

Standish Town Hall

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Planning Board Meeting Minutes 01/09/2012

Town of Standish Planning Board Meeting January 9, 2012

Chairman Steve Nesbitt called the meeting to order at 7:00 p.m. Present were Alta Harding, Brian Libby, Carol Billington and Diana Allen. Staff present were Bud Benson, Town Planner and Jackie Dyer, Secretary to the Planning Board.

A motion was made by Mrs. Allen to approve the December 5, 2011 Meeting Minutes and seconded by Mrs. Billington. All in favor.

Old Business

Item # 1 Private Way Review/Vladimir Kasyanov-Map 19 ,Lot 30-A Chadbourne Rd.

There was no one present from the applicant. Mr. Nesbitt stated that this application has been on the agenda for quite a while. Mr. Benson stated that the applicant has sent this back to a surveyor to delineate the drainage ways and they still don't have a complete application. Mr. Nesbitt asked that the applicant be contacted and let them know that if everything needed is not here by next month's meeting, then he would make a motion that the application will be rejected due to lack of information. The Board has been on this application since last May and would like to be able to move forward on this. Motion made by Mr. Libby to table until next month's meeting and seconded by Mrs. Billington. All in favor.

Item # 2 Gravel Pit Expansion/S.B. Freeport-Map 20, Lot 58-2, Rt.35 (formerly Busque)

Mr. Dan Shaw was present as were Charlie Brown from Sebago Technics and also Steve Wright, manager of Shaw Brothers quarries and gravel pits. Mr. Shaw stated that the pit seems in pretty good shape and they want to continue to run it. He stated that they run things a bit differently than Mr. Busque did. Mr. Shaw stated that they are more into the commercial market for their products and they offer more than 20-30 different materials. He is asking for approval to expand the pit so that they can provide more materials for jobs they need to do. They are proposing to build a berm to hide the pit from the road and the abutters view and use the berm for reclamation at the very end. He spoke about an existing pit owned by Grondin that abuts their pit and stated that he was not sure what was happening with that. He thought that they would be looking to develop that pit into residential subdivision. He stated that if that happens they need to stay 25 feet off their line as agreed upon earlier. He also stated that he knows they have to have a test boring per the Town and DEP, one per every 5 acres. He said that Mr. Busque had put one in months ago and they were proposing to put more in. He had taken an excavator and dug down 24 feet and found no water. Mr. Nesbitt said that this was supposed to have a five year review, which had expired, and the pit had expanded past the previous approval from the Board. It was approved for 20 acres and now Mr. Shaw stated that they want to expand to 50 acres. He stated that the reason for such an expansion was because they need to have more different materials available for the work that they do. He was okay with the bond for \$ 3000.00 per acre, although he thought it was a little high, but would like to put up a \$ 159,000.00 CD with their name on it as well as the Town's and DEP. They would have no access to this bond until the Town and DEP signed off. Mr. Benson stated that this is usually okay, but needs to be approved by the Town Manager and possibly the Town Manager would get a legal opinion before giving a final okay. Mr. Nesbitt stated that he would like to have a workshop on this and do some further research before giving an approval. The workshop will be held on January 23, 2012 at 7:00 p.m. Mr. Shaw was okay with this. Charlie Brown from Sebago Technics spoke and said that he had done more research on the berm and expansion of the pit. The berm, which would be 25 feet wide, would also consist of some trees replanted where they had been removed and create an onsite hedgerow. The berm would hold 26,000 cubic yards of material. They looked at what is on site and also looked at the 150 foot strip, as stated on their report. They would take some of the topsoil and some other materials to do some reclamation of the pit. They would use the current elevation of 299 to create the berm and still be able to leave the access road where it is. He said that they believe they are at least 15-16 feet above the anticipated water line, depending on how the water is channeling from the lake and the pond. Originally they had a 150 foot set back between them and the Libby Trust, but would like to do a 25 foot set back. He said that this was stated in the deed that Mr. Busque had and they would like the same thing. Mr. Busque had been trying to get a 25 foot set back from the neighboring property belonging to the Dyer's, but was unable to do so. Because of this, they have pulled back to the original 150 foot setback from the property line. Mr. Nesbitt asked where in the pit they were digging for the water and Mr. Shaw said that he believed it was in the lowest point of the pit. Mr. Brown stated that it was in the lowest point and that they had dug several places with no water showing. Mr. Benson said that

there is a drilled well on the property and asked if they had determined how deep it is. Mr. Shaw stated that the well is a ledge well and not a sand and gravel one, and they are not sure exactly how deep it is. Mr. Brown stated that Mr. Busque had told him that was an artesian well and he had gone past the aquifer with plenty of water present. He also stated that Mr. Busque had pulled water from the existing pond to water the roads. They felt the existing well would supply them with enough water to do what crushing they would be doing. Mr. Nesbitt stated that the plan is very well done, but felt they did need a workshop to just go over things in more final detail. They(S.B. Freeport) have also spoken with DEP and they would have their final paperwork from them within 20 days with their approval. Mrs. Billington asked what the total number acres are in the parcel, Mr. Shaw stated that there are 99 acres. The existing gravel pit that is open is right around 30 acres, they are looking to open 50 acres. The whole pit would not be open everywhere, it would be open in various areas. A lot of the 50 acres would be stockpiles, some for crushing and other uses. They would like to stay behind the berm until the entire pit is reclaimed. They would be taking some materials from the back and some from the front, blending them together to make whatever specs they needed to. Mr. Nesbitt asked if they need a full workshop. Mr. Benson said that they still have some issues to look at as in being able to look down into the pit from Chadbourne Road and also what the noise level would be for the neighbors, especially when the crushers were running. Mr. Shaw stated that their crushers are all on tracks and are not as noisy as the old crushers were. The crushers would move in and out and not be there for a long period of time. Mr. Benson said that the back up beepers and other noises are just as loud. Mr. Benson felt that leaving any type of tree or berm between the active pit and the residential is appropriate area for discussion for the Board. Mr. Brown stated that they would be excavating from the back to the front and leaving the berm, this would leave a 25-30 foot drop and the equipment would be far below the 290 feet. Mr. Brown stated that the existing row of rocktailings, that had already been created as a berm right behind the first house, is within the 25 foot setback and they will keep it there if that is a condition. Mr. Shaw said that the last thing they want is to not get along with all their neighbors. There was no further discussion and Mr. Nesbitt asked for a motion to be made that they have a workshop. A motion was made by Mrs. Billington and seconded by Mr. Libby to have a workshop on January 23, 2012 and table this until the Board meets on February 6, 2012. All in favor.

Item # 3 Subdivision Amendment/99 Stuart Shores Road-Map 20, Lot 26D, Francis and Kathleen Amoroso

There was no one present from the applicant. Mr. Benson said that Mr. Shaw was not able to get enough releases from the other landowners and asked if we would remove this from the agenda. Mr. Nesbitt asked if we remove it from the agenda or deny the application. Mr. Benson said that it could be done either way, but if it is denied, Mr. Shaw would not be able to come back to the Board for at least a year. Mrs. Billington stated that the Board has never rejected an application but have removed it from the agenda. Mr. Libby made a motion that the application be removed from the agenda, seconded by Mrs. Billington. Mr. Nesbitt asked if there was any further discussion from the Board or the public, there was none. All in favor.

Item # 4 1150 Pequawket Trail/Rocco Leo, III-Map 33, Lot 17 Site Plan Application

Mr. Nesbitt said that a site walk was done back in November and wondered why the applicant was not at the December meeting. Mr. Leo said that he had gotten his dates mixed up and thought that the meeting was on the 8th. Mr. Leo submitted a final plan on December 27th for approval. Mr. Nesbitt said that everything that had been discussed had been done by Mr. Leo and that he had a very nice plan. Mr. Nesbitt asked if there was any discussion and also asked if a motion to deem the application complete would be made. Mr. Libby made the motion that the application is complete and it was seconded by Mrs. Allen. All were in favor. The conditions of approval are :

*§ 181-73. Conditions for approval. [Amended 12-9-2003 by Order No. 194-03; 10-10-2006 by Order No. 89-06; 10-10-2006 by Order No. 90-06]
No preliminary or final site plan shall be approved unless, in the judgment of the Planning Board, the applicant has proven that all of the following conditions are found to exist regarding said plan:*

- *A. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will not create hazards to safety nor will impose a significant burden upon public facilities. (Condition # 3) A six foot wide pedestrian sidewalk will be constructed within the public right of way one foot off the property line for a distance of approximately 60 ft along the street frontage per town code. Per land use code section 181-22 Pedestrian Ways the final site plan must show a min. six foot (6') wide sidewalk across the frontage of the property along the arterials with terminus points on each end returning to street shoulder pavement. This work shall be completed within one year of this approval.*

Motion was made by Mrs. Billington that Standard A, with Mr. Benson's condition # 3 on memo be approved and seconded by Mr. Libby. All in favor.

There should be adequate off-street parking assuming the parking lot is adequate for 18 cars. Sidewalks may be needed.

- *The bulk location and height of proposed buildings and structures and the proposed uses thereof will not be detrimental or will impose undue burdens on the public facilities.*

Motion made by Mr. Libby that Standard B is met and seconded by Mrs. Billington. All in favor. Mrs. Allen asked about her being an abutter as in issue. There was none. Mr. Libby made a motion that Mrs. Allen be allowed to vote in an unbiased opinion and that was seconded by Mrs. Billington. All in favor.

Plan shows no new buildings.

- *The provisions of on-site landscaping and screening do provide adequate protection to neighboring properties from detrimental features of the development.*

Motion was made by Mr. Libby that Standard C is met and seconded by Mrs. Billington. All in favor.

The parking lot landscaping design standards (§ 181-20. Off-street parking design. B. Landscaping.) require trees at 30 ft. intervals around the parking lot. The remainder of the site is nicely landscaped. Parking lot may need some additional screening per § 181-21. Buffer area to street and parking lot landscaping requirements § 181-20. Off-street parking design.

- *The site plan adequately provides for the soil and drainage problems that the development will create.*

Motion was made by Mr. Libby that Standard D is met and seconded by Mrs. Billington. All in favor.

No changes proposed.

- *The provisions for exterior lighting will not create undue hazards to motorists traveling on adjacent public streets nor are inadequate for the safety of occupants or users of the site nor will such lighting damage the value and diminish the usability of adjacent properties.*

Motion made by Mrs. Billington that Standard E is met and seconded by Mrs. Allen. All in favor.

Parking lot may need a concealed source parking lot light to replace the existing flood lights.

- *The applicant has provided reasonable evidence of his financial capabilities to complete the development as planned and approved.*

Motion made by Mrs. Allen that Standard F is met and seconded by Mr. Libby. All in favor.

The majority of the cost will be associated with the sidewalk upgrade.

- *The proposed development will not create undue fire safety hazards by not providing adequate access to the site or the buildings on the site for emergency vehicles or by failure to meet other fire safety ordinances or laws. The Fire Department shall file a written report with the Planning Board prior to the hearing.*

Motion made by Mr. Libby that Standard G is met and seconded by Mrs. Billington. All in favor.

See Fire report.

- *The proposed development has made adequate provision for sewage disposal.*

Motion made by Mrs. Billington that Standard H and Condition #5 is met, seconded by Mrs. Allen. All in favor.

There is no map and lot file for this property. See suggested condition of approval #5 in memo. (# 5- Prior to opening the applicant must prove to the CEO that the septic system is adequate for the uses of the existing building.)

- *The proposed site plan will not alter the existing character of the surrounding zoning district or division to the extent that it will become a detriment or potential nuisance to said zoning division or district.*

Motion made by Mrs. Allen that Standard I is met and seconded by Mrs. Billington. All in favor.

No exterior building changes proposed other than adding a man door beside the overhead garage door.

- *The proposed development has made adequate provision for water supply, including an adequate supply of water for fire-protection purposes*

Motion made by Mr. Libby that Standard J is met and seconded by Mr. Nesbitt. All in favor..

Public water and fire hydrants are located within the driveway on both Rte.113 and Rte 11.

- *No plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan*

Motion made by Mr. Libby that Standard K is met and seconded by Mrs. Allen All in favor..

Applicant is not in default on previously approved plan.

- *Architectural drawings showing exteriors of proposed new nonresidential/commercial buildings in the Village Center District shall be compatible with a Colonial New England design. Such design can be achieved by incorporating features such as, but not limited to, broken rooflines, clapboard siding, steeply pitched roofs, roof*

Motion made by Mrs. Billington that Standard L is met and seconded by Mr. Libby. All in favor.

Mr. Nesbitt told Mr. Leo that he had been approved with Standard Conditions of Approval. Mrs. Allen said that she would like to say that the area around the building looks much better than it had in a long time.

Item # 5 15 Forrest Street/Wm. & Joanne Carlson-Map 47,Lot 19A Shoreland Zoning Application

Site walk was held last month. Steve Thibeault, builder, introduced himself, the Carlsons and Chris Ray from DownEast Structural and also Bob Harmon from C.W. Harmon Excavating. Mr. Thibeault said that they would like to move the cottage back 6 feet and over 4 feet to stay within the limits of the site set back variations. They would like to move the existing door over ten feet, put in a new entrance door and board up the old one. Also they would put a new landing and set of stairs in. They need to show two 10x20 parking areas, which they will do. The stairs would either be flush with the deck or very close to being flush rather than sticking further out as on the original plans. The stairs would come out at an angle rather than straight out as originally planned. That being done would bring them within the setbacks needed. Mr. Benson stated that doing it this way would bring them back to 41 feet instead of 39 feet. The staircase would be open with a riser and railings to code. The basement in the new plan would be 53% in the ground, which also meets code. Mrs. Billington asked about special drainage and Mr. Thibeault explained that they would have both interior and exterior perimeter drains. Bob Harmon said that where any drip edge would be, they would have a containment area just like the one done on Road # 2 at Watchic Lake. Mr. Harmon presented a letter he had received from DEP stating what they would need to do to the existing grade of the lot and what was acceptable and up to code. He gave one letter to each Planning Board member. Mr. Benson explained that the 25 foot set back mentioned in the letter was not cutting out the 25 foot set back, but cutting some of the grade in the front. The Planning Board would like to move ahead with approval as long as the plan stays the same as what is now submitted and Mr. Thibeault will furnish Mr. Benson with those. There were no further comments from the Board. Mrs. Billington made a motion that the application meets the Shoreland Zoning setbacks and also meets the erosion and sediment control setbacks. Also, the stairs are not to protrude more than two feet beyond the new 8 foot wide deck as proposed in the new plan. The new calculations and plan must be submitted to the CEO and Planning Board to have final approval. The plan being approved is Revision C of the plan submitted tonight with the revision of the stairs. Mrs. Harding was not sure where the new deck was actually going and asked for further discussion. She thought that the new deck was going further out, but Mr. Benson showed her that this is not the case. He explained that the existing building is 38 feet from the shoreline. Moving the building back 6 feet from the shoreline and adding the new deck would make them have a setback of 41 or 42 feet from the water, meeting more than the set back requirements. Mr. Thibeault and Mr. Carlson both stated that the house is being set back 6 feet because of the existing septic system. Mr. Nesbitt asked if there were any more discussions, there were none. Mrs. Billington made a motion, subject to the erosion and sediment control plan be approved, as to the rock around the foundation, interior and exterior perimeter drains, condition of the stairs not to protrude more than two feet beyond the new proposed 8 foot wide deck as shown in the vegetation plan, following the 0% impervious lot coverage, storm water infiltration plan. This motion was seconded by Mr. Libby. All in favor. New Standard Conditions of Approval are:

1. Exterior and interior perimeter drains need to be installed.

- The proposed new stairs cannot come out more than two feet from the proposed new deck as shown on the submitted plan
- The plan being used is Revision Plan C, with the new proposed new stairs added
- Erosion and sediment control-submit to CEO for approval.
- % impervious lot coverage
- Revegetation control including plantings on the lakeside property
- Standard Conditions of Approval
- Mr. Benson's approval of #3 and 4

Full approval was granted for this application by the Planning Board.

New Business :

Item # 6 Public Hearing-Amendments to the Standish Town Code, Chapter 181,Article IX, Board of Appeals, Section 181-64, Powers and Duties

Mr. Nesbitt said that this looks like they are making changes to dimensional standards, disability variances and other variances other than dimensional or disability on land. Mr. Benson stated that they are pretty straight forward and meant to clarify the Appeals Board duties. There were no comments. All were in favor .

Mr. Nesbitt appeals to the people of Standish that there are vacancies on some of the Boards and if anyone is interested, they should call and talk with Mary Chapman.

Meeting was adjourned at 8:17 p.m.