

Minutes
Town of Waldoboro
Planning Board Meeting
November 14, 2012

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Roll Call

The meeting was called to order by chairman Chuck Campbell at 7:01 p.m in the meeting room at the Municipal Building. Other members present were Ed Karkow, Jody Perry, Abden Simmons, and Kenneth Vencile. Code Enforcement Officer Bill Najpauer was present. The audience included Pine Street neighbors Mark Berger, Jenny Hall, Charles Wallace and Loren Wallace, and John Black and David Starr of J&D Engineering and Surveying, representing the owners of Cider Hill Farm LLC, who propose a five-lot subdivision (four new lots plus the remaining land of a 25-acre parcel).

1. Minutes of October 11, 2012

On motion of Karkow/Perry, the Board voted 5 - 0 to approve the minutes of October 11, 2012, as distributed.

2. Public Hearing on Preliminary Subdivision Application, Five-Lot Subdivision, Cider Hill Farm LLC, 72 Medomak Terrace (Map U11 Lot 40).

David Starr and John Black of J&D Engineering and Surveying were present representing the applicants. Four neighbors to the proposed subdivision were present.

Code Enforcement Officer Najpauer gave out copies of two-page notes with information about the proposed subdivision.

Utilities: All the new lots can be served by public sewer, as confirmed by a letter from John Fancy, Superintendent of Waldoboro Utility District. Public water is currently available to serve Lot 1. A letter from Maine Water, the contract operator for the Waldoboro Water Dept., states that Lot 4 can be served from Main St. Water service to Lot 3 may require an easement to access the main behind the house at 50 Pine St. The public water system does not currently have capacity to serve proposed Lots 1 and 2 without replacing 750 feet of pipe. Najpauer's note says that the water main on Pine Street is scheduled to be upgraded this spring, after which all four new lots could be served by public water. A letter from Hatch Well Drillers confirms that they anticipate no problem getting adequate water from private wells on the property.

Comments from Municipal Officials: Comments from the Police Chief, Fire Chief, Public Works Director, and Assistant Code Enforcement Officer dated 11/1/12 and 10/31/12 are contained on a two-sided sheet included with materials sent to Planning Board members in advance of the meeting.

Public Hearing

Chairman Campbell convened a public hearing and asked for questions and comment from the audience, four neighbors who live on Pine Street.

Charles Wallace of 49 Pine St. (Map U11 Lot 35), said the lot is wet, there is a lot of runoff, he thinks the developers should address the issue of drainage. He thinks that the issue about the right of way, passage along the lane, has been resolved, but wants to be sure there is not an excessive amount of traffic using this lane. He would not like to have the right-of-way serve as vehicular access for 25 residences..

Jennie Hall of 99 Pine St. (Map U11 Lot 31) asked how the current subdivision proposal relates to the owners' future plans for a restaurant and events venue with a commercial kitchen. She had hoped that the owners would be present tonight to explain their future plans. Starr said his understanding is that the owners want to be able to sell the four proposed new residential lots to recoup some of their costs and help to fund the future restaurant and events center. The public hearing tonight is only about the four residential lots, not future uses of other parts of the property. Starr has no specific information about the owners' plans for a possible future restaurant and events venue.

There being no further questions at this time, Campbell adjourned the formal public hearing at 7:08 p.m., but encouraged audience members to feel free to ask questions during the rest of the meeting.

Waiver Requests

Najpauer's two-page notes on the Cider Hill Farm preliminary subdivision plan application includes a list of requested waivers from requirements of the Land Use Ordinance. In his opinion, some of the waiver requests are not applicable and do not require a waiver.

Completeness Checklist

Najpauer's review indicates that in his opinion the application is complete. It is for a five-lot subdivision (four new lots plus the remainder of Lot 40). A \$600 subdivision application fee has been paid. A locus map and location map have been provided. Much but not all of the boundaries have been surveyed. The rear boundaries of the lots on the east side of Bremen Road have not been surveyed. A site plan with 5' contours has been provided.

Existing Conditions Plan:

The following items are provided: a) title block; b) land use district; c) existing contours; d) existing buildings (there are none on proposed Lots 1 – 4); e) existing streets and driveways; g) significant features: The plan shows location of wetlands, but the extent has not been delineated by a professional wetlands delineator. i) Existing surface water drainage is shown by arrows; j) existing signs: none; k) easements: Starr said there is an existing easement but it will not be used in the proposed development. The location of the existing easement is shown. Vreeland (lot 37) and Bell (lot 36) have the right to use it. l) The plan shows the location of one fire hydrant.

The following items are missing: f) utilities. The plan should show the location of existing water mains and public sewers. There are notes about the utilities, but the plan does not show the location. J&D were asked to show on the plan the location of the connectors to the public water and sewer lines in the street. h) wetlands delineation by a professional wetlands delineator. After extensive discussion, the Board decided that a professional wetlands delineation is not necessary. Starr said that the extent of the wetlands was taken into account in computing net developable area.

Determination of Completeness of Proposed Subdivision Plan

The preliminary subdivision plan has the following elements:

a) title block; b) lot lines; c) contour lines at 5' intervals (2' contours will be required on final plan unless the Planning Board votes otherwise); e) rights of way, easements; l) utility plan: location of power poles is shown on subdivision plan; n) professional certification; o) approval block.

The preliminary subdivision plan does not have the following elements:

d) roads and driveways: These are the responsibility of the individual lot owners. f) locations of buildings: not applicable. New buildings are the responsibility of the lot owners; g) signs: none proposed; h) soil erosion and sedimentation control plan: waiver requested – see discussion below; i) storm water management plan: waiver requested, see discussion below; j) parcels dedicated to public use: none, not applicable; l) utility plan. Public water is available to one or more lots, the others may require individual wells; public sewer is located in the street, connectors to be shown on final subdivision plan; m) landscaping plan including buffering and screening: not required.

There was discussion of whether it makes sense to require a soil erosion and sediment control plan and a storm water management plan on the preliminary subdivision plan, since these features are highly dependent on what is built on the individual lots. Starr pointed out that he could make assumptions about the amount of impervious area and devise a sediment control plan and a storm water management plan, but these would be arbitrary and probably inaccurate when the final structures are built. Planning Board members agreed that it makes sense to require the individual lot owners to submit a soil erosion and sediment control plan and a storm water management plan when a permit for construction is requested. These requirements will be notes on the subdivision plan and will be referenced in the deeds to the parcels. Campbell was afraid that a note on the subdivision plan might be ignored. Najpauer said the note in the deed will not be ignored, because the Code Enforcement Officer has to check the deed before granting a permit for construction. The storm water management plan must be designed by a qualified professional engineer and approved by the Code Enforcement Officer.

Jenny Hall of 99 Pine St. asked how prospective buyers will know whether they will be able to build. Possibly the amount of storm runoff would preclude their building the house of their dreams. She opposed granting a waiver for storm water management and leaving this important matter up to each future lot owner. It was noted that the Public Works Department also recommends that a storm water management plan be developed for lots 1, 2 and 3 due to the amount of runoff onto Pine Street. The proposed new development will increase existing water runoff, unless storm water management measures are installed. The Land Use Ordinance requires that post-development runoff not exceed pre-development runoff.

VOTE: On motion of Simmons/Karkow, the Board voted 5 – 0 to require a note on the final subdivision plan and a reference in the deeds to the individual lots that a storm water management plan by a professional engineer must be submitted and approved prior to any construction on Lots 1 - 4. Providing such an approved storm water management plan will be a condition of approval of the building permit for each of the four lots. Najpauer asked Starr to show him the wording of the note before placing it on the subdivision plan.

Written Documentation

J&D Engineering & Surveying has provided written documentation to show that the proposed subdivision meets ordinance requirements, or the reason for a waiver request. The following written documentation has been provided:

- a) Evidence of legal interest in the property: copy of a deed from Roy Winchenbach, Personal Representative of the estate of Faye E. Winchenbach, to Cider Hill Farm LLC.
- b) Description of proposed use: four house lots intended for single-family residential use.
- c) soils: Boothbay-Swanville-Lyman, suitable for residential building sites.
- d) subsurface disposal system report: waiver requested due to availability of public sewer.
- e) Traffic impact analysis: not applicable. Four single-family residences will not generate sufficient vehicle trips per day to require a traffic impact analysis.
- f) Evidence of technical capability: not applicable; no additional technical capability is required beyond preparing the subdivision plan.

- g) Evidence of financial capability: not applicable; no additional financial capability is required beyond preparing the subdivision plan.
- h) construction schedule: not applicable. There is no proposed infrastructure.
- i) water and sewer demand: The estimated sewer demand is 270 gpd per lot x 5 lots = 1350 gpd. The estimated water demand is 100 gpd per person or 350 gpd per household.
- j) statements from utilities: A letter dated Oct. 18, 2012, from John Fancy, Superintendent of the Waldoboro Utility District, states that the public wastewater collection and treatment system has the capacity to accept the wastewater from the proposed four new lots. A letter dated Oct. 23, 2012, from Maine Water Company, the contract operator for the Waldoboro Water Dept., states that the public water system currently has capacity to serve Lot 4 from Main St. The public water system appears to have capacity to serve Lot 3, but this may require an easement to access the main behind the house at 50 Pine St. The public water system currently does not appear to have capacity to serve Lots 1 and 2 without replacing approximately 750 feet of 1.75" main. CEO Najpauer submitted a note that the public water main on Pine St. is scheduled to be upgraded in the spring of 2013, after which all of the proposed lots can be served by public water. He notes that each of the proposed lots exceeds the minimum lot size for parcels to be served by public sewer (20,000 s.f.). Hatch Well Drilling submitted a letter dated Oct. 29, 2012, giving a professional opinion that as long as all setbacks can be met, there should be no problem obtaining adequate water from private wells for Lots 1 - 3.

Vote on Waiver Requests

Najpauer's memo to the Planning Board lists seven waiver requests made by J&D Engineering and Surveying on behalf of the applicants, Cider Hill Farm LLC.

- a) subsurface wastewater disposal system report: not necessary, lots will be on public sewer.
- b) and c) evidence of financial capacity and technical capacity: not necessary, because the only financial and technical capacity needed is to complete the subdivision plan
- d) construction schedule: No construction is planned. No infrastructure is being created by the developers, who are merely creating four residential houses lots for sale.
- e) soil erosion and sedimentation control plan: not necessary, because no soil will be disturbed in creation of the new lots.
- f) storm water management plan: not necessary at this stage, because no construction is involved. Planning Board members voted to require a note on the subdivision plan and a reference in the deed to each individual lot, that a storm water management plan by a professional engineer must be submitted and approved before a building permit can be issued on any of Lots 1 - 4.
- 7) professional delineation of all wetlands. After discussion, it was decided not to require a wetlands delineation by a professional wetlands delineator. Najpauer said he has walked the site, and finds that there is an adequate building envelope on Lot 3 that does not involve the wetland. The exact boundaries of the wetland are not known. The wetland delineation would have to be done by soil type, as typical wetland vegetation is lacking. Starr said he and Black have identified the wetland location to their satisfaction, but are not professional wetlands delineators. It is their opinion that there is adequate net developable acreage on Lot 3 outside the wetland. (Black said there is no such thing as a certified wetlands delineator. There is training available, but no professional certification.) Najpauer recommended that the Planning Board designate the identified wetland on Lot 3 as a "no structures zone". VOTE: On motion of Simmons/Vencile, the Board voted 5 - 0 to designate the identified wetland on Lot 3 as a no-structures zone. This means that no house, garage or outbuilding shall be located within the perimeter of the identified wetland.

Chairman Campbell read the summary list of waiver requests on p. 2 of Najpauer's memo. VOTE: On motion of Simmons/Karkow, the Planning Board voted 5 - 0 to grant all the requested waivers, with the exception noted.

On motion of Simmons/Karkow, the Board voted 5 - 0 that the preliminary subdivision application by Cider Hill Farm LLC is complete, with the understanding that the conditions of approval be shown on the final subdivision plan.

Article 4. General Performance Standards

Planning Board members then reviewed the general performance standards in Article 4. These are summarized in the applicants' written documentation.

The following general performance standards were found not applicable: A) air emissions; C) construction standards; D) electrical disturbances; E) Historic Village District architectural standards; F) hydrogeological ground water assessment; G) lighting and glare; I) noise; J) off-street parking and loading; K) phosphorus control; L) refuse disposal; M) sanitary provisions; N) signs; Q) storage of materials; S) street access and driveways (but applicants note that access to the proposed lots has been designed for adequate sight distances when the new access roads or driveways are constructed); U) traffic impact analysis; V) water quality impacts; Y) flood zone; BB) spaghetti lots; CC) adjoining municipality; DD) access to direct sunlight;

The applicants requested that the following general performance standards be waived: B) buffers. Buffering is unnecessary because the proposed residential use of the four new lots is compatible with surrounding residential uses; P) soil erosion and sedimentation control plan: waiver is requested because there is no proposed construction of infrastructure or buildings under the current application, which is simply to subdivide out four new lots; R) storm water management plan: waiver is requested because there is no activity under the current subdivision application that will impact storm water runoff of the subject property. T) street/road standards: waiver is requested because there are no proposed roads or streets in the subdivision application being considered. X) evidence of financial and technical capability, because no additional technical or financial capability is required beyond preparing the subdivision plan. Z) freshwater wetlands: Waiver is requested for having the wetlands delineated by a professional wetlands delineator, because Starr and Black believe that they have identified all apparent or potential wetlands to the extent necessary.

The following general performance standards were found applicable and conforming: H) net developable acreage calculation; M) sanitary provisions (served by public sewer); O) soils; W) aesthetic, cultural and natural values; AA) river, stream or brook; EE) sufficient water, according to letters from Maine Water, and Hatch Well Drillers; FF) conformity with Town ordinances and plans.

Article 5. Specific Performance Standards

D) Najpauer confirmed that no archaeological or historic sites have been reported on the property.

V) Starr said single-wide manufactured homes will not be permitted on the lots.

VOTE: On motion of Simmons/Perry, the Board voted 5 – 0 to find that all General Performance Standards are either met, not applicable, or waived. On motion of Simmons/Perry, the Board voted 5 - 0 that all Specific Performance Standards are either inapplicable or met.

Vote to Grant Preliminary Approval: On motion of Karkow/Vencile, the Board voted 5 -0 to grant preliminary approval of the proposed subdivision at 72 Medomak Terrace by Cider Hill Farm LLC. There are several conditions on this approval. a) Starr will add locations of public sewer and public water connections to the subdivision plan. b) Starr will e-mail proposed language to Najpauer for consideration at the Dec. 12 meeting. The two conditions on approval of the subdivision plan are that a storm water management plan by a professional engineer must be submitted and approved before a building permit can be issued for each of the four new lots (this requirement shall be a note on the final subdivision plan, and incorporated in the deed to each individual lot), and that the subdivision plan shall show the wetland on Lot 3 as a no-structures zone.

3. Other Business

a) Ordinances Failed to Pass at November Town Vote

The two proposed ordinance articles failed by about the same margin, approximately 1700 opposed to 900 in favor. If the principal objection is to the property maintenance ordinance, we could re-submit just the

proposed changes to the Land Use Ordinance for vote at the next opportunity. A series of public information meetings could be scheduled at various locations throughout the town to explain the reasons for the proposed changes and address concerns.

b) George Seaver, Waldoboro Environmental Park, One Pie Road (Map U14 Lots 10-2, 10-3,10-4)

George Seaver owns several lots at the Waldoboro Environmental Park (The property is also informally known as the Business Park or the Industrial Park.) Part of the land lies within the Wellhead Protection District, an overlay zone that limits certain activities or uses that might lead to pollution of a public drinking water source.

Seaver is concerned that the Land Use Table (Article 12 Section K, p. 12-4 and 12-5) is quite restrictive and appears to eliminate expansion of every current use on the property. He wants to discuss his concerns with the Planning Board and see if any flexibility is possible, or whether a town vote is needed to amend the Land Use Ordinance regarding uses in the Wellhead Protection District.

4. Next Regular Board Meeting: Wednesday, December 12, 7:00 p.m.

Adjournment: The meeting was adjourned at 8:45 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