

Sec'y draft 10/15-16/09. Final signing copy with Wright changes.

Minutes
Town of Waldoboro
Planning Board Meeting
October 14, 2009

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9. Next Ordinance Revision Meeting: Wednesday, October 28, 7:00 p.m.

Roll Call

The meeting was called to order by vice chairman Abden Simmons at 7:00 p.m in the meeting room at the Municipal Building. Other members present were Carlo Bianchi, Chuck Flint, Ed Karkow, and Jody Perry. Code Enforcement Officer Patrick Wright was present. The audience included Diane Bibber-Oden, Blake Black, John Black, Drew Greiner, Andrew Roberts, David A. Starr, Jr., John Theriault, H. Louisa Winchenbach, and Thomas Winchenbach.

1. Minutes of September 9 and September 10, 2009

On motion of Bianchi/Perry the Board voted 5 - 0 to approve the minutes of September 9 with two changes on page 1: in line 3 under Roll Call, change "Jody P" to "Jody Perry", and in the next to last line at the bottom of p. 1, delete the last four words in the line and replace with "before a permit can be obtained."

On motion of Bianchi the Board voted unanimously to approve the minutes of September 10 with a change on p. 1 under Item 2, line 3, to add "is" between "and" and "available" at the end of the line. *[The vote was seconded by Karkow, who was absent from the Sept. 10 meeting. Should the vote be recorded as 4 – 0 – 1, Karkow abstaining? Should this be re-voted at the next meeting? - Sec'y]{A corrective vote should be made at the next meeting.- PW}*

2. Citizen Comments (Items not on Agenda) – none

3. Five Mast Subdivision, MacFarlane, Genthner Road (Map R3 Lot 34): Determination of Complete Application, Scheduling Public Hearing

John Black and David Starr, Jr., of J & D Engineering & Surveying were present for review of Sandra MacFarlane's proposed Five Mast Subdivision. The original stormwater management plan was found inadequate. A revised stormwater management plan by J & D Engineering was distributed to Planning Board members for review in advance of tonight's meeting. On motion of Bianchi/Karkow the Board voted 5 – 0 that the subdivision application is complete. Code Enforcement Officer Wright said that in earlier discussion there was some question about the way the lots are laid out, but that this can be addressed at a later meeting. On motion of Flint/Bianchi, the Board voted 5 – 0 to hold a public hearing on Five Mast Subdivision during a regular Planning Board meeting. Wright will notify abutters and post a public notice.

4. Determination that Dana Burton's Non-conforming Building at 601 Back Cove Road (Map R9 Lot 12) will meet Setback Requirement within the Shoreland Zone to the Greatest Practical Extent

Diane Bibber-Oden was present as agent for owner Dana Burton, to explain Burton's proposed plans to remove part of the legally existing non-conforming building and build a new addition as conforming as possible to the 100-foot shoreland setback. Plans had been distributed to the Planning Board for review ahead of tonight's meeting showing the footprint of the existing building and the proposed new construction, most of which is more than 100 feet from the top of the slope down to the water. The lot is only 0.9 acre. Bibber-Oden said that 99% of the new construction will be conforming, but a connection is needed to an existing structure. She said that two outbuildings were removed several years ago. The garage next to the road remains.

Wright said that when an owner applies to put a foundation under a legally non-conforming building, or applies for a permit to replace a legally non-conforming building, the Planning Board needs to make a determination whether the structure meets the shoreland setback to the greatest practical extent. On motion of Karkow/Bianchi, the Board voted 5 – 0 that Burton's proposed plans meet Waldoboro's shoreland zoning ordinance regulations regarding setback of structures from salt water to the greatest practical extent.

5. Review of Stormwater Management Plan, Skyview Ridge Mobile Home Park, 400 Friendship St. (Map U2 Lot 20A)

Owner Andrew Roberts and surveyor Drew Greiner were present for review of a new stormwater management plan by Coffin Engineering for proposed new lots A and B at Skyview Ridge.

Wright said that the Planning Board has already found the application complete, at its August 12 meeting, and is working through the performance standards. At its August 12 meeting the Planning Board completed review of Article 4 General Performance Standards in the checklist titled "Subdivision Worksheet for Planning Board Review". At that meeting the Board voted to get an opinion from the Knox-Lincoln County Soil and Water Conservation District (SWCD) regarding the adequacy of the proposed stormwater management plan, as well as stormwater runoff from the park as a whole. Wright's October 14 memo to the Planning Board titled "Findings of Fact – Skyview Ridge Mobile Home Park Stormwater Management", given out at tonight's meeting, states in the second sentence under Background on p. 1, "Provisional review by the engineer who contracts with the SWCD found the submitted [stormwater management] plan to be inadequate."

At the previous review meeting, applicant Roberts provided some additional material which was not in the application packet when the Planning Board began its review. The first two sheets were given out at tonight's meeting. These materials were given to the board for their files, and requested to become part of the application file. A new stormwater management plan was part of Board packets distributed for review in advance of tonight's meeting. The additional material is:

- a) a revised erosion and sedimentation control plan diagram (one sheet);
- b) an open and recreational space plan sheet showing 4400 s.f. of recreational space provided by a peastone sidewalk along the road to the mobile home park, and 3676 s.f. of open space located behind the bowling alley, with space for a bench, flower garden, and dog exercise area;
- c) a stormwater report by James Coffin of Coffin Engineering in Augusta giving a stormwater analysis for lots A and B only. Coffin concludes that there is no increase in impervious area for Lot A, therefore no change in quantity or velocity of runoff, and that with addition of a detention area for stormwater on Lot B, pre-development flow will exceed post-development flows on Lot B for 2-10- and 25-year peak storm events.

Wright called for a motion to accept revised items a, b and c as addenda to the submission materials for the proposed expansion of Skyview Ridge. On motion of Flint/Bianchi, the Board voted 5 – 0 to accept these three items as additions to Roberts's application.

Wright then read into the record his October 14 memo presenting findings of fact regarding stormwater management at Skyview Ridge Mobile Home Park. He has spoken with Coffin. Wright said there are known stormwater issues on the park property. The Coffin report on Lots A and B provides assurance that development of these two additional lots close to Friendship Street will not make matters worse. Wright told the Planning Board that it has authority to look at stormwater management at the park as a whole in connection with consideration of expansion of a non-conforming use. Wright recommends that a stormwater study be done for the entire park. Public Works Director John Daigle has also recommended requiring a stormwater management study for the entire park.

Wright said that the Planning Board does not have to require complete remediation in order to approve the proposed park expansion. The stormwater study Wright has in mind would show where the water is coming from, at what volume it leaves the park, and how much it would cost to remediate it, if remediation is indicated. Wright said that if some remediation work cost relatively little, the Planning Board might require it of the developer. However, he said that the Planning Board should be reasonable in its requirements, given the limited scope of the proposed expansion.

Owner Roberts said that the Maine Dept. of Transportation has completed some work at the bottom of the hill. The culvert that handles park runoff has been improved. Some erosion control measures were made near the culvert by Roberts. Roberts has made other improvements throughout the park including extensive riprap, deepening and widening ditches that carry runoff, and riprapping edges of streams within the park. He said there have been no problems with excessive water going onto Friendship Street since the improvements were made. He said that the water that comes down the hill is runoff from three properties: the mobile home park, AllPlay Family Entertainment Center, and the DePatsy land. In his opinion it makes little sense to require a study of stormwater runoff from just one of these properties, when the water comes from all three.

VOTE: On motion of Bianchi/Flint, the Planning Board voted 4 – 0 – 1, Simmons abstaining, to require that a stormwater study be done of the entire mobile home park. Wright recommended specifying some parameters that must be included, such as the volume of stormwater leaving the property. The study would determine the amount of impervious area in the existing mobile home

park and how much water is leaving the park and where it is leaving the park, calculated for a 2-, 10- and 25-year peak storm event. Wright recommended that Roberts ask the person doing the study to estimate the cost of recommended remediation.

Subdivision Worksheet for Planning Board Review – (checklist continued from Aug. 12 meeting)

Article 5 Specific Performance Standards: Only P, Manufactured Home Park, was found applicable and conforming. Specific performance standards for manufactured home parks are found on pages 5-13 through 5-20 of the June 9, 2009 revision of the Land Use Ordinance. Roberts's answers on each of the specific performance standards are given in his one-page memo to the Planning Board dated July 18, 2008. The replies pertain only to proposed new lots A and B.

1 Plan a. site plan review: An approved park plan is required prior to the expansion of a manufactured home park.

2. a, single parcel; b, three-lot minimum; c, electrical service; d, sanitary sewers: all applicable and conforming

3. Access from public streets: applicable and conforming.

4. Lot size: minimum 5,000 s.f. for lots served by public sewer: applicable and conforming.

5. Overall density: not to exceed one dwelling unit for each 20,000 s.f. of total park area. For parks served by public sewer, like Skyview Ridge, a minimum of open space area equal to 10% of the combined area of the lots is required. The Coffin stormwater plan puts a water retention space in the area designated as Open Space on Roberts's plan. The proposed retention area will be a grassed swale, not full of water most of the time, rather than a pond. At its August 12 meeting (minutes, p. 8) the Board voted to accept Roberts's plan for open space and recreational space.

6. Setbacks: minimum setbacks for structures: 25 feet from street right-of-way, 10 feet from side and rear lot lines, 30 feet from park boundary lines.

7. Placement of units on lots, items a – g: applicable and conforming

8. Landscaping: applicable and conforming

9. Street illumination: One additional street light will be installed. Applicable and conforming.

10. Manufactured home park roads: not applicable. No new roads are proposed.

11. Buffer strips: A continuous buffer strip not less than 25 feet in width is shown on the plan along Gremlin Lane. It consists of a hedge and grass. Applicable and conforming.

12. Conversion of park to lots in private ownership: Not applicable.

13. Utilities: public water and sewer hook-ups installed to meet code. Electrical service to the mobile homes on the proposed new lots will be provided to a meter box according to code, by Central Maine Power Co. The connection from the meter box to the home will be done by a licensed electrician. Applicable and conforming

14. Innovative park design – not applicable

15. Fire protection: hydrant is noted on plan. Applicable and conforming

16. Exterior lighting on manufactures homes: applicable and conforming.

17. Signs: not applicable, no new signs proposed.

18. Lot identification (lot number, home number): applicable and conforming. EMS requests small directional signs at intersections of park roads showing which lot numbers are served by each road.

19. Recreational areas: Not less than 8% of the gross site area shall be devoted to recreational facilities, with no single recreation area being less than 10,000 s.f.: See Open and Recreational Site Plan sheet. Recreation space of 4400 s.f. is shown as a peastone walkway along the south side of the road to the mobile home park. At its August 12, 2009 meeting (minutes, p. 8) the Board voted to accept Roberts's plan for open space and recreational space.

20. Mailboxes: will be located in the same place as other mailboxes. Applicable and conforming.

21. Miscellaneous: Wright said that all the listed general requirements and general prohibitions have been met.

VOTES: Although the Planning Board reviewed Article 4 General Performance Standards in the Subdivision Worksheet for Planning Board Review at its August 12 meeting, it did not vote on Article 4 at that meeting. At tonight's meeting, on motion of Bianchi/Flint, the Board voted 5 - 0 that all general performance standards in Article 4 for Roberts's proposed two-lot expansion are either applicable and conforming or not applicable. (Stormwater management is conforming for Lots A and B.) On motion of Bianchi/Karkow, the Board voted 5 - 0 that all specific performance standards in Article 5 are either applicable and conforming or not applicable.

Article 6 Planning Board Approval Criteria for Subdivisions: The Planning Board then went through the checklist of approval criteria for subdivision review. The following criteria were found applicable and conforming: pollution; sufficient water; soil erosion and sediment control; highway or public road congestion; solid waste and sewerage waste disposal; aesthetic, cultural and natural values; conformity with town ordinances and plans; financial and technical capability; groundwater; exterior lighting; buffering of adjacent uses; noise; storage of materials; landscaping; and location of off-street parking. The following criteria were found not applicable: shoreland zoning; flood areas; freshwater wetlands; river, stream or brook; spaghetti lots prohibited; lake phosphorus concentration; impact on adjoining municipality; access to direct sunlight; buffering of residential uses; and hazardous waste. Stormwater was not voted on, pending receipt of a stormwater study of the entire park.

On recommendation of Wright, on motion of Bianchi/Flint the Planning Board voted 5 - 0 to table Roberts's application until the requested stormwater study of the entire park including lots A and B has been received. Wright said directional signs at intersections within the park can be required as a condition of expansion of a nonconforming use. Such signs have been requested by the EMS director.

Roberts said a stormwater study of the whole park might cost \$2,000 or more, and implementing corrective measures might cost \$5,000-\$8,000. He asked if he has the right to go to the Board of Appeals to be exempted from this requirement. Wright will talk with him separately to discuss this.

6. Acceptance of Revised Amended Subdivision Plan, Backmeadow Subdivision off Union Road (Map R15 Lot 6)

John Black and Blake Black were present for review of changes to the approved subdivision plan for the Backmeadow subdivision. Perry abstained from voting because he owns property in the subdivision.

A. Re-subdivision of Lot 12; Location of 250-foot Wetland Buffer

Simmons gave out copies of an undated "Planning Board Findings of Fact" regarding location of the recommended 250-foot buffer around the wetland. Wright read the document into the record of the meeting. Simmons as vice chairman signed and dated the Findings of Fact. Black's proposed Lot 13 cannot meet the requirement for developable area and meet all required setbacks if a 250-foot setback is required from the wetland. This means that Lot 12 cannot be subdivided as submitted.

B. Revisions to Backmeadow Subdivision Plan

Wright read into the record his Findings of Fact dated October 14, 2009, regarding revisions to the approved site plan of Backmeadow Subdivision. The Fire Chief determined that a dry hydrant at

Levensaler Brook would not provide adequate water for firefighting. Black has designed and constructed a fire pond on property owned by the Blacks on Union Road about 2000 feet south of the subdivision. John Black has declined to take responsibility for future maintenance of the fire pond. His position is that the fire pond has been turned over to the Town and is no longer his responsibility nor that of the Backmeadow Subdivision Association. He says the Town maintains other fire ponds, not the developer. The Land Use Ordinance is silent on this. Wright’s memo says that without a maintenance agreement, the developer cannot assure the board that there will be “Sufficient water” as required in Article 6(H)(2) of the land use ordinance.

Wright said there have been changes in the approved subdivision plan with regard to three performance standards. On motion of Bianchi/Flint, the Board voted 4 – 0 – 1, Perry abstaining, that the requirement for sufficient water for fire suppression has been met (Article 6 H 2.) On motion of Flint/Bianchi, the Board voted 4 – 0 – 1, Perry abstaining, that street and road standards are met and conforming (Article 4 T). On motion of Bianchi/Flint, the Board voted 4 – 0 – 1, Perry abstaining, that stormwater management has been met (Article 4 R). On motion of Flint, the Board voted 4 – 0 – 1, Perry abstaining, to accept the Backmeadow Subdivision revised final plan as voted on at the July 8, 2009 Planning Board meeting with a revision that the location of the firefighting water source has been moved from Levensaler Brook to 295 Union Road.

7. Time Extension Request, Winchenbach, Geele Lane Subdivision (Map R2 Lots 57B, C and D)

Thomas and Louisa Winchenbach request a time extension on putting in a road to their subdivision on Geele Lane off Dutch Neck Road. The subdivision was approved in 2005, but over a year has passed without work on the road. Wright said he will put the time extension request on the agenda for the next Planning Board meeting and notify abutters. Flint asked that copies of the original application be sent to Planning Board members ahead of the meeting. The Winchenbachs said they were not aware there was any time limit for starting or completing work on a subdivision.

8. Signing Final Subdivision Plans for Backmeadow Subdivision, Sunset Ridge Subdivision, and the Joseph Carey One-Lot Subdivision at 31 Friendship St.

Board members present signed mylar and paper copies of the three subdivision plans.

9. Next Ordinance Revision Meeting: Wednesday, October 28, 7:00 p.m.

Adjournment: The meeting was adjourned at 9:30 p.m.

Abden Simmons, Vice Chairman

Carlo P. Bianchi

Charles Flint

Submitted by:

Edward Karkow

Susan S. R. Alexander

Jonathan Perry
WALDOBORO PLANNING BOARD

Addition to List of Items for Ordinance Revision:

Address issue of responsibility for future maintenance of fire ponds that were required as part of approval of a subdivision: the developer, the subdivision association (if any), or the Town.