks of a lot. Todd doesn't think pavement can be in the side and rear setbacks. Todd believes that pavement falls within the definition of a structure.

Susan Dunlap reads the reason for causes for denial from the site plan ordinance. Sue adds that she doesn't think everyone is in agreement that all of these standards can be met.

Steve Stearns states that regarding the sub surface wastewater disposal system that whenever a permit is issued the board has to rely on state codes and standards. They have complied with state requirements and the board also has to rely on the plumbing inspector to insure that the system is installed to the standards set forth in the design.

The project has a state of the art water recycling system. There will be days when they won't even come close to putting 700 gallons into that system. That is the limit that can be put to the system.

The Segee's state their concerns about the devaluation of their property and the threat of causing more problems on their site. Mr. Segee states that he would like to see a guarantee from the board, from the developer and from the engineers that there will be a remedy should this project create any problems for his property.

Susan Dunlap states that they are never going to get a guarantee from the board. The board relies on the reports received from experts. The Board cannot deny an application because a neighbor thinks it will pollute. The board has to have a valid reason to deny an application and this must be based on evidence.

Susan states that she would like to see the wastewater disposal system sent to peer review so that the board can be sure this is the right project for this site.

Mrs. Segee asks again if there is any way to provide them with some sort of safety net if this doesn't work. Can the developer have some kind of insurance policy or escrow account in place as a contingency plan? Everett Whitten states that he doesn't think the board has authority to do anything like that. Susan states that she wondered about having some sort of bond in place in case they go out of business. There is a provision for the board to require a bond but it is in place for the developer to hold in an account the amount it would take to finish the project through occupancy inspection to insure the project is built according to the specifications.

Mr. Segee asks Alan Burnell when the groundwater testing was done. Mr. Burnell answers that it was done in September of 2000. Mr. Segee is concerned that the fall water table is not the same as the spring water table. Mr. Burnell explains that when he does groundwater testing they look at the seasonal water table. The septic system has to be 2' above the seasonal water table in sandy soils. The seasonal water table on this site is 30-36". The soil tests tell him the same thing no matter when he digs. When they do the test they are not looking for water, they look for a chemical change in the soil indicating where the highest levels of water are.

At this time the site plan checklist was reviewed for completion. It is determined that the 9 x 20 diagonal parking spaces will have to be amended to 200 sq. feet. The sign requirements are reviewed. Will the sign be lit up? Francis Wood replies that they would like to light the sign. The lighting of the site was discussed. The board is requiring a photometric design for all lighting showing that no light will illuminate from this site onto abutting properties. There is going to be a fence between the site and the abutting property to shield the headlights. There is also trees intended for landscaping along the property line.

Steve Stearns added that the developer is also going to run the water line down Hamilton Brook past his site and installing a tee there. The power is overhead electric coming in off Route 202 and then coming in underground. The topography is shown at 1' contour intervals. Mr. Stearns requests that the plan be approved based on the submission of a new plan with revised parking spaces and the photometric design. Susan states that the board is hesitant to do that until they can review all the required plans. When the applicant submits the requested changes they will be put back on the agenda for final review.

Teresa Lowell asks about the pavement and setback question that Todd Morey brought up earlier. Tim Neill made the motion to ask the town attorney if pavement is considered a structure based on the definition in the zoning ordinance and does it have to meet side and rear setbacks. Everett Whitten seconds the motion. Motion carries with a vote of 4 in favor.

Steve Stearns asks how does the board distinguish between access entrances and parking?

The attorney will be asked for his opinion and the applicant will be informed as soon as the reply is in.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the July 26 meeting minutes. Todd Morey seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to approve the August 8 meeting minutes. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Everett Whitten made the motion to approve the August 23 meeting minutes. Todd Morey seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

It was decided to set a meeting to finish up the old business with nothing else being put on the agenda but the following list of unfinished business:

1. Workshop with Sebago Technics to review their findings on the zoning ordinance.
2. Site Plan review checklist.
3. 30% expansion letter.
4. Planning Board by-laws.

This meeting is set for October 8 at 7:30 and if Sebago Technics cannot make that meeting, October 15 is the alternate night.

IX. ADJOURNMENT

Todd Morey made a motion to adjourn the meeting at 11:15. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Approved date: 9/27/01

<u>Robert E Deuly</u>	<u>T. Morey</u>
<u>Everett Whitten</u>	<u>Jim Davis</u>
<u>Manuel Lopez</u>	<u>Dwayne Woodsome</u>
<u>Kenal J. Paul</u>	