

Standish Town Hall

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Planning Board Meeting Minutes 09-08-2014

Standish Planning Board September 08, 2014 Meeting Minutes

The meeting was called to order by Chairman Brian Libby at 7:00pm. Present were Alberta Byrnes, Lester Ordway, Alta Harding, Carol Billington, Mike Willette, Cindy Beckwith, Bud Benson, Town Planner and Jackie Dyer, Secretary to the Planning Board.

Mr. Libby welcomed the two new Board members, Mike Willette and Cindy Beckwith.

The first item on the agenda was the approval of the August 18, 2014 meeting minutes. Mr. Ordway made a motion seconded by Mrs. Harding to accept the minutes. All in favor with one abstaining from the vote.

Tompson Development, P.O.Box 240, Map 6 Lot 21-Subdivision Amendment- Josie's Brook(Lindsay Drive)Cape Road

Mr. Tompson came into see Mr. Benson this morning and said he is not yet ready to move forward and asked to be tabled until the next month's meeting. Mrs. Harding made a motion seconded by Mr. Ordway to table this item. All in favor.

Bryan LeClerc, 36 Ossipee Trail West, Map 34, Lot 13 - Site Plan Amendment

A site walk was held before the meeting tonight. Mr. LeClerc was present to represent himself at the meeting. Mr. Ordway said that Mr. LeClerc wants to put in a dental office and he sees no issues with this at all. Mr. Libby said the biggest thing with this project is the installation of a sidewalk. This would be a 6 foot wide sidewalk and he would be given two years after the approval to do this. This would be by the front steps and going out. The curbing is already there. The cost of a sidewalk is around \$60.00 per foot. Mr. LeClerc asked if he didn't own the land, why does he have to foot the bill for a sidewalk on land he doesn't own, but the Town does? Mrs. Harding said that even though the ordinance says a sidewalk is necessary, she disagrees with it and feels that it's is senseless. She said that some businesses have been forced to put a sidewalk in and some haven't.

Mrs. Harding said the sidewalk issue has twice been voted down by the people of the Town. She said the sidewalks on the Oak Hill connector project look great. She said that she feels a lot of people misunderstand about the sidewalks and the grants. The grant would give the Town 80% of the money and the other 20% would be paid by the Town. She said people seem to feel that it would increase their taxes, and with this grant, that is not the case. She said "who wouldn't like to have someone pay 80% of their bills?" Mr. LeClerc said he will do what ever the Town wants. He wants to bring his business to Standish and knows he will be happy here. Mr. Ordway told him that Standish wants him to bring his business here and will work with him to do what it takes to help him out and get this done.

Mr. Benson said that the Board is willing to give him two years to construct this sidewalk. Maybe in the two years time, the sidewalk issue will get passed and the Town would build the sidewalk, so that he didn't have to and absorb the cost. Mr. Benson told him that the current location of his office, the ordinance says that he needs to have a sidewalk built to the maximum practical extent. Mr. Benson told him that hopefully the sidewalks will be passed and then he wouldn't have to build it, the Town would. Mrs. Billington said that there are a lot of people in favor of the sidewalks and Mr. Ordway agreed. Mr. Leclerc said his biggest concern is the cost to him if he does have to build it. Mr. Benson recommended that he get someone that knows how to build one and give him an estimate of cost. If he doesn't build one in the two years time, he can always come back to the Planning Board and ask for a waiver or an extension.

There were no questions from the public. Mr. LeClerc's brother asked about the sidewalk and the standard. Mr. Benson told him there were different materials that he could have the sidewalk made from. It would be up to him to contact someone and get his own estimate. He told him there are concrete, asphalt and also bitumous materials. It would be up to Mr. LeClerc to choose the material he wanted to use and what is recommended to him. He feels that Standish is a good place for his brother to be and that he offers a great service by doing dentistry that is affordable. This office was a former medical practice and brings a lot to the community by being up and running again.

Mrs. Billington made a motion seconded by Mr. Ordway that the application is complete. All in favor.

The following are the standard and conditions of approval :

§ 181-73. Standards and conditions for approval.

No preliminary or final site plan shall be approved unless, in the judgment of the Planning Board, the applicant has proven that the plan meets all of the following standards.

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. Mr. Ordway made a motion seconded by Mrs. Harding that Standard A is met. All in favor.

B. 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. Mr. Ordway made a motion seconded by Mrs. Harding that Standard B has been met. All in favor.

C. The provisions of on-site landscaping and screening do provide adequate protection to neighboring properties from detrimental features of the development. Mrs. Harding made a motion seconded by Mr. Ordway that Standard C has been met. All in favor.

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

E. 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. All lighting must be of concealed source. Mrs. Harding made a motion seconded by Mr. Ordway that Standard E has been met. All in favor.

F. The applicant has provided reasonable evidence of his financial capabilities to complete the development as planned and approved. Mrs. Billington made a motion seconded by Mr. Ordway that Standard F has been met. All in favor.

G. 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. A six foot wide sidewalk will be constructed in the front of the property within a 2 year period after approval, per town code. Mrs. Billington made a motion seconded by Mrs. Beckwith that Standard G has been met. All in favor.

H. The proposed development has made adequate provision for sewage disposal. NA

I. 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 potentia J. The proposed development has made adequate provision for water supply, including an adequate supply of water for fire-protection purposes. Mr. Ordway made a motion seconded by Mrs. Harding that Standard I has been met. All in favor.

J. The proposed development has made adequate provision for water supply, including an adequate supply of water for fire-protection purposes. Mrs. Billington made a motion seconded by Mrs. Harding that Standard J has been met. All in favor.

K. No plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan. Mrs. Harding made a motion seconded by Mrs. Billington that Standard K has been met. All in favor.

L. 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 overhangs, small pane windows, dormers, window shutters. (There are no changes being made.) Mrs. Billington made a motion seconded by Mrs. Harding that Standard L has been met. All in favor.

M. Within the Standish Corner District, the plan must meet all of the following additional standards:

(1) The proposed development complies with the regulating plan and the applicable SCD street frontage type standards within the Standish Corner District.

(2) The proposed development, both public and/or private buildings and landscaping, contributes to the physical definition of rights-of-way as civic spaces within the Standish Corner District.

(3) The proposed development adequately accommodates automobiles, while respecting the pedestrian and spatial form of public areas within the Standish Corner District.

**(4) If the lot to be developed shall be divided from a greater parcel, access to the parcel, or the "Pioneer Lot" (See conceptual Connectivity Master Plan in § 181-7.1.), shall be from an allowable SCD street frontage type perpendicular to the existing SCD street or arterial. Existing curb cuts are allowed to be continued to be used by existing uses. For new use(s) where the closure of the curb cut is triggered by the conditions of approval, standards contained within Chapter 252 (Streets and Sidewalks) or by Planning Board SUPPLEMENTAL review, the perpendicular SCD street shall be built to the minimum block length and other SCD street frontage type standards and serve both as access to the parking area for the development as well as for parking for the development. The applicant shall build the perpendicular SCD street to the required standards and provide for maintenance of the same until such time that the road is accepted by the Town as a street. In nuisance to said zoning division or district. NA
Mrs. Billington made the motion seconded by Mrs. Harding that Standard M has been met. All in favor.**

- This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant (either orally or in writing) and that any variation from the plans, proposals, and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Code Enforcement Officer may approve.
- Application approved

D.D. Cummings, LLC, 239 Ossipee Trail West, Map 10, Lot 11C, Site Plan Application (Waiver for requirement to provide water to property)

Jim Cummings was present to represent himself. He is asking for a waiver on having to run a water main to the property. The property is 4000 feet from the existing water main and it would be of substantial cost to him to have to run the main to his property. He has potential lots to be created that are over 60,000 square feet. Those lots must have underground utilities, which he has no problem with.

Glenna Jamison, one of the abutters, asked what he plans on doing with the property ? She said there had been a couple different projects put forth, but nothing had come about. Mr. Cummings said that he has the potential of creating two house lots and that may be what he will do but he isn't certain. The standard says the Planning Board can waive the water requirement if it creates a hardship or is over a certain distance, which it is.

Mrs. Billington made a motion to grant the waiver seconded by Mr. Ordway. All in favor.

Mr. Cummings said that he has had a tough time reading the new ordinance. He said he is required to have sidewalks, but says they will be sidewalks to no where from both ends. He wanted to have it clarified where these sidewalks would go. Mr. Benson told him the ordinance is very clear and the right of way was that of MDOT. Mr. Cummings wanted to know who will maintain it, who will repair it and clear it in the Winter? Mr. Benson said it will be the maintenance of the potential homeowner. Mr. Cummings said he knows the Town of Windham has the equipment to maintain theirs, but only maintain the ones in North Windham. He feels that the sidewalks he would have to build would be useless there and feels the sidewalks should go into the center of the Town.

Mr. Benson said that the ordinances are clear about what can be done and what can't. Foot traffic is getting to be more and more as building continues within the Town. People need a safe place to walk. Mr. Cummings said he will do the 400 feet of pavement required if necessary. He said he feels the new ordinance is not very well written.

Baptiste Lakehouse Trust, 34 Watchic Road 21, Map 30, Lot 2, Shoreland Zoning Application

Norman Wright was present to represent the applicant. Mr. Baptiste, the cottage owner, was also present. Mr. Wright said that the cottage is within 25 feet of the water. They would like to add a second story and also strengthen the post foundation. There are posts there now, but they would like to replace those and put in new frosts posts with stronger posts of cement. A site walk followed by a workshop were scheduled for Monday, Sept.15, 2014 at 6pm.

U.S. Cellular (KJK Wireless),175 Northeast Rd., Map 52A, Lot 10, Site Plan Amendment(Addition of 3 antennas and 6 cables)

Bob Gashlin was present to represent U.S. Cellular. He explained they want to add 6 cables and 3 antennas to the tower at 175 Northeast Road. He said the reason for this is that with people using more elite and newer cell phones these days, it would help to make the processing of what they are doing quicker and they would be able to send things clearer and more defined. Nothing is really changing and nothing will be seen with the eye. They now have 6 antennas on the tower.

He showed the tower plan that has Sprint, AT &T, U.S.Cellular and T-Mobile. By doing what they have applied to do, it would bring them to the same as everyone else. He showed the plan looking straight down on the tower and what the proposed would look like with the changes. The tower more than has the capacity for the additions.

Mr. Ordway asked if service would be any better. Mr. Gashlin said it adds more services quicker and better. Mrs. Harding asked if this is the Oak Hill Tower as one of the letter heads has the wrong location on it. Mr. Gashlin said this was his error as he does a lot of cutting and pasting with letters. He didn't change the address, which he apologized for.

Mrs. Harding made a motion that the application is complete, seconded by Mrs. Billington. All in favor.

Mrs. Billington asked Mr. Gashlin if the bond was in place for the removal of the tower? Mr. Gashlin said he thought a bond was in place, but he also felt it wasn't his place to make sure a bond is in place. He felt the bond being put into place should be the

responsibility of the tower's owner. Mr. Benson said these bonds are renewed every 10 years and it is a standard of approval. He said it may have been an oversight when the tower was originally built. Mr. Benson said the cost to remove towers is somewhere around \$25,000.00.

U.S.Cellular does not own the tower and are a sub-leaser. Mr. Gashlin asked if they had to have a bond, how long would the Board be in approving the application. Does SBA, the tower owner, need to take care of the bond as the tower owner? Mr. Libby said he feels that they need to go after the tower owner, not the sub-leasee. Mrs. Billington said that when something is added, the bond needs to be in place. The approval could be done with the tower bond put in as a condition of approval.

Mr. Gashlin said he feels they are not responsible for the tower as they are just renting space on it. He feels it is not their position to have the tower owner do the bond. Mr. Benson said that until the bond is done, the tower is not up to standard. Mrs. Harding said she agrees with Mr. Gashlin in that it's not their responsibility. Mr. Gashlin said he is willing to furnish the Town with the contact info for SBA, the tower owner. Mr. Ordway asked if it was certain that the bond was not in place. Mr. Benson said he could not find any bond and was sure there was none.

Mrs. Harding suggested that with the conditions of approval; approve the applicant, but no work to be done until the bond is in place. Mrs. Billington said she didn't feel it was up to the Planning Board to find out about the bond. Mr. Gashlin said he doesn't want to be tabled and it causes a hardship by having to come back at another time. He is willing to contact SBA himself, as he knows many that he can speak with. Mr. Ordway said if the bond is not in place, shame on us and it should be dealt with in another way.

Mrs. Billington said she doesn't disagree with any of what has been said and is the bond really the issue. She feels that this is just a technicality and U.S.Cellular should not be held responsible. Mr. Libby asked about gravel pit renewals and who notifies them? Mr. Benson said the Town notifies them. He said the tower owner would probably come forth and do what is needed. Mrs. Byrnes said she feels that it is up to the Town to notify those that need to renew their bonds and not make it the responsibility of an applicant or such. Mr. Benson said the bond amounts vary according to the work done.

Mr. Libby said he feels that U.S.Cellular shouldn't be held hostage because the bond is not in place. Mr. Gashlin said he agrees and they would like to start work immediately. He said they filed for a permit in June and are way behind schedule at this point. If approved, they would like to do the work in a couple of weeks. Also, the bond could be in place before the work is started. A bond generally can happen very quickly and the bond cost is roughly \$200.00. Mr. Gashlin said he feels it's the Town's responsibility to reach out to the tower owner, but he is willing to call them himself. The tower was built around 2000, maybe a bit before. U.S. Cellular has been on the tower since 2004. Mr. Benson said the bond in place is what protects the people of the town from the financial responsibility. Mrs. Harding said she would like to see the application approved with out the stipulation of the bond in place. She feels they have already jumped through hoops with out going through anymore. Mrs. Billington said if the terms of the lease are to have a bond in place, then go after the tower owner.

Mr. Ordway asked about radiation standards and Mr. Libby said any tower we have has been well below levels set by the FCC. Mr. Gashlin agreed and he will also get the bond going with SBA. He will be in contact with Mr. Benson.

Mrs. Harding made a motion to approve the application, seconded by Mrs. Billington. All in favor.

The suggested conditions of approval are as follows:

1. The owner of the tower (SBA) shall be required to complete a report on the radiation levels per § 181-49.9. They shall also place in escrow an amount sufficient to cover the cost of tower removal, bond to be reviewed every 10 years. The amount and type of performance guarantee shall be submitted by the owner and then must be reviewed and approved by the Standish Town Manager. These requirements shall be placed on the site plan as conditions of the use prior to signing the plan and finding of fact.
2. This approval is dependent upon, and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant (either orally or in writing) and that any variation from the plans, proposals, and supporting documents are subject to review and approval by the Planning Board, except for minor changes which the Code Enforcement Officer may approve.

A Public Hearing for an amendment to Land Use Code Chapter 181 – 7.1 (Form Based Code Village Districts) and 181-73 (Site Plan Standards and conditions for approval)

These proposed Architectural Standards suggested by Mitch Rasor further define the details for site plan approval within our Form Based Code villages.

Mr. Benson said this covers architectural standards much more than the other ordinance. His example was Family Dollar and when they came before the Board. This will give site plan standards for New England designs, etc. Doors, windows, etc. This will make it a bit harder for a franchise store to come in and be defined by what shape their building is.

Mr. Ordway said that functioning entry doors every 50 feet do not work (Family Dollar) and no retail store is going to want to come in and do business here. Mr. Benson said that when a big building, (something over 5,000 square feet), if the retailer moves out, it enables the building to be divided into smaller spaces for other smaller stores. Mr. Ordway said retailers do not want window spaces or two entrances. They want more wall space and less glass and windows.

Mrs. Billington said an ordinance written is always being written and re-written and is a work in progress. Mr. Benson said the writers of the code do not want a village filled with buildings that had no doors and windows, which is what the retailers want. More glass and fenestrations are in the new code. Mr. Ordway said we need to control our ordinances, we are driving business away. Mrs. Billington said that if businesses have to build their own side walk, that scares them away from coming here. Mrs. Harding said we are trying to create a main street USA. She said the building with 40 feet of glass across the front is not what the retailers want. They want glass showing the merchandise, but not so much. Mrs. Billington said she feels that there will not be very many big building in Standish anyway.

Mrs. Harding made a motion to adjourn, seconded by Mrs. Billington. All in favor. Meeting was adjourned at 8:34pm.