

Planning Board Meeting Minutes 06-01-2015

Standish Planning Board
Meeting Minutes
June 01, 2015

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, Town Planner Bud Benson and Jackie Dyer, secretary to the Planning Board.

The first item on the agenda was the approval of the meeting minutes from the May 04, 2015 meeting and the minutes from the continued meeting held on May 18, 2015. Mr. Ordway made a motion, seconded by Mrs. Billington to approve the meeting minutes. All in favor.

The second item on the agenda was the approval of the Finding of Fact for the following:

- Standish Common, LLC, 190 Northeast Road, Map 10, Lot 47 Site Plan Application for "Joy All Around Daycare" at The Deeper Well Church

Mr. Ordway made a motion seconded by Mr. Willette to approve the finding of fact for Standish Common, LLC. All in favor.

- Dennis Carey, 61 Sunningdale Drive, Map 45, Lot 9 Site Plan Application for approval for Sunningdale Lodge to become a Social Event Center

Mr. Ordway made a motion seconded by Mrs. Harding to approve the finding of fact for Dennis Carey. All in favor.

Old Business:

- Van E. Hertel, Jr., 440 Boundary Rd., Map 12, Lot 3, Sub Division Application, Proposal to add three more lots (Burnham Ridge Sub Division)

Matthew Ek from Sebago Technics was present to represent the applicant. Mr. Hertel was also present. Matt gave a brief overview of the application. He said they had a site walk and then have submitted the application with changes that were asked for by the Board. He said they have shifted the drive way, as asked, so there is more of a view down the road and the distance needed. He also showed the distance to the nearest hydrant as well. He showed the shared driveway to Lot 4 and the front building envelope on lot 4 as well. He said they have made many changes as asked and also changes Bud asked for. He said the building envelopes are all in red on the plan. He said they have taken the section where there were narrow building envelopes and replaced them with sections that are 200 feet wide by 200 feet long.

He said they have also added a monument on the outer lower corner of lot 4 so to show the boundary that wasn't marked before. They have also added lot numbers to the lots and those were not

previously shown. These were done for assessing records and tax purposes. He said they are still requesting a waiver from having to do the required road for a subdivision. He said this is a unique property and there is already a shared access to lot 4 and they would need just one other entrance to gain access to the other lots. He said that access would either be one driveway with a shared access for the other driveways. He said the shared access would have over 1000 feet of view for distance. They would rather create points of entry than a new road, as creating a road doesn't seem to make sense to them. They would not have to do this if they were breaking one lot every 5 years, but they would like to break them off now, and get a waiver from the Board on the road. He asked for questions from the Board. Mrs. Harding said that all of the light green on the map is wetlands and it looks like it would make it hard to get a road in without crossing the wetlands or disturbing anything. Mr. Ek said that this is a small number of lots for a subdivision.

Mrs. Billington said that Mr. Benson had pointed out in his memo that that the Board almost never does this. She said there is a requirement in the ordinance that when you get to more than three lots, than an interior road is required. She said this is for the reason to preserve the rural character. She said if they did waive the road, she would be looking for justification as to why. She said she knows that it is expensive, but with the ordinance in place requiring a road, how can they not do it? Mr. Ek said he knows the road would be expensive, but if they wanted access to the other lots, there would not be room enough to put the road. This is because of the required setbacks and frontage, plus the building envelopes.

He said with the uniqueness of having so much wetland, it would be difficult getting a road in because of it. He said they are only creating one curb cut, whether it be for a road or one driveway, and this would be in trying to preserve the rural character of the Town. He said having just one access point would be keeping the rural character and meeting the requirements needed to do so. He said there is really no reasoning for putting a road in, but a shared driveway instead.

Mrs. Billington said one of those lots can be further split and there would be no interior road, as required. Mr. Ek said lot 4 could be split off as that is a larger lot. He said based on the lot calculations there could be 4.7 lots, but lot 4 could be divided into two. If there were any further changes, it would have to come back to the Planning Board again and a road would have to be put in with 200 feet of frontage and this would create another lot. He said they have fire protection requirements and said it doesn't seem feasible to build a road just for one more lot. He said there could be accessory dwelling units on each lot in the future.

Mrs. Billington said that if another lot was created in the future, they would have to come back to the Board and also build a road. Mr. Libby asked about the building envelope on lot 4. Mr. Ek said he has discussed it with Mr. Benson and also the CEO. He said there is 266 feet of road frontage and they have made it larger than before. Mr. Benson said in the earlier plan, the building envelope was smaller and now they have added less width to it and made it smaller, to the side towards Boundary Road. Mr. Ek said if someone wanted to build on the back of the property, they would have to meet the requirements for fire protection.

The building envelope shown on the front of the property's meet the requirements for the fire protection. Mr. Ordway said the property is unique, and with one road, that would accomplish what the Town wants. Mrs. Harding said it would be better than having driveway after driveway and also she is more concerned over preserving the wetlands, than putting a road in. She said saving the wetlands should be priority, other than the 200 feet of frontage needed to build a road. Mrs. Billington said there are quite a few things mentioned in the memo that are not on the plans. Mr. Benson said he has not seen the revised plans, but that Mr. Ek has them. He said the issues on the plan are still there. He said they are asking to waive the requirement for an interior road, waive the requirement for fire protection and water supply. Mr. Ek said they are not trying to waive the fire protection. Mr. Benson said they are not showing any fire protection in place. He said there are a number of issues there that need to be addressed.

Mr. Benson said it looks like this is a developer trying to pass the cost of fire protection onto the lot owner. Mr. Ek said the lot owner would have 3 options: (1.) they could build on the front building envelope and have fire protection already in place, (2.) they can build their own fire pond, 120,000 gallons or (3.) they can put in their own storage tank with 10,000 gallons. He said they are allowing

them to choose which option they may want to choose and not force something on them that they don't want. He said his client is not a builder, just selling the lots.

Mr. Benson said they have criteria in place for fire protection and there are standards for a subdivision. Mrs. Billington asked if they had ever done a plan for a subdivision that they needed to have their own fire protection, depending on where they built the house. Mr. Ek said there are solutions, which they have on the plan, but it's up to the buyer to choose which one they want. They can put a fire tank in the house, put a fire pond in or build on the building envelope. He said they might decide to put their own sprinkler system in, if that's what they choose to do. He said that the lots are within the 2000 feet of the fire hydrant.

Mr. Libby asked that if a home is sprinkled, does that require a tank. Mr. Benson said the ordinance does not allow this option right now. He said Gorham allows it, but not here. Mr. Ek said they are meeting the ordinance, and not something they are requiring. He said if the CEO sees the options, he would know that the lot owner has this available. Mrs. Billington made a motion to table this application to a workshop because of all of the outstanding details not before the Board. Mrs. Beckwith seconded the motion. Four for and three against, motion passes, for tabling to a workshop on June 08, 2015. Mr. Ek and the applicant agreed. Mrs. Billing made a motion seconded by Mr. Ordway that the meeting will continue next week. All in favor.

New Business:

- Robert & Beverly Beedle, 185 White Point's Rd. Map 57, Lots 3 & 105, Shoreland Zoning Application

Matt Ek from Sebago Technics was present to represent the applicants, as well as Mr. Beedle. This was an application that previously approved back in January 2015. Construction was to begin this past spring and when they started, they met with some different concrete contractors. The previous approval was that part of the foundation towards the lake would remain and the rest of the foundation would remain the same. He said the contractors had some concerns about the remaining stone foundation and not having any frost wall. When they looked closer at the stone wall, they said that they found that they thought it would be an issue when the house settled. They looked at several different options and found that the best thing to do was remove the whole thing.

Matt said they are not looking at changing the footprint at all, but will now need to replace the entire foundation. He said this is the reason why they are back in front of the Planning Board for another approval. He said they have discussed it with DEP, as they had a permit by rule, and they are okay with them removing the rest of the foundation and they (DEP) will amend their permit by rule for this, if the Planning Board grants approval. He said the guest cottage is not part of this issue, and is under construction now, as it was approved in the last application. He said they have talked with a structural engineer about alternatives, but they really haven't found anyone, as they are very busy this time of year. He was told that they could possibly have some type of structural supports like cantilever beams, put underneath, but are not sure. The removal of the additional 30% of the foundation and approval to replace this is what they are looking to gain approval for. He said they have had strong neighborhood support for this project.

Mr. Libby asked for public comments and comments from the Board. Mr. Ordway said he felt the application was pretty straight forward. Mrs. Billington asked if the foundation was identical to the previous plan and Mr. Ek told her it was exactly the same as before, the same size, etc. as the approval in January. Mr. Ordway asked about the height and Mr. Ek said the height is still the same and they do meet the flood and elevation standards, also the same peak height. Mr. Libby asked if the stone foundation was on the water side and Mr. Ek said the whole foundation is stone. But he said in looking at the settling of the cottage, they need to replace the entire foundation, not just part of it.

Mrs. Billington said she did the site walk separately and she had voted on the previous application to keep the cottage where it was. She said if the foundation changes and now the whole foundation is being replaced, she feels that they might have to move the cottage back. Mr. Ordway said they were looking at the big boulders in front and also the removal of some of the trees. Mr. Ek said here is also

an existing driveway in the front and they didn't want to alter the site any more than they needed to and cause any unnecessary disturbance. Mr. Libby said if the trees were removed, they would lose their tree canopy of coverage. Mr. Ek said there are also large rocks and maybe some ledge that might require blasting.

Mrs. Billington said that if DEP is okay with this that is a biggie. Mrs. Harding asked about the DEP permit by rule application and is there a copy in the application. Mr. Ek said he didn't think he can put it in with this application and he apologized for that. Mrs. Harding said she remembers the site walk. She asked if the complete house was coming down and another one being put in its place. Mr. Ek told her there is another house being built, but it is smaller. They are reducing the footprint and replacing with a two bedroom house. The guest house being done was part of the prior approval. Mrs. Billington asked where the rocks are. Mr. Ek said there are some surface boulders and then boulders beneath the surface. A lot of rocks and trees at many different angles.

Mr. Ordway asked if the house was moved it back, would it encroach on the road frontage. Mr. Ek said the road is a very narrow one and then a driveway. Mrs. Harding said that when she looks at the road and the driveway, the lake is much more important and the set back from the lake. She said she feels the Board is here to protect the lake and not the road front. Mr. Libby said that is so, but when you start cutting trees and doing some blasting, that would cause more disturbance than the remaining 30% of the foundation. Mrs. Billington said they are being asked to make a different decision and feels they should go and look at it again. She said she wonders about the twenty feet that it could be moved back and just how much disturbance would it be.

Mr. Ordway said they have already approved what is in front of them and now they are just asking to remove the remaining 30% of the foundation. Mrs. Harding said they are asking to remove the rest of the foundation that is 20 feet from the water and when you start disturbing ground twenty feet from the water that makes a big difference. Mrs. Byrnes said if the house is moved back, it will cause more disturbance than it would if you just removed the rest of the foundation. Mrs. Harding asked if there was a basement under the house and Mr. Ek said there is no basement and none proposed. They need to put footings under it and support the new structure. If they do not, it will cause uneven settlement. He feels this is the exact same plan, only with some adjustments. He said DEP is fine with the silk fabric fence put in front of it to protect the lake. Mr. Libby said more land would be disturbed if they do have it moved back, the land also on the roadside would be disturbed as well. Mr. Ek said in the supporting emails he received, the neighbors wanted the house to stay exactly where it is now.

Mrs. Billington said she always looks at the neighboring houses on each side. If the house was moved, then the view would be very different and the value of the property would also be different. Mr. Libby asked for any other comments. Mr. Benson said that the Planning Boards job is to make sure the structure is moved back to the maximum practical extent. Also, they have to think about the erosion of the soil, other structures on the property and adjacent properties, the size of the lot, slope of land, septic systems and the type and amount of the vegetation that can be removed to accomplish moving the building. He said there is a construction phase that produces erosion, but also the long term use of the lot and the vegetation. He said the further away from the lake, the more chance to filter out erosion that could go towards the lake. He said the reasoning behind this is when the foundation is jacked up, that's the time to see if the building can be moved back.

Mr. Libby asked if there were any other comments. He said he didn't think a site walk was needed and the 30% more was not enough of a change to make them move back. Mr. Ordway said that when they did the 70% decision, it was made then that they were back to the maximum practical extent and still will be. He said it's just changing the foundation.

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

The following are the Conditions of Approval :

1. Per standards found in 237-12 C (1) b the Planning Board approval of this site plan is limited to structure setbacks to the maximum practical extent. Existing Main house stone/concrete foundation with 19.7 ft. scaled setback from normal high water to remain. Existing Guest house & deck with Normal high water setback of 1.3 ft to be demolished and replaced with a new structure setback of 25.2 ft. As shown on Grading and Utility Plan by Sebago Technics project # 08457 for Bob Beedle's property at 185 Whites Point Road revision C dated 12/29/14.
2. The following plans and calculations must be submitted by the applicant and approved by the Code Enforcement Officer before permits are issued:
 - a. Structure expansion calculations per § 237-12 C. (1) (a), reconstruction
 - b. Maximum percent impervious lot coverage not to exceed existing per standards found in § 237-15 B.(4),
 - c. Stormwater design to reduce runoff and encourage infiltration per standards found in § 237-15 J.(1),
 - d. Erosion & sediment control plan per standards found in § 237-15 Q.

e. Clearing and a re-vegetation plan (include plantings on the lake side of the property) *per § 237-15 P. (2) (a)*

3. Per standards found in § 237-15 B (3) , the applicant's proposed new structure may be within the FEMA delineated 100-year flood plain and will, at minimum, need an (Elevation Certificate) to prove to the Code Enforcement Officer that the lowest floor is at least 1 ft above the 100-year flood elevation. The site plan shows a proposed building footprint. The lowest floor elevation or openings of this building, including basement floor must be more than one foot above the FEMA 100 year flood elevation.

4. This approval and any permits issued under this approval shall lapse and become void unless the start of construction or operation as defined in 237-16. Administration. F "Expiration of permit." A permit of the Zoning Ordinance begins within one year from the date of the CEO approval. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

5. Plans approved by the Town CEO for expansions under this subsection § 237-15 B must be filed in the registry of deeds of the county in which the property is located within 90 days of approval.

6. The approval is dependent on and limited to the plan and proposals submitted by the applicant either orally or in writing. Any variation from the plans or proposals is subject to review and approval from the Planning Board, in writing, except for minor changes which the Code Enforcement Officer may approve.

Mrs. Billington made a motion seconded by Mr. Ordway to approve the application with the conditions as read and suggested by Mr. Benson. Six in favor, one against (Mrs. Harding.)

Mrs. Billington made am motion to continue the meeting seconded by Mrs. Harding on Monday, June 8th, 2015 at 7pm. All in favor.