

MINUTES
Planning Board
October 14, 2009
7:00 PM

Members Present: William Horton, Chair; Susannah Swihart; Lynne Potter

Staff Present: Elwin Thorpe – Code Enforcement Officer; James Seymour – Planning Board Consultant and Sandy Fredricks – Secretary.

Members Absent: Donna Hovey, Dave Fowler and Frank Braman (alternate)

Public Present: Susan MacDougall, Tom Bossie, Mark Thompson, Alice Darlington and Gerry Burton

7:00 P.M.

Bill calls the meeting to order.

Minutes from March 11, 2009

Susannah moves to approve the Minutes of March 11, 2009 as written.

Lynne seconds the motion.

Any discussion? None.

All in favor? 3 yes – 0 no

MacDougall, M 2, L 21-3

Susan MacDougall has submitted an application for Amendment to an Approved Subdivision to relocate the driveway to Lot 21-3, Map 3 on Leander Lane.

Susan MacDougall thanks the Board members for coming out to listen to the proposal to move the driveway on her property which is lot 21-3 on Leander Lane from the shared driveway to a single driveway. Tom passes out packets showing the plan and Susan informs the Board that she would like to have Tom make the presentation from this point.

Tom begins by stating the Subdivision was approved in 2001. In Note #3 of the original, approved plan it was stated that Lots 1 - 5 shall have driveway entrances onto Leander Lane and only Lots 3 & 4 shall have a common drive for 300' from Leander Lane. Tom continues, this was done to save costs and the original owners were going to retain lots 3 & 4 and utilize the shared driveway. Now that lots 3 & 4 are separately owned, he and Susan would like a little more privacy. He further states that based on the survey prepared by George Sawyer the single driveway

would be located approximately 150' from the approved shared driveway and does not interfere with the common area.

Tom states they have had the lot cleared and the people who cleared it opened up this whole area (as he indicates area on drawing to the Board). Further, they are willing to waive their rights to the common driveway and keeping the area neat and landscaped. Tom states they haven't heard from anyone who opposes it except for the email received October 14th from the Oviedos. Tom states his house on Lot 7 and Resuteks are the only lots with structures on them; the remaining lots are vacant.

Tom states the shared driveway issues may be complicated in the future with plowing and other maintenance issues. Further, if they utilize the shared driveway, their lights would shine for quite a distance into the Resuteks' dining room and they wouldn't care for this to happen.

Jim states he looked at this when he prepared his technical review and Memo to the Board which provides 4 items for the Board's consideration to clean up the Plan. First item is for the applicant to provide the Board with a copy of a Deed for Lot 3 has been taken care of by their submittal this evening. The next item is a recommended language change to Note #3. It is recommended that Note #3 be amended to read "Lots 3 and 4 may utilize the Common Drive for 300' from Leander Lane, or access individually from Leander Lane as long as their driveway centerlines are a minimum of 150 feet of separation." We believe 150' to be adequate for privacy purposes as well as sight distance and maneuverability. Jim continues that by changing the language as suggested it also allows Lot 4 an option as well. Since the owner of Lot 4 hasn't waived his rights to utilize the common driveway, it must remain on the plan.

Jim states that there has been some concern about disturbances and he has looked at Note #8 of the original plan which states "Cleared area for building on Lots 1, 2, 4, 5, 6 & 7 shall be less than 15,000 s.f. Lot 3 may have more than 15,000 s.f. cleared." It is recommended that the site disturbance be limited to 30,000 s.f., including the driveway construction for Lot 3, as it appears consistent with the area on the approved plan for the intended building envelope. If there is any additional expansion or disturbance, it may increase the phosphorous runoff levels.

He continues that the applicant should provide a scaled 8-1/2 x 11 drawing showing the lot boundaries, current encumbrances and land use restrictions such as shared driveways, location rights for public access, common areas, proposed building areas, shoreline and docking areas. Further, the scaled drawing should delineate the RP Zone.

Jim states that he believes the Board can approve this plan with conditions and this can be accomplished in Affidavit form.

Susannah asks if Lot 3 or 4 have a house on them. Tom advises both lots are vacant. He continues that Lot 3 has been cleared from Leander Lane.

Jim raises the issue of the email received from the Oviedos and reads it into the record. (See attached). Jim states he agrees that in order for Ms. MacDougall to try to be a good neighbor it would be good to move the drive to keep lights out of the neighbor's house.

Mark Thompson states he owns Lot 15, 44 Leander Lane which was not part of the 2001 subdivision and he agrees with the single driveway for all the reasons mentioned. His question is if this amendment has to be approved by the Association. He is concerned with the sequence of having the area cleared already. He further states that a lot of trees have been removed and it looks like more will have to be excavated.

Jim states he is not aware of the restrictions or covenants of the Association but from the Municipal standpoint, the Board can move forward with this. Tom states he doesn't believe there are any restrictions or covenants restricting the driveway change from common to private.

Elwin states when they cleared for the utilities it had to be wider.

Gerry Burton states he is the President of the Association and the owner of the other lot with the common driveway. He states the Association is only concerned about the width of the clearing. Tom states they intend to narrow that down to 10' – 14' and landscape on both sides with pine trees. Tom corrects Jim that it is a private access not public access across Lot 3. Jim suggests that they work with the Association in delineating the access way. Tom states they intend to do that at a later date.

Lynne asks if she is correct that the information submitted tonight is showing the driveway to be crushed stone. Tom states that is correct; they want to use the crushed stone rather than paving. He continues that there was a Home Owners Association amendment to the By-Laws to allow the crushed stone. Gerry Burton states a driveway may be crushed stone, paved or gravel. Tom states that it was George Sawyer's recommendation they keep the driveway 10'-14' wide with the landscaping as they are proposing.

Susannah states it is unclear to her if there is any involvement by the Association. Tom states that everyone in the Association has been notified.

Bill states usually the Board has imposed a shared driveway for one reason or another but this does not seem to be the case in this situation.

Lynne moves to accept the amendment to the Plans as referenced in James Seymour's Memorandum:

1. The recommended language/text change be prepared allowing for the required use of the shared driveway, in written form for the Board to consider. Based on conversation with the Code Enforcement Officer it makes most sense to alter the language of Note 3 to read "lots 3 & 4 may utilize the Common Drive for 300 feet from Leander Lane, or access individually from Leander Lane as long as their driveway centerlines are a minimum of 150 feet of separation."
2. In comparing the submitted Sketch to the Approved Plan on record at the Town, it appears that the building envelope on Lot 3 has increased in area from the buildable envelope shown on the 2001 approved plan. It is recommended that the lot disturbance match the original plan as closely as possible, to avoid altering the envelopes which are referenced in Notes 8 and 11 on the approved plan. Keeping the site disturbance limited to 30,000 s.f. inclusive of the driveway construction for Lot 3 appears consistent with the area on the approved plan intended for a potential building envelope. Further expansion or disturbance may alter the phosphorus export allowed for the development, under the Town's ordinance and/or Maine Department of Environmental Protection's Stormwater Management Law.
3. The applicant shall prepare a scaled drawing (8.5" x 11") showing the lot boundary, current encumbrances and land use restrictions to the lot such as shared driveways, location rights for public accesses, common areas, proposed building areas or dimensions, and areas subject to Resource Protection zoning. The plan shall also locate the proposed driveway and centerline point where it intersects Leander Lane.

Susannah seconds.

Any discussion? None

All in favor? 3 yes – 0 no

Alice Darlington asks why this matter had to come before the Board. Jim explains that this driveway was shown as a specific part of the approved plan it required approval of the Board.

Bill asks if there is any other business. Jim raises the issue of the Chute application and the fact that to date we have not received the final plans or other documentation pursuant to the conditional approval. The Board asks that the secretary prepare a letter to the applicant to be signed by the Chairman outlining the non-compliance with the conditional approval and request remedy of the situation or the approval will be deemed null and void.

Lynne moves to adjourn.

Susannah seconds.

Any discussion? None.

All in favor? 3 yes - 0 no