

Draft 7/14/05

Minutes
Town of Waldoboro
Planning Board Meeting
July 13, 2005

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Roll Call

The meeting was called to order by chairman Bo Yerxa at 7:05 p.m. Other members present were Carlo Bianchi, Chuck Campbell, Chuck Flint, Terry Gifford, JoAnn Myers and Abden Simmons. Code Enforcement Officer John Black was present. The audience consisted of Wayne Brown, Drew Greiner, and Tyler and Keri Lupien of 90 Stagecoach Road, neighbors of the proposed subdivision.

1. Minutes of June 9, 2005

On motion of Campbell/Myers, the Board voted unanimously, Bianchi abstaining, to approve the June 9 minutes as distributed.

2. Vote to Elect Yerxa Chairman, Myers Vice Chairman for 2005-2006

On motion of Bianchi/Simmons the Board voted unanimously to re-elect Bo Yerxa chairman, Yerxa abstaining. On motion of Bianchi/Simmons, the Board voted unanimously to re-elect JoAnn Myers vice chairman, Myers abstaining. Yerxa thanked Board members for their conscientious work which has made it possible for him to handle being chairman.

3. Tabling Nicholls Request for Change in Land Use District, 483 Bremen Road (R5/20)

In a letter to the Selectmen dated June 16, Nathan Nicholls asked to have his property at 483 Bremen Road removed from the Residential District and placed in the Rural District. The Selectmen voted on June 28 to refer the request to the Planning Board for its consideration and recommendation. Code Enforcement Officer Black has asked the Town attorney for a legal opinion, but has not yet received a reply. Black recommended that the matter be tabled because Nicholls was not notified that his request would be discussed at tonight's meeting. On motion of Myers/Campbell, the Board voted 7 - 0 to table the request until the August 10 Planning Board meeting. Yerxa will ask the Selectmen about the scope of the desired recommendation and whether the Selectmen want the Planning Board to meet with Nicholls. Bianchi recommended that a representative of the Selectmen be present for the discussion.

Planning Board members felt that this is a request for spot zoning, and that any change in land use district boundaries requires a vote by townspeople.

4. Practice Subdivision Review, Sunset Ridge Subdivision, Wayne Brown, Stagecoach Road and Sunset Ridge (R18/54B, 56 and 57)

Surveyor Drew Greiner and landowner Wayne Brown were in for review of the proposed Sunset Ridge subdivision using the new Land Use Ordinance adopted by town vote in June and new worksheets and checklists provided by Lincoln County planner Bob Faunce. Tonight's review was mutually agreed to be a learning session with no formal decisions. The subdivision application is

incomplete. Gifford said she has questions regarding Wayne Crandall's letter of June 1 that need to be resolved before the Board acts on the Brown subdivision. The letter, which does not refer specifically to Brown, was not discussed at tonight's meeting.

Yerxa raised the procedural question whether the Board should review incomplete applications on nights when there is a light agenda, or wait until an application is complete before starting review. Greiner said most towns review incomplete applications and accept the application as complete at a relatively late stage in the review process. This saves time for the applicant because the application is not held up waiting for a few missing items. CEO Black feels that the Board could make formal findings about certain items while the application is incomplete. Bianchi recommended that Black and Yerxa make the decision on a case-by-case basis. Myers asked whether review of an incomplete application could be considered a preapplication discussion, but Black said no decisions can be made during preapplication review. Flint recommended starting review as a preapplication discussion in order not to "start the clock", and making formal decisions after the application is complete.

Trial Use of New Submission Checklist (based on Land Use Ordinance p. 6-3 to 6-8)

Faunce's new submission checklist is intended to be used for both site plan review and subdivision review. Black was requested to ask Faunce to clarify, by use of an initial or symbol, which items on the checklist apply only to site plans, which only to subdivisions, and which to both.

The Board agreed to substitute "Received" or "Present" for "Satisfactory" in the first column heading.

1. 12 copies of plans and application: Six copies were provided tonight.
2. Fee paid.
3. Plan Submittals: The checklist for #3 lists only "boundary survey". It should list three maps:
 - a) locus map showing the general location of the site within the municipality;
 - b) location map showing all features within 300 feet of the property boundary, at a scale of not over 100 feet to the inch;
 - c) boundary survey: This includes the bearings and lengths of all property lines of the parcel to be developed, the name of the surveyor, and the location of all required building setbacks, buffers, and boundaries of all contiguous property owned by the applicant. The Board agreed that it can waive the requirement for a complete boundary survey in the case of a very large parcel of which only part is being developed.

4. Existing Conditions Plan (p. 6-4 and 6-5, LUO)

The Board wants information about the current condition of the property as well as what is being proposed. Gifford suggested requiring a photograph. This would be most helpful for a site plan for a building addition or change of use.

The following checklist items were found to be present on the existing conditions plan:

- a) title block
- b) land use district (Rural)
- c) existing contours
- d) buildings (on abutting properties)
- e) existing streets (no driveways are shown; individual lot owners will put these in)
- f) existing utilities
- g) significant features including drainage, wetlands, stone walls, wildlife habitat, historic or archaeological resources: Greiner says he wrote letters to State agencies asking about wildlife habitat and historic/archaeologic resources; the replies are in the bound application materials.
- h) wetland delineation by a professional wetlands delineator: Greiner has taken four courses in how to identify wetlands.
- i) direction of existing surface water drainage
- k) easements for power lines and roads
- l) location of the nearest fire hydrant, dry hydrant or firefighting water supply: The plan gives the direction and distance to the nearest fire pond.

m) name and registration number of professional who prepared plan: Greiner and Black agreed that they never put their seals on preliminary plans, only on the final plan when ready for signature. The word "seal" is to be deleted from the checklist. Bianchi said the words "if applicable" in 4 m Name of consultant give the Board latitude not to require a seal on the plan of the existing site.

The following item was found not applicable.

j) existing signs: Greiner said there are no road name signs. Signs have been requested but not yet delivered. Black thinks "signs" refers not to road name signs and traffic signs but to signs advertising the future subdivision. Greiner thinks Brown does not plan to have a subdivision sign.

5. Proposed conditions plan (subdivision plan)

The following checklist items were found present. Where some in a list of items are not present, it was suggested that the person making out the checklist cross off inapplicable items and initial the strike-through.

a) title block

b) lots, lot lines, positions of temporary markers showing corners

c) contours at 2-foot interval

d) design plan of roads (not applicable: sight distances from driveways; parking and loading areas; driveways; walkways)

e) easements for roads. Lot 1 as shown on the subdivision plan lacks road access. Board members suggested that Greiner add to the subdivision plan the future road, which gives the required amount of road frontage for Lot 2 as well as access to Lot 1. The alternative would be to show a right-of-way over other land of Brown.

h) soil erosion and sediment control plan: This is a separate sheet. The subdivision road has already been built. The plan shows silt fencing downhill from the septic test pit on each lot. Notes on the plan require silt fencing downhill from all site disturbances. The future locations of the individual houses and driveways are not known.

i) storm water management plan, by Hollis Tedford. Greiner said Tedford has a certificate showing that he has taken training in stormwater management from the Dept. of Environmental Protection. Board members suggested adding to the checklist a requirement to provide resumes of all professionals showing their credentials and qualifications.

n) professional certification: This refers to the name, registration number and seal of the architect, engineer, landscape architect, or similar professional who prepared the plan.

o) approval block The underlines for "approval block" on the checklist need to be moved up one space.

The following items were found not applicable:

f) location, dimensions, setbacks, buffers and proposed uses of all buildings: the subdivision plan shows only lots and roads. Lot development is up to the purchasers of the lots.

g) location, front view, materials and size of all signs and sign supports: Greiner said Brown does not plan to have a subdivision sign.

j) location of parcels dedicated for public use: none. Greiner said Brown intends permanent conservation protection for a wetland near the subdivision, but this is not part of the subdivision.

l) utility plan: The subdivision will use existing utilities, locations of which are shown on the existing conditions plan

Question for Faunce:

5 m landscaping plan, including buffering and screening. Board members want input on whether it is appropriate to require a landscaping plan for a subdivision consisting only of lots and a subdivision road, or whether the landscaping requirement applies only to site plans. The Planning Board did require landscaping around the entrance to the Ice Pond at Pitcher Cove subdivision, and the Ice Pond road plan showed mature trees that the developer planned to retain. How important is consistency? Regarding the requirement for "buffering and screening", Bianchi said buffering generally applies to commercial uses adjacent to residential uses; he said it is not required to buffer one residential use from another.

6. Written documentation (LUO pp. 6-6 to 6-8)

The following checklist items have been received:

- a) right, title or interest in the property: copies of the deeds.
- b) description of proposed use.
- i) net developable acreage requirement. Black noted that under the new Land Use Ordinance it is only necessary to have a minimum of 10,000 s.f. of contiguous developable area (100' x 100' or 125' x 80') on an 80,000 s.f. lot in order to meet the net developable acreage requirement. All the proposed Sunset Ridge lots meet the requirement.
- l) refuse disposal: Disposal of stumps from road construction would be the only applicable item. The roads are already in, except for the side road that will provide access to Lot 1 and satisfy the frontage requirement for Lot 2.
- n) soils: locations of soil test pits for each lot are shown on the subdivision plan. All test pits have adequate setbacks from property lines.
- o) soil erosion and sedimentation control plan
- p) subsurface disposal system report demonstrating that each lot has soils suitable for subsurface sewage disposal
- q) storage of materials and equipment: The only such storage for this project would be temporary during construction.
- r) storm water management plan by Hollis Tedford
- s) street access. There are no driveway locations shown on the subdivision plan.

The following checklist items were found not applicable:

- c) air emissions
- e) construction standards: Article 4 Section C refers to buildings, not roads.
- f) electrical disturbances
- g) lighting and glare: There is no required street lighting.
- h) hydrological ground water assessment: required only for projects involving common on-site water supply or sewage disposal facilities with capacity of 2000 gallons or more per day.
- j) noise
- k) off-street parking and loading
- l) refuse disposal, screening. Refuse from future homes will be the responsibility of the home owners.
- m) signs

Not received:

- 6 u) Evidence of technical capability to supervise, construct and inspect the project. Brown is building the road himself. Yerxa asked Board members to think about what evidence should be required for technical capability.
- v) Evidence of financial capacity to construct the project. In addition to a statement from a financial institution, the new Ordinance (p. 6-8) requires the applicant to provide "a semi-detailed budget estimate for all costs... including engineering, legal, financial and capital expenses and documentation on financing package available to cover project expenses".

Not yet reviewed:

Submission checklist 6 w, construction schedule (starting and completion dates); x, water and sewer demand; y, utility statement: The Board adjourned without completing review of the submission checklist. It did not look at the other checklists.

Question for Faunce:

6 d buffers: evidence that project will satisfy Article 4 B. Buffer Areas (LUO p. 4-1 and 4-2). Do any of the requirements in this section apply to subdivisions? Board members wanted to encourage Brown not to cut so many trees. It may be desirable to preserve a wooded strip between adjacent lots for privacy, but it is not an ordinance requirement. Greiner said there are sensitive areas on the Brown property that are important to wildlife, including a wetland and a beautiful stream, but none are in the immediate vicinity of the proposed subdivision.

5. Changes to Land Use Ordinance

Simmons asked about the procedure for making recommendations to the Selectmen for changes to the newly-approved Land Use Ordinance. Yerxa recommended keeping a running list of problem items and suggestions for changes. If the Board finds something in the ordinance that is impractical or not in the best interest of the Town, it can recommend a change. Gifford recommended keeping a low profile for at least 12 months. Yerxa agreed that there would need to be near-unanimity about the importance of any changes before approaching the Selectmen. The Selectmen can place amendments to the Land Use Ordinance on the warrant for town vote, or amendments can be placed on the warrant by petition if sufficient signatures are obtained.

Adjournment: The “10 o’clock rule” was invoked, and the meeting was adjourned at 10:05 p.m.

William Yerxa, II, Chairman

Carlo P. Bianchi

Charles Campbell

Charles Flint

Terry Gifford

Submitted by:

JoAnn Myers

Susan S. R. Alexander

Abden Simmons

WALDOBORO PLANNING BOARD

Attachment: Summary of requests to Bob Faunce

1. Please change “Satisfactory” to “Received” or “Present” in the first column heading on each page of the Submission Checklist.
2. Can you identify by initial or symbol which items on the Submission Checklist apply only to site plans, which apply only to subdivisions, and which to both? This would be most helpful.
3. Submission checklist item 3 should list three maps: locus map, location map, and boundary survey. It now lists only boundary survey.
4. Please delete “seal” from checklist item 4 m; change to read: “Name and registration number of professional who prepared plan.” Reason: surveyors generally put their seal on only the final version of plans. We believe the wording “if applicable” at the end of 4 m. on p. 6-5 gives the Planning Board discretion not to require a seal on preliminary plans.
5. Add to checklist (maybe in 6 written documentation) a request for resumes of all professionals as evidence of their qualifications
6. In last item of 5 (o, approval block), please raise the underlines to line up with the text.
7. In 5 m, Landscaping Plan including buffers and screening, is landscaping (by the developer) required for subdivisions where the developer is creating only lots and a subdivision road, or does the landscaping requirement apply only to site plans? Are buffers and screening required for residential subdivisions other than manufactured home subdivisions?
8. In 6 d Buffers, do any of the requirements in Article 4 B apply to subdivisions?

