

## Planning Board Continued Meeting Minutes 06-08-2015

Standish Planning Board  
Cont'd Meeting Minutes  
June 08, 2015

The continued meeting from June 01, 2015 was called to order by Chairman Brian Libby at 8:00pm. 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.

### Old Business :

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

A workshop was held before the meeting. Mr. Libby asked for discussion and Mrs. Harding said that she felt there were way too many things with this application that she felt were not clear. She also said at this point and time she was very inclined not to vote yes on this application.

Mr. Libby asked for more discussion and to be more specific. Mrs. Billington said she went through Mr. Benson's memo and there were quite a few things that were asked for that she sees on the plan. Mr. Benson said that Mr. Ek has added most of the things he asked for, but he is not seeing the back corners marked. He said it's typical to see iron pins set for the corners, but is not seeing them on the corners on the plan. He said they are missing on the exterior corners of lot #4. Mr. Ek said they didn't feel they had much access as far as getting over the wetlands. He said that it would seem funny for someone to go into wetlands looking for them and that's why they have not done it. He said if they don't hunt for them now, they probably will not hunt for them later. Mr. Ek said there is one monument on the outer corner that was requested.

Mr. Benson said there is one place where it requires the monuments are set or the corners are marked. Mr. Libby said that even if it is wetlands, people should know where there corners of their lots are. Mrs. Billington asked if they are doing preliminary approval on this plan. Mr. Benson said that because this is not going to DOT, they can do preliminary approval and final approval at the same time. Mrs. Billington asked Mr. Ek about the lot width on Lot 4. Mr. Benson said the building window on lot #4 had been truncated and even though it was a pretty small window, it had been changed on the plan.

Mr. Libby asked for any other questions and comments. Mrs. Beckwith said they still need to address the wetland issues. She said it is the Board's job to protect the wetland just as much as they protect the lake. Mr. Ek said they are not proposing to build over any wetlands or disturb any. Mrs. Harding said she is thinking of an old joke about wetlands and she wonders who would build their house in the building envelope, as she says the land is very swampy. She wonders why people would buy a piece of land, have to put a road in and fire protection, because the developer didn't want to do it. She says that it's a huge piece of beautiful wetland and it sounds crazy that someone would want to build on it. She said she doesn't like the application, because it's really not green enough for her. She said the developer should be putting in a nice road and building the houses upon the hill. This would save the

wetlands, leave them undisturbed and make them common areas.

Mrs. Harding went on to say that wetlands should live forever and ever. She said that once people start buying up land, they build and then start putting fences up and disturbing the habitat, etc. She said with feeding grounds across the road, animals move from place to place. She said with putting up houses and building going on, she is concerned about the animals and she is not willing to rubber stamp something that she feels is not right. Mrs. Billington said they are also talking about landowners rights and that the ordinances need to be balanced along with the rights of the landowners. She said there is not an ordinance that says they can't put the pins down because it would disturb the frogs in the wetland, etc. She said they do not have the right to tell a landowner that he can't sell his property if it meets the ordinances, size wise, etc. Mrs. Harding said the landowner knew what he was buying when he bought this. She said he knew there were wetlands and what the land was like. She said he could have made the decision not to buy the property if he didn't want wetlands.

Mr. Ordway and Mr. Ek both said they are not building on wetlands. Mrs. Harding asked about how many moose there are that like to wander and eat reeds where they want to on the wetlands. She said she knows they won't build on the swamp, but if things are coming across from the wintering grounds close by, this is a problem. She went on to say that the Town couldn't build something years ago because of vernal pools. Mr. Ek said there is just a gravel pit across the road from this property and this property has no wintering grounds on it. Mr. Libby said they are not disturbing the wetlands and they will remain intact. Mrs. Harding said they can stop the dividing of the land into 3 parcels and Mr. Libby said they can't. Mrs. Billington said that if the application meets the ordinances, they would have no right to not approve it. They have the right to waive the road requirement, and she feels they have worked out most of the problems. Mrs. Billington said she is not happy about the fire suppression issue and allowing that to be passed.

Mr. Benson said that there is a building window on lot 4 that is within 2000 feet of an existing hydrant located on Nature's Way. If they build in that area, then they won't need to put in a water supply for the property because it will be within the distance requirement for the fire hydrant. If they build on the back of the lot, they would have to pay for the fire suppression themselves, rather it be a fire pond/tank or extend the water main to the lot. One of the issues, is the inspection. Typically, Mr. Benson said, the inspection is done along with the building of the road and the developer is the one that absorbs the cost of it, not the lot owner. Mr. Ek said the lot owner or whoever buys it will be responsible for putting the fire suppression in themselves and they will also pay for the inspection.

Mrs. Harding said if it was her, she would want to know about all of the stipulations that come along with the buying of the lot. She said that whomever buys the land might not look at the plan and really realize what they have to do until it's too late. She said the property might be sold, and the buyer would never know until they came to the Town and were told what was on the plan. She said there is nothing that would actually make them disclose this. Mrs. Byrnes said she believed that disclosures are required. Mrs. Billington said with this approval the building envelope should say they have to build closest to the street. If there are any changes, they would have to come back to the Planning Board for a subdivision amendment. She said the fire suppression belongs in the subdivision approval stage. She said the building envelope on lot 4 is subject to fire suppression already there, anything different would have to come back to the Planning Board.

Mr. Ek said the small envelope is there on the plan and also about the future buyer having to meet the Town fire standards. Mr. Ek said this is due to the size of the lot and where the building envelope is. He said it is up to the buyer to choose where they want to build. He said he feels that it's not in the best interest of the Planning Board to tell the buyer where they have to put their fire suppression system. It

**should be up to the buyer to make their own choice, according to where on the lot they choose to build.**

*State of Maine 30A § 4404. Review Criteria*

*When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:*

- 1. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:*
  - A. The elevation of the land above sea level and its relation to the flood plains;*
  - B. The nature of soils and subsoils and their ability to adequately support waste disposal;*
  - C. The slope of the land and its effect on effluents;*
  - D. The availability of streams for disposal of effluents; and*
  - E. The applicable state and local health and water resource rules and regulations;*
- 2. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;*
- 3. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;*
- 4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;*
- 5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;*
- 6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;*
- 7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;*
- 8. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;*
- 9. Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;*
- 10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;*
- 11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.*
- 12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; 1-1-6*
- 13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;*
- 14. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;*
- 15. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;*
- 16. Storm water. The proposed subdivision will provide for adequate storm water management;.*
- 17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;*
- 18. Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision; and*
- 19. Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.*

**Mr. Ordway made a motion that all of the above standards are met. All in favor.**

**Mrs. Harding asked about Lot #1 and how they had gotten the driveway across. Mr. Libby said they had to get a driveway permit and he wasn't sure what there were for any wetlands. She said she still had a problem with the wetlands and driving a**

**pin on Lot #3.**

**The following are the preliminary approvals for 181-80 :**

A.	The proposed subdivision name or identifying title and the name of the municipality.	
	B.	The name and address of the record owner, subdivider and designer of the preliminary plan.
C.		

The number of acres within the proposed subdivision and the location of property lines, existing easements, buildings, watercourses and other essential existing physical features.

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D. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage. If the subdivision is located within a Form Based Code Village District, the preliminary plan shall be developed in accordance with a conceptual Connectivity Master Plan meeting the standards of §~181-7.1 as well as the requirements of §~181-80. [Amended 6-7-2011; 8-12-2014 by Order No. 65-14]

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E. The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision. If located in a Form Based Code Village District, provide a Connectivity Master Plan. [Amended 6-7-2011; 8-12-2014 by Order No. 65-14]

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F. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided and any abutting properties and rights-of-way. Utilities, including but not limited to public water, data and power within 2,000 linear feet of the property, shall be identified. [Amended 6-7-2011]

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G. The location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces. Within a Form Based Code Village District, provide the width and location of any FBCVD streets within the area to be subdivided and on any adjacent properties, and the width, location, grades and FBCVD street profiles of all FBCVD streets or other public ways proposed by the subdivider. [Amended 6-7-2011; 8-12-2014 by Order No. 65-14]

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H. The width and location of any streets within the area to be subdivided and the width, location, grades and street profiles of all streets or other public ways proposed by the subdivider. Within a Form Based Code Village District, the layout of FBCVD streets and lots shall conform to the applicable FBCVD street frontage type for the property. [Amended 6-7-2011; 8-12-2014 by Order No. 65-14]

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I. Contour lines at intervals of five feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum.

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J. A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the United States Department of Agriculture Soil Conservation Service National Cooperative Soil Classification.

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K. Typical cross sections of the proposed grading for roadways and sidewalks.

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L. The date, true North point and graphic scale.

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*M. The deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.*

*N. The connection with the existing water supply or an alternative means of providing water supply to the proposed subdivision.*

*O. The location and results of tests to ascertain subsurface soil and groundwater conditions for sewage disposal systems.*

*P. Provisions for collecting and discharging storm drainage, in the form of a drainage plan. Within the Standish Corner District, low impact development stormwater standards as defined in §~181-7.1 shall be utilized. [Amended 6-7-2011]*

*Q. Preliminary designs of culverts which may be required.*

*R. The proposed lot lines with dimensions and suggested locations of buildings, except in a Form Based Code Village District where the building positions shall be located in more detail per the applicable FBCVD street frontage type standards. [Amended 6-7-2011; 8-12-2014 by Order No. 65-14]*

*S. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.*

*T. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.*

*U. The location of all natural features or site elements to be preserved.*

*V. A grading plan as may be required for any or all lots as determined by the Planning Board.*

*W. The preliminary layout of any bridges required.*

*X. The full extent of any floodplain(s) as shown on the most current version of the Federal Emergency Management Agency maps.*

*Y. Any areas within the proposed subdivision that may be used for a stump dump or for gravel or fill removal. The size of these areas and the expected extent of time these areas will be utilized shall be included with the application.*

***Mrs. Billington made a motion seconded by Mr. Ordway for final approval. Five for and two opposed. Sub Division Approval granted.***

***Mr. Ordway made a motion seconded by Mrs. Harding to adjourn. All in Favor.***