

Minutes
Town of Waldoboro
Planning Board Meeting
November 12, 2009

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Roll Call

The meeting was called to order by chairman Chuck Campbell at 7:04 p.m in the meeting room at the Municipal Building. Other members present were Carlo Bianchi, Chuck Flint, Ed Karkow, JoAnn Myers, Jody Perry, and Abden Simmons. Code Enforcement Officer Patrick Wright was present. The audience included Drew Greiner, Deborah Kent, Solomon Orff, David A. Starr, Jr., H. Louisa Winchenbach and Thomas Winchenbach.

1. Minutes of September 10, October 14 and October 28, 2009

On motion of Flint/Bianchi, the Board voted 4 – 0 – 2, Karkow and Myers abstaining, to approve the minutes of September 10 as amended to add the word “is” before “available” at the end of the third line under Item 2, p. 1. This is a corrective vote from a previous meeting. (Simmons joined the meeting after this vote was taken.)

On motion of Karkow/Flint the Board voted 5 – 0 – 2, Campbell and Myers abstaining, to approve the minutes of October 14 as distributed.

On motion of Myers/Perry the Board voted 4 – 0 – 3, Bianchi, Flint and Simmons abstaining, to approve the minutes of October 28 as distributed.

2. Citizen Comments on Items Not on Agenda – none
3. Approval of Time Extension, Winchenbach Subdivision, Geele Lane (Map R2 Lot 57)

Thomas and Louisa Winchenbach were present for review of their request for a time extension to put in a road serving lots in their Geele Lane subdivision, approved in 2005 (see May 11, 2005 minutes p. 2-3). The ordinance requires that construction must be started within one year from the date of subdivision approval and completed within two years from the date of approval. The

Winchenbachs were not aware of the time requirement. Abutters have been notified. No abutters were present and no comments have been received. Wright recommends approving the time extension.

In the approved subdivision plan, undeveloped Lot B of the subdivision has access over a 30-foot driveway easement over Lot C. Flint said that this poses a problem in how to get an eight-foot setback from the property line for this future driveway. The right-of-way has been recorded. Board members agreed that this setback issue needs to be addressed in the next Ordinance revision. Lots served by a shared driveway cannot meet the required eight-foot setback of a driveway from a property line.

Wright noted that the required minimum structure setback from the water is now 100'. The plan depicts a 75' setback. He said that any building permit granted would have to meet the 100' setback.

Winchenbach submitted a revised subdivision plan showing a change in width of the driveway easement to 40 feet. Planning Board members signed the revised subdivision plan at the end of tonight's meeting.

On motion of Myers/Flint the Board voted 7 – 0 to grant a one-year time extension to November 12, 2010, for the start of construction of the road and a completion date of November 12, 2011.

4. Amendment to Noyes Road Subdivision, Maine Modular, 200 Noyes Rd. (Map 24 Lot 6A)

Surveyor Drew Greiner of Corner Post Surveying presented a full-size plan showing a change in location of the shared driveway providing access to Lots 4 and 5. The driveway has been installed. Sight distance is adequate. Code Enforcement Officer Wright has walked the site with Greiner. The change requires amendment of the subdivision plan approved on July 12, 2006. On motion of Simmons/Bianchi, the Planning Board voted 6 – 1, Flint opposed, to approve the amended subdivision plan showing the relocated driveway serving Lots 4 and 5. Board members signed the amended subdivision plan at the end of the meeting.

5. Approval of Junkyard Permit Renewals for Orff d/b/a Sol's Towing, 515 Orffs Corner Rd. (Map R22 Lot 34), and Kent d/b/a Maine Tractor Crossing, 1266 Feylers Corner Rd. (Map R20 Lot 16)

A. Approval of Five-Year Junkyard Permit for Solomon Orff d/b/a Sol's Towing

Wright said there have been no changes at Orff's junkyard since the last permit renewal, approved October 8, 2008. Wright has inspected the property. According to a new State regulation, a five-year permit can be issued to a junkyard operator if the operation has been in existence for five years on annual permits without issues or problems. Local and State inspections will continue on the same schedule as before. Wright recommended that a five-year permit be approved for Sol's Towing. On motion of Myers/Simmons the Board voted 7 – 0 to approve issuing a five-year junkyard permit for Sol's Towing.

B. Approval of Five-Year Junkyard Permit for Scott and Deborah Kent d/b/a Maine Tractor Crossing

Wright said this is a tractor parts recycling operation. It has received annual junkyard permits for the past five years with no problems. The last permit renewal was approved on October 8, 2008.

He has inspected the property and found everything in order. He recommended that a five-year permit be approved. On motion of Myers/Bianchi, the Board voted 7 – 0 to approve issuing a five-year junkyard permit for Maine Tractor Crossing.

6. Public Hearing and Subdivision Review, MacFarlane 10-Lot Subdivision, Genthner Rd. (Map R3 Lot 34)

At its October 14, 2009 meeting the Planning Board determined that the subdivision application for Five Mast Subdivision was complete. A public hearing was scheduled for tonight's meeting. Abutters have been notified and appropriate public notice has been given. Chairman Campbell opened the public hearing at 7:34 p.m. No abutters were present and no comments have been received. The public hearing was adjourned.

Owner's representative John Mathieson of Mathieson Surveying was unable to attend tonight's meeting. David Starr of J&B Engineering and Surveying was present to report to Mathieson any questions from the Planning Board.

The Planning Board went through the "Worksheet for Planning Board Review" checklist (copy in the Five Mast Subdivision file).

Article 4 General Performance Standards

The following items were found not applicable: A air emissions; B buffer areas; C construction standards; D electrical disturbances; E Historic Village District architectural standards; G lighting and glare; I noise; J parking and loading; L refuse disposal; N signs; Q storage of materials; U traffic impact analysis; V water quality impacts.

The following items were found applicable and conforming: M sanitary provisions; O soils; S street access and driveways; T street/road standards. There was discussion about whether or not shared driveways can meet the ordinance-required setback from lot lines. The Planning Board intends to recommend an ordinance change to address this, as the policy is to encourage use of shared driveways in subdivisions.

The following were found applicable, but more information is needed:

- F hydrogeologic assessment of groundwater impacts: application appears to lack lot size formula calculation (see Article 4 F. 9, Land Use Ordinance p. 4-5).
- H net developable acreage calculation: verify extent of wetlands. Based on site walk on Nov. 12 there appears to be more wetland area than shown on subdivision plan. Who did the wetland delineation, and is that person qualified? Wetland extent may impact net developable area for lots.
- K phosphorus control: need verification whether any part of the proposed subdivision is within the watershed of Duck Puddle Pond or Pemaquid Pond.
- P soil erosion and sedimentation control: Starr to verify whether chip mulch meets Best Management Practices standard for long-term erosion control, or should areas be seeded to grass.
- R stormwater management: incomplete. Final plan should show all culverts, riprap around ends of culverts, and indicate areas where runoff grades from sheet flow into channel flow. Starr to verify whether John Matheison took the 5' contours by interpolation from the USGS topographic map or by survey in the field. USGS contours are not accurate enough for use in stormwater management report on this property. Wright and Campbell question whether

runoff is shown flowing in correct directions. Show post-construction finish grade with 2' contours for at least 15' on each side of road. Verify boundary between drainage areas 1 and 2 in the stormwater management report.

Article 5 Specific Performance Standards: all found not applicable.

Article 6 Planning Board Approval Criteria for Subdivisions

The following items were found not applicable: 9 shoreland zoning; 11 flood areas; 15 spaghetti lots; 17 impact on adjoining municipality; 18 access to direct sunlight; 19 exterior lighting; 20 buffering of adjacent uses; 21 noise; 22 storage of materials; 23 landscaping; 24 buffering of residential uses; 25 location of off-street parking; 26 hazardous waste.

The following were found applicable and conforming: 1 pollution; 4 highway or public road congestion; 5 solid waste and sewerage waste disposal; 6 aesthetic, cultural and natural values; 10 groundwater.

The following were found applicable but not conforming, or more information is needed to determine compliance:

- 2 sufficient water: The application states that the nearest dry hydrant is 1.5 miles away. The Fire Chief recommends consideration of installing a dry hydrant at the bridge over the outlet from Duck Puddle Pond, 1.1 miles from the subdivision. If the applicant will voluntarily install the requested dry hydrant, Planning Board members agreed that they will consider the performance standard "sufficient water for fire control" met.
- 3 soil erosion and sediment control: Starr to verify whether bark mulch meets Best Management Practices standard for permanent erosion and sediment control.
- 7 conformity with Town ordinances and plans: Lots 7, 8, and 9 do not meet the minimum road frontage requirement and do not qualify to be considered "back lots". Reconfiguration is needed either of the lots or the road, unless MacFarlane is applying for an open space subdivision, for which the Planning Board has the authority to waive the minimum frontage requirement.
- 8 financial capacity: The applicant has not presented adequate evidence of financial capacity. The Planning Board can accept a satisfactory letter from a bank indicating that the applicant has the financial capacity to complete the project, or a performance bond or irrevocable letter of credit (see Article 6 G. Performance Guarantees, p. 6-15 – 6-16), or an application for a phased development (see Article 6 G. 7, p. 6-16).
- 12 freshwater wetlands: As noted above, the Planning Board questions the wetlands delineation shown on the subdivision plan. More information is needed.
- 13 river, stream or brook: Applicant is asked to verify whether the water flow on the property meets the definition of a stream or brook given in Title 38 section 480B subsection 9 (see Ordinance Article 6 H. 13 on p. 6-18).
- 14 storm water: More information is needed on storm water management (see discussion of Article 4 Standard R, above).
- 16 lake phosphorus concentration: Applicant is asked to verify whether any part of the proposed subdivision is within the watershed of Duck Puddle Pond or Pemaquid Pond. If so, see general performance standards for phosphorus control in Article 4 section K.

On motion of Bianchi/Myers, the Planning Board voted 7 – 0 to table the subdivision application until the material specified above is supplied.

7. Discussion of Change in Starting Time for Planning Board Meetings

At a previous meeting Wright raised the possibility of starting Planning Board meetings at 6:30 p.m. rather than 7. Several members spoke against this. No vote was taken. By consensus, it was agreed to continue meeting at 7 p.m.

8. Next Ordinance Revision Meeting: Monday, November 23, 7:00 p.m.

Adjournment: The meeting was adjourned at 9:00 p.m.

Charles Campbell, Chairman

Carlo P. Bianchi

Charles Flint

Edward Karkow

JoAnn Myers

Jonathan Perry

Submitted by:

Susan S. R. Alexander

Abden Simmons
WALDOBORO PLANNING BOARD

Additions to List of Items for Ordinance Revision

1. The Planning Board has voted to increase the minimum setback of septic systems in the Shoreland Zone from 75' to 100', but this change was not included in the June 2009 revision to the Land Use Ordinance. Verify date and wording of vote. Does this setback change apply to shoreland on salt water only?

2. Change ordinance language to not require an 8-foot setback of a driveway from a property line, for lots with a shared driveway.

Issue to be Checked with Maine Municipal Association:

In the performance standards checklist for a proposed subdivision consisting only of lots and a subdivision road, should criteria such as air emissions be checked as "applicable and conforming" or "not applicable"? Wright was going to check on this, and go over the whole checklist process.

Procedural Point for Subdivisions Requiring a Nitrate Study

For subdivisions for which a nitrate study is required, if a lot owner places the septic system in a different location from that shown on the approved subdivision plan, an updated nitrate study may be required. If this is an issue, a note should be placed on the final plan.