

Minutes
Town of Waldoboro
Planning Board Meeting
April 11, 2012

Contents

1. Minutes of March 14, 2012 – not reviewed
2. Review of Preliminary Subdivision Application, Cersosimo Industries, 216 Robinson Road (Map 24 Lot 48A)
3. Next Meetings: Wednesday May 9, 7:00 p.m.

Roll Call

The meeting was called to order by chairman Chuck Campbell at 7:00 p.m in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Chuck Flint, Ed Karkow and Jody Perry. Code Enforcement Officer Bill Najpauer was present. The audience included Tim Hanson representing Cersosimo Industries, and Robinson Road neighbors Christina and Christopher Duffy, Carolyn and Frank Giustra, Al Maloney and Nancy Williams.

1. Minutes of March 14, 2012 – not reviewed

The minutes have not been distributed and were not reviewed.

2. Review of Preliminary Subdivision Application, Cersosimo Industries, 216 [215?] Robinson Road (Map 24 Lot 48A)

Tim Hanson was in representing Cersosimo Industries, which wants to divide 30-acre Lot 48A into three lots as shown on the preliminary subdivision plan. Lot sizes are: Lot 1, 12.71 acres; Lot 2, 10.25 acres and Lot 3, 8.06 acres. Several abutters and neighbors on Robinson Road were present and spoke about their concerns at the public hearing.

- a) Planning Department Report

Najpauer summarized his written Planning and Development Dept. Report for the proposed subdivision. There are three or four waiver requests. No buildings, roads or other site disturbance is planned until the lots are sold. The site plan has 5' contour intervals, which seem adequate. The requirement for landscaping does not apply to residential subdivisions. No wetlands or water bodies are located on the site. No significant plant or wildlife habitats are present. No prehistoric archaeological sites or historic buildings or structures are present. Each of the proposed residential lots is estimated to create 10 vehicle trips per day. Two lots will share a driveway, with a single drive for the other lot. All driveways have 350-foot sight distances. Water will be supplied by individual private wells. A letter from a well driller says there should be sufficient potable water. Soil scientist Doug Meservey has found one or more sites on each lot suitable for subsurface wastewater disposal. Residential waste and trash will be disposed of at the Transfer Station, which has adequate capacity. The corporate property owner is in good standing with the State of Maine. The proposed site is not located in a regulated floodplain. The site has not been subject to liquidation harvesting.

- b) Applicant Response to the Planning Report

Hanson said the proposed subdivision is three big lots, 8 – 10 acres. Electrical power and telephone service is available at the road.

c) Consideration of Waiver Requests

- 1) Waiver of soil erosion and sedimentation control plan: On motion of Karkow/Flint, the Board voted 5 – 0 to grant the waiver. When construction begins, individual lot owners will be required to have a soil erosion and sedimentation control plan.
- 2) Waiver of storm water management plan: On motion of Flint/Karkow, the Board voted 5 – 0 to waive the requirement for a storm water management plan, since no soil disturbance is involved in creating the subdivision. No infrastructure development is planned by Cersosimo. Individual lot owners will be required to present storm water management plans.
- 3) Waiver of requirement for two-foot contour interval: On motion of Perry/Karkow, the Board voted 5 – 0 to waive the requirement for a two-foot contour interval and to accept the five-foot contour interval on the preliminary plan, because no infrastructure is being proposed.
- 4) Waiver of requirement for landscaping plan: Planning Board members agreed that this requirement is not applicable to a residential subdivision, thus does not require a waiver.

d) Determination of Application Completeness

A 25-page document distributed to Planning Board members in advance of tonight's meeting contains the subdivision submission checklist made out by Najpauer; a summary of written documentation annotated by Najpauer; net developable acreage calculation for each lot; a reduced survey plan by Drew Greiner of Corner Post Surveying showing contours; a proposed conditions plan; a statement by Marc Stevens of Hatch Well Drillers that there should be no problem in obtaining potable water; a copy of the warranty deed from Jay and Charyn Baker to Cersosimo Industries; a certification of Cersosimo Industries by the Maine Secretary of State stating that Cersosimo is a corporation in good standing as of February, 2012; and 12 pages from site evaluator Doug Meservey demonstrating feasibility of locating subsurface wastewater disposal systems on the three lots. A copy of this document is an attachment to the minutes of tonight's meeting.

Vote: On motion of Karkow/Perry, the Planning Board voted 5 – 0 that the preliminary subdivision application is complete.

e) Public Hearing for the Subdivision Application

Chairman Campbell then conducted a public hearing on the proposed subdivision. Residents of Robinson Road spoke.

Frank Guistra said he has lived on Robinson Road for thirty years. He said tonight's application is the second subdivision proposed by Cersosimo for this land. The original proposal was for 13 lots. This was later reduced to five lots on the south side of Robinson Road and one lot on the north. The latter lot is the one now proposed to be subdivided. The applicant in 2007 required all homes to be modular or stick-built with a minimum of 1500 s.f., and with a condition of no further subdivision of any lot. [Planning Board members and Najpauer later said that lot 48A, currently proposed for subdivision, was not part of the 2007 subdivision.] Guistra said he wants two things for the proposed subdivision: a restrictive covenant that all homes be either modular or stick-built, and that no further subdivision of any lot is permitted.

Chris Duffy of 215 Robinson Road said he bought his land from Cersosimo in 2007. At that time Robinson Road was an idyllic, quiet country lane with no traffic. If the proposed new subdivision is developed, the potential for traffic will be ten times greater than at present. He read part of a letter from Lincoln County planner Bob Faunce dated June 7, 2007, that says if the then-pending Cersosimo subdivision is approved, it will dramatically change the appearance of Robinson Road, and a piece of community character would be lost.

Christine Duffy said that Robinson Road now carries considerable traffic, much of it going way over the 25 mile speed limit. These are mainly non-resident cars taking a short cut. The additional traffic from the proposed three-lot subdivision is a concern to her. She made a plea to save one small precious part of Waldoboro the way it was. If the proposed subdivision is approved, she asks that the deeds say that no further subdivision is permitted and that the homes must be stick-built.

Al Maloney of 13 Robinson Road observed that everyone who lives on Robinson Road is here tonight. He echoed the concerns about traffic and noise expressed by the previous speakers.

Frank Giustra said that longtime Planning Board member John Morris stated that Robinson Road does not have a Town-owned right-of-way. It is on an easement granted by the abutting landowners, who own to the center of the road. It is a narrow dirt road not suited to heavy or high-speed traffic. Najpauer said that Robinson Road is a minor public Town road.

Nancy Williams of 13 Robinson Road said the road is used by many people for walking. People drive there and leave their cars in order to walk on a peaceful country lane. Additional traffic from the proposed subdivision will make the road less pleasant for users and residents.

Frank Giustra asked whether Robinson Road residents will be notified of the Planning Board's decision. Campbell said the Board's action will be taken at a public meeting.

There being no further comments, Campbell adjourned the public hearing at 7:35 p.m.

f) Review of Performance Standards for a Subdivision

Campbell went through the Subdivision Worksheet for Planning Board Review. He read the General Performance Standards (Article 4), the Specific Performance Standards (Article 5), and Planning Board Approval Criteria for Subdivision Review (Article 6), noting findings for each (see copy attached to the file set of these minutes). Only two specific performance standards are applicable to the proposed subdivision: archaeological and historical sites (none found) and wildlife/natural areas preservation. No significant plant and wildlife habitats or endangered plants and animals are reported from the proposed site, according to Beginning with Habitat maps.

In lieu of reviewing the first eight approval criteria for subdivisions in the Article 6 checklist, Najpauer suggested using the statutory review criteria found on the pages following the cover page of the new Subdivision Decision Form for this application. Campbell said the current checklist now does not match the performance standards in the 2011 edition of the Land Use Ordinance. He called for the discrepancies to be remedied as a priority for the Planning Board.

- A. Will not result in undue water or air pollution: met.
- B. Has sufficient water available for future needs: met.
- C. Will not cause an unreasonable burden on existing water supply: not applicable.
- D. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water: conforming.
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions: Campbell asked whether the Board should discuss this item further in light of comments from Robinson Road residents at tonight's meeting. Frank Giustra said there are a total of 6 to 8 driveways theoretically on the entire road. Flint questioned what authority the Planning Board has to control the amount of traffic on a public road. The Planning Board can govern the number and location of driveways onto the public road. Flint said that in the past, the Board has had the benefit of comments from the Road Commissioner, John Daigle. He is the one who can tell us whether the new subdivision will adversely impact the road, once the lots are developed. Najpauer said Daigle was given the opportunity to comment, but did not do so. Chris Duffy said the residents attending tonight's meeting are not so much concerned with the effect of one or three new houses, but at the prospect of 30 new houses, if the lots are further subdivided in future. This is why the residents want "no further subdivision" written into the deeds for the three proposed lots. Campbell said that the Planning Board has been told by legal counsel that once a subdivision is more than five years old, a lot owner in that subdivision does not have to come before the Planning Board to get approval to subdivide his lot. Najpauer said there have been changes in the law, and this would have to be checked. Presumably, subdivision of a lot would not be permitted if the deed specified no further subdivision.

Campbell and Perry agreed with Flint that it is important to get input from the Road Commissioner before approving the preliminary subdivision plan.

Cersosimo representative Hanson said he will check the minimum standard size of a modular home. He is willing to specify that the minimum size of any house on the subdivision shall be the minimum size of a standard modular home, and place that stipulation on the plat and in the deed to each parcel. Later in the

meeting Hanson said that Cersosimo is willing to put in the deed to each lot a prohibition against future subdivision, as a deed restriction in perpetuity.

- F. Will provide for adequate sewage waste disposal: conforming.
- G. Will not cause unreasonable burden on municipality's ability to dispose of solid waste: conforming.
- H. No undue adverse effect on scenic or natural beauty, historic sites, significant wildlife habitat, or rare and irreplaceable natural areas: conforming.
- I. Conforms with duly adopted subdivision regulation or ordinance: Campbell pointed out that this criterion should go at the end of the review criteria checklist, or be revisited at the end of the review process.
- J. Adequate financial and technical capacity: The applicant is a corporation in good standing with the State of Maine as of February, 2012. The subdivision plan was prepared by a professional.
- K. If within the watershed of any pond or lake or within 250 feet of a wetland, great pond or river, or within 250 feet of tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water: not applicable.
- L. Will not adversely affect the quality or quantity of ground water: conforming.
- M. Flood-prone areas: not applicable.
- N. Freshwater wetlands: not applicable.
- O. Any river, stream or brook within or abutting the proposed subdivision must be identified on the subdivision plan: not applicable.
- P. Stormwater management: waived. There will be a note on the final subdivision plan that any development within a lot must comply with stormwater management provisions of the Ordinance.
- Q. Frontage on a river, stream, brook, great pond or coastal wetland: not applicable.
- R. Long-term cumulative effects of the proposed subdivision will not unreasonably increase the phosphorus concentration of a great pond: not applicable.
- S. For any proposed subdivision that crosses municipal boundaries, will not cause unreasonable traffic congestion on existing public ways in an adjoining municipality: not applicable.
- T. Lands subject to liquidation harvesting: not applicable.

(The rest of Campbell's analysis was based on the 2010 Subdivision Worksheet for Planning Board Review. This checklist has numbered items, not lettered ones.)

- 15. Spaghetti lots prohibited – not applicable.
- 18. Access to direct sunlight – not applicable.
- 19. Exterior lighting – not applicable.
- 20. Buffering of adjacent uses – not applicable.
- 21. Noise – not applicable.
- 22. Storage of materials – not applicable
- 24. Buffering of residential uses – not applicable.
- 25. Location of off-street parking – not applicable.
- 26. Hazardous waste – not applicable.

Vote: On motion of Karkow/Flint, the Board voted 5 – 0 to approve the preliminary subdivision plan by Cersosimo Industries, Inc., for a three-lot subdivision of Map 24 Lot 48A on Robinson Road, conditional on receipt of a favorable opinion from Road Commissioner John Daigle regarding traffic impact.

Najpauer said that in future, getting in-house review of a subdivision application by the heads of the Police Dept., Fire Dept., Public Works and Emergency Medical Services could be part of required staff meetings that are already taking place. All comments would be recorded and the department heads would sign the form. Karkow suggested that this be presented as a recommendation from the Planning Board.

3. Next Meetings: Wednesday May 9, 7:00 p.m.

No date was set for the next ordinance revision meeting. The next regular Planning Board meeting is Wednesday May 9 at 7 p.m. Najpauer said the Cersosimo subdivision may be on the agenda, as well as review of the proposed Cider Hill Farm subdivision (Map U-11 Lot 40), which received pre-application discussion at the February 8, 2012 meeting.

Adjournment: The meeting was adjourned at 8:25 p.m.

Certificate of Approval

I hereby certify that the above minutes were approved by vote of the Planning Board
on _____.
(date)

Charles Campbell, Chairman
WALDOBORO PLANNING BOARD

Submitted by:

Susan S. R. Alexander