

## **Planning Board Meeting Minutes**

May 21, 2003

Susan Dunlap calls the public hearing for Ledgewood Subdivision to order at 7:15 p.m.

Attendance from the board is noted as follows: Everett Whitten, Kurt Clason, Teresa Lowell, Tim Neill and Dwayne Woodsome. Attendance from the public are: Bruce Lewis, Mr. And Mrs. Donald Horton, Dave Benton, Road Commissioner, Doug Foglio, Kurt and Lisa Heinemann and Mr. And Mrs. Gordon Fosher.

Bruce explains that this is a cluster subdivision. There is a wetland to the back of the property and to the front left. The road doesn't cross any wetland. This project will require stormwater review from DEP.

Kurt Heinemann asks if there has been any thought of the use of the remaining land? Bruce there are no plans for now.

Doug Foglio, Chairman of the board of selectmen wishes to speak as a selectman. He states it is clear that the developers have attempted to circumvent the law. He asks the board to seriously consider requiring that public water be run to this subdivision. He asks the board to look at road standards. The road design standards allows for a 10% grade but not a 10% grade on a 75 degree turn. There are serious questions about site distance.

Dave Benton, Road Commissioner, states that the road review committee went on a site walk and was concerned with lot 9 site distance because it is at the end of the radius and top of the hill. He knows it meets the standards but it is a steep pitch. Dave says he won't speak about running town water as he is on the water district.

Don Horton asks what effect this will have on his property that abuts this subdivision? Bruce states that there shouldn't be any impact as there is a buffer strip on that side of the property that abuts his land.

Gordon Fosher states that his lot abuts lot 13 and it is soaking wet there. Some of his property is under water for  $\frac{3}{4}$  of the year. He can't see why they would think of putting houses there without running town water. There is sewerage from the houses running that way. Bruce states that the groundwater doesn't run that way. Sue adds that according to the peer review done by Delucca Hoffman the plume runs in a southeasterly direction.

Doug Foglio states that he wishes to talk as a citizen and businessman in Waterboro. He has been in the excavating business for 41 years, has built 265 subdivisions in southern Maine including 7,000 house lots. This is a clear case of circumventing subdivision regulations. Doug noted a letter brought forward by Southern Maine Regional Planning questioning whether this was an amendment to the previous subdivision. There were questions raised by DEP as well. The first subdivision placed on the remainder of this land should have had public water run to it. As a citizen he asks the board to reverse subdivision approval on the first subdivision. They have five houses in it already. The company handled both transactions on both land sales and subdivision applications. The stormwater plan refers to phase I and phase II on every page. They have yet to install fire protection in the first subdivision. They haven't removed a pine tree that was cut last year. There are dangers in phase I that could endanger people in the future. It is a clear cut sign

the right of way easement to remaining land.

There was a subdivision application in the past that required more stormwater management plan. Now almost no work is planned because they broke into two separate lots.

Doug asks the planning board to look at the previous requirements of the first subdivision application in the 80's and because these two subdivisions are being done by the same firm to require some of the same work.

Doug asks the board not to approve a waiver on the maximum dead end allowed. The 75 degree turn on a 10% slope is going to be difficult to maintain should this become a town road. He asks the board to require a 150% performance bond and no occupancy permits allowed until the infrastructure is complete except for finish pavement. He asks that Woodland Ridge be deemed out of compliance.

Patti requests to speak on behalf of the code enforcement office. She states that the office has an agreement with the developer of Woodland Ridge that they would not get their fourth occupancy permit until the fire protection was installed and that the developer has agreed to this.

Tim Neill states that the 50 foot easement is there at the request of the planning board due to requirements of the subdivision regulations.

Dwayne adds that there is a junkyard next to the property and the ordinance states that a junkyard can't be closer than 500 feet to any houses.

Doug states that is a cloudy area. The least they should do is put a note on the deeds of people who might have houses within 500 feet so they have knowledge they are building next to a junkyard.

There is discussion about what is required to prove that a road is built according to the approved plan. It is written into the road design ordinance that before a town can accept a road the developer has to provide certified proof that it was constructed according to the road design standards.

David Benton states that he has a question about the depth of the conduit that houses the electrical supply is only 6 " under the invert of the ditch. Dave said he saw what appeared to be a foundation drain underneath one of the leachfields.

Sue asks is Dave is concerned these same types of things will happen in this subdivision? Dave said no, he only wants the board to look at these things in future subdivisions.

Doug states that road standards gives typical road profile. The planning board has complete control over this. A performance bond would require certified as built plans by a third party before the bond could be released and that would be proof that the project was constructed according to the approved plans.

Teresa Lowell asks what depth the underground utilities are planned to be in this subdivision? Bruce states that on sheet 6 it states the underground utilities will be 30" for the telephone cable and 12" below that will be the electrical cable.

Sue states that she has said all along that this was one project. Phase I and II. They are

doing the building together but they want it to be considered two subdivisions. Sue thinks they are not passed the legal question of whether this is one or two subdivisions. Sue states Bruce's own documentation corroborates that this is phase I and II. And they claim this is not related to the other subdivision.

Bruce asks as far as the remaining land goes what would the board want, no more than two more house lots? Patti states that the board has the right to require a plan for the total parcel.

Dwayne states that the board hasn't discussed whether to require sidewalks to the village down Goodwins Mills Road.

Sue thinks the board needs to pull the previous subdivision file and see if these requirements match the previous requirements. The comparisons should be the same.

Bruce states he doesn't know about the engineering requirements of the subdivision in the late 80's but he is using a reputable engineer, Sebago Technics. The town will have this peer reviewed.

Doug states that had this come to the board as one parcel and not two individual parcels there would not be two dead end roads and the drainage would have been taken care of.

Sue states she hopes that Bruce can find a way to address these concerns before the next meeting as follows:

Town water

Adjacent junkyard

Grade and degree of the road

Potential well location problems

One project in two phases

Should there be a concept plan

Doug suggests the board have a workshop to review the old subdivision information compared to this one.

Public Hearing closes at 8:25 p.m.

Regular meeting opens at 8:26 p.m.

## II APPOINTMENTS

Tim Neill made the motion to hold a workshop on June 10 at 7 p.m. to review this subdivision. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

Andy Nadeau for site plan approval of Village Pediatrics.

The width of the road was added to the plan. A nitrate study was done and provided to the town. They have added a landscaping plan. They could open in 6-8 weeks after renovations are done. They are putting on a new ramp. Kurt states that the nitrate plume will come out to within 15 feet of the well. They plan on hooking up to town water but what about until then? They are going to use the dug well for now but only for washing. They are bringing in bottled water. Patti states that the state regulates the distance a septic

system can be from the well. It is required to be 100 feet and a variance can reduce it to 60 feet on the owner's own property.

Dwayne made the motion to approve the site plan application of Village Pediatrics with the condition that they provide their water passes safe drinking standards. Tim Neill seconds. Motion carries with a unanimous vote in favor.

Victor Wright for site plan approval of Heritage Company.

There was a question about what impervious area requires DEP review. The answer is 40,000 square feet. The plan has been updated to show the town water line and the location of the hydrant. Dwayne states that this property is in the wellhead protection zone. Dave B. states that if Victor intends to put both buildings on public water they will have to have separate meters and that is a requirement of the PUC.

Kurt Clason made the motion to approve the site plan application with the condition that he adds covenants of prohibited uses of the existing building being in the wellhead protection zone. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

### III. MINUTES OF PREVIOUS MEETINGS

Teresa Lowell made the motion to approve the minutes of March 19. Tim Neill seconds. Motion carries with a unanimous vote in favor.

### IV. REPORT OF OFFICERS

### V. OLD BUSINESS

Dwayne states that he got a copy of deed restrictions on elderly housing and Patti will get copies to all board members.

Dwayne asks if the board wants to move forward to get the defeated town meeting articles ready for special town meeting. The board agreed to work on these for next annual town meeting.

### VI. COMMUNICATIONS

The letter from Bob Fay regarding in law apartments was noted for the record.

### IX. ADJOURNMENT

Kurt Clason made the motion to adjourn at 9:15 p.m. Everett Whitten seconded. Motion carries with a unanimous vote in favor.