

PLANNING BOARD MINUTES

March 13, 2017

CASCO COMMUNITY CENTER

7:00 P.M.

MEMBERS PRESENT: Stan Buchanan, Ray Grant & Lynne Potter

MEMBERS ABSENT: Bob Barnes, Ted Beckner & Jim Macklin

STAFF PRESENT: James Seymour, Town Planner; Alex Sirois, Code Enforcement Officer & Sandy Fredricks, Planning Assistant

PUBLIC PRESENT: Dan Bannon, Beverly Chamberlain, Brian Chamberlain, Cory Mitchell, Jed Porta and Tim Porta

Lynne calls the meeting to order at 7:00 P.M.

Lynne states the first item on the Agenda is approval of the January 9, 2017 Minutes. Due to neither Stan nor Ray having been present at that meeting, although allowed to vote on same, it was determined by the Board to table action until next meeting.

Lynne states that the next item on the Agenda is continuation of application for an Amended Contract Zoning Agreement between the Town of Casco and Brian E. Chamberlain & Beverly J. Chamberlain for property known as Settlers Village to permit conversion of the property to allow same to be divided into single dwelling units and thereby allow individual sale of properties. The property is located in a Contract Zone and is known as Map 8, Lot 14-A.

Tom Smith addresses the Board stating that since the last meeting they have incorporated all the suggested changes made by both Natalie Burns, Esq. and Jim Seymour. He continues that they have made reference to the Comprehensive Plan guidelines in §2. Jim Seymour states that he believes all of Natalie's comments have been addressed and at this time the Board may move ahead with the Joint Meeting with the Board of Selectmen.

Lynne states she has one question on Jim's Memo from February 6th. She continues that on Page 6 Jim makes reference to 6 items which need to be part of the Plan. Jim states he will put that back on the applicant although some information cannot be added until the CZA is passed at Town Meeting and we do have another opportunity to check for these 6 items at the Amended Subdivision Review prior to approval. He continues that the only action the Board needs to take at this time is to make a positive recommendation to move forward to Joint Meeting of the Planning Board and Board of Selectmen.

Stan moves to recommend the Board moves forward to the Joint Meeting with the Board of Selectmen.

Lynne seconds.

Any discussion? None.

All in favor? 3 yes – 0 no – 0 abstain

Lynne states the next item on the agenda is Daniel Bannon, PE has submitted an application for Shoreland, earthmoving and dock expansion on behalf of Migis Lodge. The property is located in a Shoreland Zone and is known as Map 16, Lots 14 & 15, commonly known as 30 Migis Lodge Road.

Dan Bannon introduces himself to the Board and gives a brief overview of the project. He continues that Migis Lodge is an existing resort facility located on approximately 125 acres located in a Shoreland Zone. Migis has been in the same area since the 1950s and has been improved various times. It has been expanded and the lake area was dredged in the 1960s. The property is utilized by Migis Lodge and their guests for use by small boats. Sebago Lake depth can vary by as much as five feet (5') which has been the case for years.

Dan continues that the project consists of revamping the docking, lengthening the boat ramp to the bottom of the lake, adding three (3) small docks on the West side of the basin as well as adding a series of floating docks on the North side. The expansion on the North side will add six (6) finger slips held in place with locks and chains. He further states that the existing ramp is in poor condition and too short to be useful. The applicant proposes to replace this with a concrete ramp that will go all the way to the bottom of Sebago Lake.

Dan states that the depth of dredging and removal of materials require zero (0') to four (4') feet with a total of 1379 cubic yards of material to be removed. The process for this is to construct a temporary dam, dewater and do all the earthwork in place.

Stan asks if when they remove the water will they filter it and where is it going? Dan states that they will be utilizing a sump pump and the water will be put to the other side of the temporary dam. He continues that there will be monitoring during the dewatering and the processing will be done in the winter, at this point it will be next winter, so the lake will be at its lowest water levels.

Dan continues that they will excavate out to the proposed grade, put the material into trucks and take it across the Migis Lodge property. He states nothing will be leaving the property or be on any public roads. He goes on to say they will be constructing a berm around the field, contain the materials to dry and then spread out prior to loaming and seeding the area.

Stan asks if they have given any thought to historic values. Dan states they notified all tribes and have received no responses saying there are any tribal historic portions on the property.

Stan asks if they unearth anything would there be someone there to monitor it and handle it. He continues he would feel more comfortable with language in there to provide for this. Dan states they are dredging an area that has previously been dredged; this is not a pristine area project.

Jim states he believes the Board should allow the applicant to complete their presentation then ask questions.

Dan continues that there will be approximately one (1') to two (2') feet of material placed, capped, loamed and seeded and it will be very similar to what is there for soil and drainage. Additionally, he states this project required permits from both Department of Environmental Protection (DEP) and the Army Corps of Engineers. The last stop is to obtain Town approval.

Lynne states that you stated this has been dredged before and asks if the applicant is going deeper than it was done previously. Dan states he can't say for certain, but they are going to deepest part of the lake as it is now.

Jim asks how long it will be to do this project. Dan states it will be a few days for dewatering and the contractor expects it to only be two (2) weeks of excavation. Dan reiterates this will all be done in the winter as they don't want to do it when Migis Lodge has guests and the water will be at its lowest in winter.

Lynne asks if that is a part of the lake that would freeze and will that make the water go over the ice. Dan states it does freeze, but it didn't this year. Jim states that it would be just as easy to pump on to the ice as it will level out.

Jim asks if the pump has a screen or is filtered out. Dan states there is a pump within a bucket with holes in it which he believes will have filter material on it. Jim states on the water or submerged isn't what he is concerned about; most concerned about the piled and dried material that you are spreading loam or adding on top of existing loam; it is mostly the land operations that are of concern.

Dan states that the contractor suggested after material is dewatered that the material sits for a week to freeze. He continues that he believes they would be removing the existing loam; it said in the DEP Permit that it would be allowed a dewatering time and not supposed to leave materials uncovered for a time.

Jim states from his standpoint, we would want to see how the berm will be constructed and will loam be stripped in anticipation of winter so it doesn't freeze and would like to know if that pond is on the premises. Dan states that yes; but we are not filling the pond. Jim next inquires if there is an Erosion Control Plan for that. Dan states they have not provided information for construction of the berm yet.

Stan inquires, regarding the disposal site, if the dotted lines are the property lines. Dan states they are not, those are the filling area.

Stan further inquires, regarding the increasing of the docks, would those be private boats or are you renting boats. Tim Porta states they do not rent boats; it is only for guests who bring their own boats.

Jim asks if any services are provided to the boaters such as dumping tanks, etc. Dan states no, there are no services provided only docking.

Lynne states this is a Public Hearing and inquires if anyone has any comments or questions for the applicant or the Board. There being none, she closes the Public Hearing.

Jim points out that the Shoreland Zone Ordinance contains nine (9) criteria which the Board has to review; they are:

1. Will maintain safe and healthful conditions
2. Will not result in water pollution, erosion, or sedimentation to surface waters
3. Will adequately provide for the disposal of all wastewater
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat
5. Will conserve shore cover and visual, as well as actual points of access to inland waters
6. Will protect archaeological and historic resources as designated in the Comprehensive Plan
7. Will not adversely affect existing commercial fishing or marine activities in a Commercial Fisheries/Maritime Activities District
8. Will avoid problems associated with flood plan development and use
9. Is in conformance with the provisions of §15, Land Use Standards

Jim states he is concerned about the truck weight on the road. Dan states P & K has done a lot of work at Migis over the years. He continues it is a private road that has always been able to withstand the weight of the trucks. Jim inquires as to the weight of the trucks. Cory Mitchell of P & K states they are approximately 25 to 30 tons. Jim further inquires what will be over the area prior to loaming and seeding. Cory states that most likely it will temporarily be mulched and/or hayed. Jed Porta states they are not interested in making a mess of their premises.

Jim states that per Stan's thoughts, perhaps Alex should be given weekly reports by someone monitoring the site. Dan states they haven't worked out all the details yet. Dan continues that he won't be there daily, but as the engineer, he will be checking the project. Jim states that the weather plays a part in this and he doesn't believe they had any restrictions in the DEP Permit. Dan agrees.

Ray states that where this drainage is going to take place, is as far from things as it can get and he believes it is uphill to the lake. Ray further states that the pond is manmade and is a settling area. Dan states the dredging area is a long way from the Shoreland Zone.

Dan moves on to explain the ramp will be in the same location as the existing ramp just that it will be extended out further to the bottom. Jim states it was stated in DEP Report that you are looking to convert the field area into a basketball court. He continues that if you are going from vegetative to impervious, you have to account for that.

Ray asks if the applicant has calculated the square footage of the holding area. Jim states it is 34,000 S.F. per the DEP Permit. Dan states the absolute earliest they could begin by building the berm would be November after their season is over.

Stan states he still wants to go on record that dredges are looked at to be sure they are not finding any artifacts or remains. Jim states that you can request that, but we don't have anything in the Ordinance to require it. Stan states he wasn't serious.

Jim asks if the Board wishes to go through the Shoreland Zone Requirements #1 - #9 individually. Lynne suggests the Board lump them together. Lynne continues that in the DEP reports they seem to have everything covered except, as Jim pointed out, the dewatering and holding spot. Jim states that the Board can have a note reference to the dump site plan or we can make a requirement that prior to any activity they provide a site specific plan for the dumping area. Jim continues that this can all be done through Alex in the permitting process. Dan states that if there are no significant questions other than the placement sequence of the dumping site, if the Board could give that as a condition of approval, they will be happy to provide additional information to support the Conditional Approval. Jim states that rather than asking for site specific plan, perhaps we can just have a preconstruction meeting with Alex and himself prior to the work. Jim also states that as a COA you can say if you want some type of monitoring.

Ray moves that the Shoreland Zone conditions #1 through #9 have been met.

Stan seconds.

Any discussion? None.

All in favor? 3 yes – 0 no – 0 abstain

Stan moves to approve the Site Plan presented with the following conditions:

- a. Submit a Construction Sequencing Plan
- b. Submit a Site Specific Erosion Control Plan for the Dump Site
- c. Submit weekly Monitoring Reports to the Town of Casco
- d. Schedule a Pre-construction meeting with the Town Code Enforcement Officer and the Town Planner

Ray seconds.

Any discussion? None

All in favor? 3 yes – 0 no – 0 abstain

Lynne states next on the Agenda is P & K Sand and Gravel, Inc. has submitted an application for extension of their "Contract Zoning Agreement" to continue mining activities on Map 9, Lot 30-1.

Cory Mitchell introduces himself and states he is the representative for P & K in this matter. He explains they are requesting renewal of their existing Contract Zone Agreement on Indian Acres Road.

The Board looks at the drawings showing red outlined area. Stan asks if this red outline is the current open area. Cory states yes, it is.

Jim states that in 1999 the land swap with John England was the latest amendment to the Contract Zone. He continues that there was another land swap with Hancock Land Company. Cory states they are not looking to address that now as they won't be anywhere near that property in this ten (10) year period. Jim states we need a full property plan showing the areas of what P & K owns as that is what we are approving. Cory states he has to double check it. Ray states he believes what Jim is asking for is a plan that shows what they are planning to open in the next ten (10) years. Jim states they should show the swapped piece because it is in ownership of CBJ; P & K doesn't own any property. He continues that the Board requires a clean plan showing all of CBJ property and areas P & K are utilizing. Cory states he will have George Sawyer take care of that. Jim stated he would like to see the open areas shown as well.

Jim states that in the old CZA there were some delineations of wetlands on the Plan and inquires if there are any wetlands on the property. Cory states any wetland have been created by them. He continues they have a 250' setback from the Heath.

Jim continues that they need what is the quarry delineated, shelves need to be shown differently from the open quarry. The next issue addressed is inspection and reports by the Code Enforcement Officer; Alex will have to look through this and begin preparing reports.

Jim explains why this matter is before the Planning Board rather than just renewing the CZA through the Board of Selectmen.

Ray inquires that while they have acquired new property, are they utilizing that property. Cory states they are nowhere near it. Ray states if they aren't going to go beyond the existing boundaries, why can't the CZA just be renewed. Jim states that it is because the Contract Zone runs with the land. Natalie Burns, (the Town's attorney), stated it was the Board's obligation to include that land in the CZA. Discussions continue among Ray, Jim and Cory regarding what should be shown on the plan.

Jim states once we have a drawing showing all the property, we will only still need an actual form of CZA. The Board, Jim and

Cory discuss what is required to get this done for the June Town Meeting.

Discussions turn to the filing date for the April Planning Board Meeting and all are advised it is Monday, March 20th. The Board discusses allowing P & K an extra week to get their materials in for the April meeting, which would mean they need to file by Monday, March 27th at noon.

Ray moves to extend the filing date one (1) week to Monday, March 27th, 2017 at noon.

Lynne seconds.

Any discussion? None.

All in favor? 3 yes - 0 no - 0 abstain

Lynne asks if there is any other business this evening.

Ray states he has a question about a project on Brown Avenue and Route 302, Willeys Construction. He continues that he doesn't know why they didn't have to come to the Planning Board based on the ground that has been disturbed. Jim states it was done by Staff Review. Ray states that they brought in a lot of fill and should have been before the Board. Jim and Alex state that they have nothing to base this on; however, if they have exceeded what was allowed, it would be an after-the-fact issue and brought back. Jim states if it is over 20 cubic yards it comes to the Planning Board and if it is under 20 cubic yards it is before Staff Review. Ray states there is a 300' x 100' plot that was cut. He continues that all the water is draining to the ballfield. Jim states Alex may have to take a look at that. Alex states he talked with David (Morton) on this project and he stated the issues with the ballfield have been going on for years.

Stan moves to adjourn

Ray seconds.

Any discussion? None.

All in favor? 3 yes - 0 no - 0 abstain