

New Gloucester Planning Board

Minutes of November 05, 2013

Members Present: Jean Libby, Amy Arata, Wanda Brissette, Jean Couturier, Edward Domas, and Mark Leighton

Members Absent: Joe Bean

Town Staff: Paul First, Town Planner

Others Present: Jessica Ramsdell, Applicant; Josh Francis, Applicant's Agent

Business Items: Minutes from 10/01/2013; Route 100, Jessica Ramsdell

5 **1. Call to Order**

J. Libby called the meeting to order at 7:00pm. J. Bean was noted as absent due to a work commitment.

10 **2. Approval of Minutes**

a. October, 01, 2013

Mark Leighton made a motion to approve the minutes. Motion seconded by A. Arata. Motion approved as written 6-0.

15 **3. Site Plan Review**

a. Jessica Ramsdell

Route 100 (not addressed yet), next to 150 Lewiston Rd.

0015 - 0002

20 RC - Groundwater protection overlay

J. Libby said that we have one project review tonight – Jessica Ramsdell, Route 100, Map 15 Lot 2, Residential C, Groundwater Protection Overlay. Paul could you give us the background.

25 P. First explained this is a project for a single family home on a new lot off Route 100, located next to 150 Lewiston Rd. P. First noted that the application was sent to the Board last week, at that time the applicant had applied to the Maine Department of Transportation for an entrance permit to gain entrance to the site as shown on the plan. The applicant has been denied by MDOT due to a sight distance issue. The applicant has brought additional information with them from MDOT this evening. When we get to that point we can discuss.

35 Josh Francis, the applicant's agent, explained that he is building the home for Jessica Ramsdell. It will be a 1,264 sq. ft. ranch, set back 300 ft. from Route 100. Our plan is to use the abutting property's driveway to access the home and we've obtained an easement on the neighboring driveway, owned by J. Ramsdell's parents.

J. Libby asked the applicants for a site plan of the common driveway.

applicant. J. Francis said that he does not have these plans with him yet.

40 J. Libby noted that an updated site plan would be necessary prior to the issuance of a building permit. Because of the speed on the road, you need good site distance.

J. Francis stated that the MDOT has already given us permission for a shared entrance.

45 J. Libby restated that the Town will need an updated site plan. We have to make sure that the project also complies with the Town's driveway ordinance.

P. First said that we have to make sure that the driveway meets the standards of the new ordinance in addition to MDOT's standards.

50 Board member M. Leighton addressed the board to note that the applicant is his niece.

J. Libby asked if there is anything else in the ordinance standards that board members would like to discuss.

55 M. Leighton noted that line 4 on the application submission requirements has been left blank.

J. Libby noted that a floor plan has in fact been submitted and it should have been marked as such on the application package. The item should be noted as submitted.

60 W. Brissette asked about the soils and 10' contours page. It shows quite a bit of water along Route 100.

P. First said that the bluish color on the soils map is not water, but poorly drained soils.

65 W. Brissette asked P. First to verify if the well location was at least 100ft from the septic design.

70 P. First said that they have more than 100'. Also for the septic permit to be issued, they will need at least 100'. Also, the neighbor's septic system is in their front yard, well away from the proposed project.

J. Libby asked for the consensus of the board regarding a site visit.

75 M. Leighton said that he knows the proposed development area well, and that it is elevated and well drained.

P. First noted to the Board that the site distance for the lot is "quite poor".

80 J. Libby agreed, having visited the site previously. If this was a 35 mph road, this would not be an issue. However, the speed limit is 50 mph.

85 J. Libby said that the consensus of the board members is not to do a site visit. Many of us are familiar with the property. Paul did go down and look at it. Also, the state is not disputing that they can have a shared entrance here.

J. Libby said that P. First has listed 4 waivers. May I have a motion for the waivers please? J. Libby supplied the signed requests for the waivers.

90 **A. Arata moved that we waive section 7.3.2.a.11** – Existing and proposed topographic contour lines at 2’ intervals. Applicant submitted 10’ intervals. W. Brissette seconded the motion. Motion approved 6-0.

95 **A. Arata moved that we waive section 7.3.2.A.15** – A plan for the control of erosion and sedimentation endorsed by CCSWCD. Applicant will be using controlled best management practices. **W. Brissette seconded the motion. Motion approved 6-0.**

100 **A. Arata moved that we waive section 7.3.2.A.16** – A plan for the treatment of stormwater for a 24 hour/25 year storm prepared by a registered engineer and endorsed by the CCSWCD. **W. Brissette seconded the motion** and had a question: will the elevation of the lot cause any runoff during construction? Applicant’s agent explained that there will not be runoff. **Motion approved 6-0.**

105 **A. Arata moved that we waive section 7.3.2.A.23** – Indication of water supply sufficient in quantity and quality. **W. Brissette seconded.** P. First noted they are in the groundwater protection overlay district; there is water in the area. **Motion approved 6-0.**

J. Libby: all of the waivers have been approved. The applicant has requested that the following items be deemed not applicable.

110 **A Arata moved that the following items be deemed not applicable:**
Section 7.3.2.A.9, 7.3.2.A.10, 7.3.2.A.12, 7.3.2.A.18, 7.3.2.A.20, 7.3.2.A.22B, 7.3.2.A.24; and **section 4.4.8.I.4.** **M. Leighton seconded. Motion for not applicable items approved 6-0.**

115 J. Libby asked the board whether a hydrogeological study is required. The general consensus was no.

120 J. Libby asked if additional submission items are required. I would ask Paul to come up with the wording to ensure that we have what we need before a permit is issued. The applicant must supply a detailed plan for the common driveway.

P. First asked whether the board to plans to proceed with the review of the approval criteria this evening.

125 J. Libby said she sees no reason not to – while I’m only one person. As long as what is done is satisfactory to the Town and state.

130 P. First noted that while this is a State road the Town has co-jurisdiction of the entrance, if it is a new entrance. If they are connecting to an existing entrance, then Town does not really have a say. But if it is a new entrance or an expansion of an existing entrance, the Town would have some co-jurisdiction.

P. First asked the applicant if there is an alternative means to provide access to the lot.

135 J. Libby asked what the previous connection to the lot was.

M. Leighton said it was raw land and explained some of the access history to the lot.

140 P. First noted that the abutting business property has an entrance on map/lot 0015-0002. P. Firstasked the applicant if there is an option to come in from another entrance, for example the entrance where Steven Libby's business is located.

M. Leighton noted the site distance is better there, but not a lot better.

145 M. Leighton said that he needs to make a correction: the owner of Map and Lot 0015-0003 is Beverly Leighton and 0015-0002-A belongs to Bob Leighton. Site 0015-0002-A will be the applicant's, and 0015-0002 is Beverly Leighton, and 0015-0004 is Fellows. M. Leighton noted it would be cost prohibitive to create a entrance from the Libby business site.

150 The applicant's agent explained that the only other financially feasible option is to access the lot via the adjacent hair parlor site, but this would come at a cost versus the common driveway option with her parents.

155 P. First requested a copy of the easement on the parent's property prior to issuing a permit. P. First asked for clarification on where their driveway connection would be to the parents driveway. Would it be right at the road or back from the road?

J. Francis, applicant's agent, said that his plan would be to join their driveway 16-20ft outside of the MDOT ROW.

160 P. First: if that's the case, I have no objection, and the town would not have a say in the matter. If you were coming right off the road and expanding the entrance, that would be another thing. It's difficult for us to evaluate, because we don't have in front of us a copy of your plan.

165 P. First said, if that's the case, the board could review and potentially approve the application contingent contingent on the applicant providing a final site plan showing the final driveway location and aan easement from the owners of lot 0015-0002-A (Ramsdell's parents). No building permit would be issued until the Town receives these two documents.

170 J. Libby asked the Board if they are comfortable approving the application with the conditions,that the requested items be presented to Town staff before a building permit is issued.

175 W. Brissette asked that the documents include an amended site plan showing the common driveway.

P. First said yes.

180 W. Brissette asked if an MDOT permit is necessary.

P. First said that no MDOT permit is necessary because there will be no additional entrance created. The existing entrance on 0015-0002-A is grandfathered .

185 **A. Arata made a motion that the application is complete contingent on submission of the final site plan showing the new driveway and providing a deeded driveway easement prior to a permit being issued. M. Leighton seconded. Motion approved 6-0.**

190 J. Libby asked the board members about their disposition towards a public hearing. The consensus of board members was not to hold a public hearing.

The Planning Board reviewed the following site plan criteria:

Section 7.5.1.A

195 Maintenance of **traffic level of service** “D” or above at all intersections receiving five percent or greater increase in traffic from the proposed development and presence of reserve capacity on other affected public streets as defined by the Institute of Transportation Engineers Trip Generation Standards.

200 J. Libby said this will not increase traffic below “D” and they will have a common driveway. The application meets the standards. W. Brissette agreed.

Section 7.5.1.B

205 Sufficient **parking and traffic circulation** on the site of the development to avoid conflicts with adjoining properties and streets.

210 W. Brissette noted MDOT has approved sharing a driveway with the neighbor’s driveway for more lots than will be present. P. First added that they are sharing a driveway, which means the application is beyond the MDOT and Town jurisdictions. There was general agreement that parking and traffic circulation on the site is sufficient.

Section 7.5.1.C

215 Building location or engineering measures to ensure that **wetlands and surface water bodies** will not be adversely affected by erosion, sedimentation, runoff, or pollutants.

W. Brissette deemed this not applicable. No wetlands or water surface bodies. There was general agreement from the board.

Section 7.5.1.D

220 Treatment of all **sanitary and solid wastes** in a manner approved by qualified professionals, together with written agreements showing that transportation, disposal, and storage of hazardous materials according to state and federal requirements.

225 W. Brissette noted there is a septic design and there will be no storage of hazardous material. P. First added that we have an HHE200 for a septic design by a licensed site evaluator. There was general consensus that the project meets the standard.

Section 7.5.1.E

230 Design measures to ensure the capability of the **land and water systems** to sustain the proposed use without long-term degradation.

Project is in the groundwater protection overlay district. there is sufficient water and this is a single-family home. The application meets the standard.

Section 7.5.1.F

235 **Protection of natural resources identified** in the Comprehensive Plan or related studies, including surface and subsurface water supplies, shoreland areas, spawning grounds, aquatic life, bird and wildlife habitat, and access thereto.

240 J. Libby there are no shoreland zones to be affected. The application meets the standard.

Section 7.5.1.G

Showing that **public facilities** will not exceed their respective capacities, including but not limited to: schools, police and fire services, snowplowing and road maintenance capabilities.

245 Meets the standard. This is only a single family dwelling. Impact on public facilities will be incremental.

Section 7.5.1.H

250 Showing of **sufficient financial backing and technical resources** of the applicant to complete the proposed development.

This will be decided as a condition on the plan Therefore, We can assume it will be met.

255 P. First said that the board will have to decide whether they wish the applicant to show evidence of financial capacity to build the house.

Section 7.5.1.I

260 **Compliance with other local, state or federal regulations** as evidenced by Board of Appeals approval (when necessary) and/or final approval of any required state or federal permits.

The project is in compliance - MDOT requirements met.

Section 7.5.1.J

265 Absence of any **undue adverse effect** on the scenic or natural beauty of a site, aesthetics, historic sites, or rare and irreplaceable natural features or any public rights for physical or visual access to the shoreline.

270 Not in a shoreline zone, no adverse effects. Not applicable to this site.

Section 7.5.1 K

Will avoid problems associated with floodplain development and use.

275 Not applicable - project is not in a floodplain.

A. Arata moved that the application meets the zoning ordinance review criteria as discussed above. M. Leighton seconded the motion. Motion approved 6-0.

280 **A. Arata moved to authorize the committee chair to sign the findings of fact and conclusions of law. M. Leighton seconded the motion. Motion approved 6-0.**

A. Arata moved that we do not require a performance guarantee. M. Leighton seconded the motion. Motion approved 6-0.

285 **A. Arata moved that we approve the application contingent on: a revised site plan and a driveway easement presented to staff prior to the issuance of a building permit; evidence of financial capacity; section 5.1.8 of the New Gloucester Ordinance Erosion and Sedimentation Control Best Practices. M. Leighton seconded the motion.** P. First asked the Board when they want to sign the revised plan. J. Libby said, as soon as it is ready. **Motion approved 6-0.**

J. Libby said that you're all set. The applicant's agent thanked the Board.

4. Other Business

295

P. First mentioned that on November 16th, 2013 the Land Management Planning Committee will be hosting Workshop #2 for the Upper Village Master Plan. The Board is encouraged to attend.

300

5. Future Meetings

J. Libby stated that the December 17th meeting may be canceled if there is no new business by that time. J. Libby noted that she will not be able to attend if the meeting is held.

305

6. Adjournment

A. Arata moved to adjourn at 8:10pm. Motion seconded by M. Leighton. Motion approved 6-0.

310

Respectfully submitted,
Milan Nevajda, Assistant Planner