

PLANNING BOARD MINUTES

April 9<sup>th</sup>, 2018

CASCO COMMUNITY CENTER

7:00 P.M.

**MEMBERS PRESENT:** Ray Grant, Jim Macklin & Lynne Potter

**MEMBERS ABSENT:** Ted Beckner, Stan Buchanan & Edward Phipps

**STAFF PRESENT:** Alex Sirois, CEO; Jim Seymour, Town Planner & Sandy Fredricks,  
Planning Assistant

**PUBLIC PRESENT:** See attached

Lynne calls the meeting to order at 7:05 p.m.

Lynne states the first item on the Agenda is approval of the March 12, 2018 Minutes. She continues that as we do not have them yet, this item will be held over to the May meeting.

Lynne states the next item on the Agenda is the Public Hearing regarding amendment to the Zoning Map to bring the Aquifer Overlay into alignment with the State of Maine Geological Survey quadrangle map.

Lynne opens the Public Hearing and asks Alex to recap for those present.

Alex explains that a property owner has requested the Planning Board look into the Aquifer Protection Overlay because it did not line up with what the Maine Geological Survey had for the Aquifer Maps in Casco. He continues that you generally want it to protect the Aquifer areas. There are some properties that are showing in the Aquifer that will no longer be in Aquifer and others that are not currently shown that will be included in the Aquifer Overlay.

Alex continues that he looked at old Zoning Maps back into the 1990s and it appears that in the late 1990s the State updated the Aquifer Protection maps, however, the Town did not update the maps at that time. Therefore, this Public Hearing is to have the Town update our Maps to reflect the information contained in the State of Maine Geological Survey quadrangle map.

Jim Seymour adds nothing is changed other than the Overlay District boundaries. He continues that as with any application in the Aquifer Protection District, there is a process to contest the designation, but the onus is on the property owner to prove they are not in the Aquifer Protection District.

Carolyn Drew states she doesn't so much have a question, but has a comment. The current Aquifer Overlay is extended deeper into her property that is necessary. She

continues that she is currently working on a Site Plan Review to get a permit. Carolyn further states she is in favor of the State Overlay rather than the current one.

Alex states that Carolyn is looking to take a lot out of Tree Growth so she only has to take out 80,000 s.f. rather than 120,000 s.f. with the Aquifer Overlay as set forth by the State.

Eric Dibner states he has questions and comments. He states he understands from what Jim Seymour said the standards within the protection zone are not being affected; just the boundaries. He asks if the boundary changes are increasing or decreasing the Aquifer Overlay.

Alex states that the two arrows on the Map point to the actual State Overlay and the Town's Map. He continues that it isn't really getting larger or smaller, it's just realigning the boundaries. Further, he states that there are portions on 302 coming out and other portions going in.

Eric states that protection of the water is very important; we don't always see water as it is underground. He continues that the Town needs to have an accurate location of the water so we can say we are protecting the water. Additionally, he states that Loon Echo Land Trust and the Casco Conservation Commission preserve land but we are also working with Portland Water District to preserve Sebago Lake and he is hoping that the Board would support this change.

Doug Webster states that with respect to the appeal process, although there is an appeal process to the Planning Board, any actual changes of the Aquifer Protection has to go through Town Meeting. Jim Seymour states that is correct, it would go through the same process as any zoning change – Planning Board, Selectboard and finally Town Meeting.

Ellen Ward questions if the Blue is the State Map and the Red line is Town Map; correct. Alex states it is correct. Alex goes on to explain that Parsons Point, Bass Lane and Stillwater Road would now be going into the Aquifer Protection Overlay and it is currently not being protected.

Ellen asks how you define the uses and non-uses; how does that affect her home; what if she needs a new well or septic, would it be "grandfathered". Alex states that it would be an allowed non-conforming use which would also probably be allowed to replace a well or septic. Alex further states that if she would like to come into the office and discuss this in detail with him, he would do that. He continues that this change has to go before the Selectboard and Town Meeting, so there is time to review this.

Alex additionally states that a single-family home would not be an allowed use for any new construction. Ellen states that how can they change things so their homes are not allowed. Jim Seymour states that Alex did not say their homes would not be allowed; he said that new home construction would not be allowed; existing homes will continue to be an allowed non-conforming use.

Ellen states she is wondering about space standards. If no uses are allowed, why are there space standards. Alex states that the space standards are larger lots in Aquifer Protection and only 10% of the lot can be covered with impervious surfaces as opposed to 20% impervious coverage in non-Aquifer areas.

Ellen further states she can't think of what uses would be permitted. Alex states that there probably aren't many uses. Jim Seymour states that it would mostly be Town recreational uses.

Eric Dibner states that the State has delineation of where the aquifers are; is the Town required to adopt that or does the Town have a choice of where they want to protect. Jim Seymour states he believes it is up to the Town, but much like we do with habitats, we rely on the State maps.

Lynne states if the Town adopts a different map than the State and any issue arises from discrepancies, would the State be able to fine the Town. Alex states he has never heard of that happening. Jim Seymour states it puts us in a litigious situation because there is a reliable source.

Lynne asks if there are any additional comments from the Public. Being none, she closes the Public Hearing and returns to the Regular Meeting Agenda.

Alex sums up the issue of the AP Overlay. He states it is up to the Planning Board if they wish to send the change to the Selectboard for inclusion on the Town Meeting Warrant.

Lynne states she would recommend sending the matter to the Selectboard. Ray states he agrees and that the Planning Board should also give it a positive recommendation for Town Meeting. Lynne concurs with the positive recommendation. Jim Macklin states this is much like the Flood Maps, they change over time and he would agree with moving this forward with a positive recommendation from the Planning Board.

Ray moves to forward the Aquifer Protection Overlay change to align with the State Geologic Survey quadrangle map to the Selectboard with a positive recommendation from the Planning Board for adoption on the Town Meeting Warrant.

Jim seconds.

Any discussion? None.

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

Lynne states the next item on the Agenda is an application filed by Sebago Technics, Inc. for Site Plan Review on behalf of Hancock Lumber for a new corporate office building on property known as Map 8, Lot 17-2 located on Poland Spring Road. The property is located in the Commercial, Stream Protection, Wetland Protection and Aquifer Protection Zones.

Lynne states before we address this issues she wishes to states on the record that abutter notices were not sent out, therefore there will be no votes taken regarding this matter tonight.

Jim Seymour states for the record that he is recusing himself from this application as it was prepared by Sebago Technics and to avoid any concept of conflict of interest, he leave the table.

The Board acknowledges Tom DuBois of Main-Land Development who has prepared the Peer Review of this application on behalf of the Town of Casco.

Craig Burgess of Sebago Technics introduces himself to the Board along with Paul Wainman of Hancock Lumber.

Craig states the project involves construction of a new office building and parking lot. The building will be 4350 s.f. He shows the Board plans of the interior and exterior of the building and states it will be blending in with the existing structures. He continues that with respect to the Stream Protection setbacks of 130' are met while they are fairly restrictive. He continues that the parking is also restricted.

Craig goes on to state they are looking for two waivers for parking; one for the overall number of spaces. They are proposing 24 parking spaces with 14 overflow grass spaces for a total of 38 parking spaces. He continues that additional overflow parking could be accommodated at the retail store. Craig states that there will be 20 employees in this new building and therefore 24 paved parking spaces and 14 grass overflow spaces are sufficient.

He continues that the second waiver request for parking is for a reduction to the overall size of the parking area. He states they are proposing 20' long by 9' wide spaces which is less than the required 20' x 10' and that is why they are requesting a waiver.

Craig states that he responded to Mr. DuBois's comments today. He continues that some of the Stormwater issues were typos on their part and were easy to correct.

Lynne states if the parking lot for the new office building could also overflow to the retail store, what is that lot made of. Craig states it is paved. Lynne asks if there will be an interior access to the retail lot from the office building or will people have to pull out onto Route 11 and then back into the retail lot. Craig states they don't intend to have an interior access nor do they intend on having to utilize the retail lot for overflow, so yes, they would be going onto Route 11 and back into other lot.

Ray states he hasn't seen anything showing where they will be moving the parking spaces utilized by the sawmill workers currently parking on the site of the proposed building.

Paul Wainman states we intend to relocate that parking to the mill lot, most likely behind the mill. He continues that they will create additional parking to accommodate everyone.

Ray states he believes we need to see plans for that in conjunction with this plan.

Paul states that would be a separate project from this. He continues that they have enough parking at the mill property to accommodate everyone.

Craig states he believes that parking area was not intended to be the overflow parking for the mill workers; it is just over time everyone was parking there. He goes on to state that he can provide the Board with an overview, aerial view of the mill and property parking.

Craig states that due to the confusion about abutter notification, he respectfully requests the Board hold a special meeting prior to May 14<sup>th</sup>. Lynne states for her perspective, she will not be available for a special meeting. She continues that this information should have been provided in a more reasonable timeframe.

Craig points out that they did a quick turnaround in reply to the Review sent by Tom.

Jim Macklin states he will be travelling beginning April 24<sup>th</sup>.

Alex states the only thing not submitted by the applicant in a timely manner was the building plans.

Ray states he will be leaving also toward the end of the month.

Craig asks if the Board sees any issues with the waiver requests. Lynne states it all depends who is sitting on the Board and what we see before us at that time.

Craig reiterates they are looking for a slight reduction in the paved lot size and whether or not the grass overflow parking is sufficient or not and if the grass spaces are not acceptable then they request a waiver to 24 spaces.

Jim Macklin states that regarding the Aquifer Protection, is this an allowed use. Alex states it is acceptable as it is considered a business and professional office; they just have to make sure that there is no more than 10% impervious surface.

Paul states in terms of Waivers, can we get approval of those tonight.

Ray states he doesn't feel they can because there was no notification to abutters so we can't take any action.

Tom states he did receive the supplemental information today by email. He continues that most of the responses were pretty good, but he didn't get into much detail as yet. He states he only had time to do a cursory review. He goes on to state that regarding the grass overflow spaces, they are on the back portion of that parking lot and people will have to cooperate by double parking. Additionally, he states that he would like to see if they have any way to have a walking path over to the other lot.

Lynne states she would like to know what a reinforced grass parking area is. Craig states if it is just a grass parking area it is only top soil and grass; if it is a reinforced grass parking area there is a reinforced plastic piece that prevents the grass from being turned up.

Paul states we have 24 paved spots and the office will house 20 full-time employees, some of whom are on the road. He continues that a few times a year we would have meetings that would have 30 people and with the grass spaces we will have 38 total spaces.

Tom states that in reviewing the architectural plans, he couldn't find the overall building height. He continues that he found elevations to the second floor, but not building height. He further states that Casco has a 35' building height limitation. Craig states they meet that criteria. Tom states that it should be shown on the plans.

Jim Macklin states the basis for the number of parking spaces is because of the size of the building. If the building is sold, it could be a different use, would the parking be at issue. Alex states uses allowed there will be fairly similar, but it is based off the square footage; however, we aren't really able to plan for what happens in the future. He continues if use changes and the parking isn't sufficient, they would run into issues with the impervious surface coverage.

Alex states he does like the idea of a path between the new building and the retail spaces. Paul states they plan to have a lockable gate between the two locations.

Tom states there are some site plan requirements of the Ordinance that need to be shown, such as contiguous properties of Hancock Lumber. Additionally, he states we have one test pit showing soils and we have a sizeable wetland on the site and the ordinance requirements are on the ground test pits.

Tom goes on to stating regarding easements, there seems to be a potential conflict of a "reservation for a building site" where this is situated and he would like to see that cleaned up.

Lynne recaps that the building height, soils map, easement conflict and contiguous lands need to be addresses.

Craig states he would like to know what the Board is looking for for soils. Tom states that the ordinance requires the plan shows "soil types and location of soil boundaries as certified by a registered engineer or certified soil scientist".

Alex advises the Board that regarding the Parking they cannot approve a lesser amount of spaces, so the Board and the applicant will have to find a way to make the parking work otherwise the applicant will have to go to the Zoning Board of Appeals for the reduction to parking.

Craig asks wasn't the waiver request appropriate for that. Alex states that not with our ordinance stating to go to the Zoning Board of Appeals. Alex further explains it's either the grass spaces are acceptable to the Planning Board or some other way to get those spaces.

Craig shows the plans and points out the boundaries with the wetland setbacks.

Lynne states the next item on the Agenda is Maie Wakefield has submitted an application for a Major Subdivision Amendment on behalf of Tobey Dorr for the creation of a new lot from the property known as Map 9, Lot 52-2 located on Freeman Road. The property is in the Residential and Stream Protection Zones.

Jim Seymour returns to the table.

Maie Wakefield states she is representing Tobey Dorr who owns 6.9 acres at 56 Freeman Road. Mr. Dorr is looking to split 2 acres off the lot; they have an offer for the 2 acres and then realized they needed to get an Amendment to the Subdivision Plan. She continues that they notified the abutters and she heard from one person who wanted to know where this property was in relation to her property and was satisfied with the answer.

Maie continues that Dorr's lot is the last house lot and Freeman is a public road up to #56 then it becomes a Right-of-Way. She continues that there won't be much additional traffic as it is only one lot. Additionally, we have submitted a soils report and passing test pit. The new lot is able to meet all setback requirements to allowing building of a home.

She goes on to state they are asking for a few waivers; they don't know where the driveway will be located and would like a waiver for that. She continues they also would like a waiver for the HHE200 until the time a building permit is issued. This lot would be #5. Maie further states they do have the lot under contract with a closing date of April 27<sup>th</sup>, 2018.

Jim Seymour states this is in a Residential Zone and minimum lot size is 80,000 s.f. He continues that this is part of the Timber Ridge Subdivision done in 1995 and since that time Lot 4 was carved out to be Stonecrest Subdivision (8 lots) leaving lot 3 and this one being lot 2. He further states we need to see how this fits into the Timber Ridge Subdivision. Jim continues that this is also in wetlands; has the brook been delineated since 1995. He goes on that some of the waterways have been changed due to weather events.

Additionally, he states the biggest issue will be frontage for both Mr. Dorr's remaining lot and the newly created lot. He continues that the issue is that the road hasn't been approved beyond Mr. Dorr's lot. We need to figure out how we figure out the road and road frontage. According to our ordinance roads must be 20' wide with 6' shoulders. He continues that they haven't requested a waiver of these standards nor have they given us anything showing the plans. Jim further states that they clearly are in a situation where the closing will be delayed; we just don't have enough information or road section that the Board can accept.

Krysta Clark states she and her husband are the buyers of the new lot. They will be having a 100' driveway; can that be part of the road prior to the driveway.

Jim Seymour states the Board needs to see a drawing and plan showing the road standards. He continues that not only do they need the 200' frontage for the new lot,

but also need 200' of frontage for Mr. Dorr's lot. The 200' frontage for the new lot is required in order to obtain a building permit. Jim reads the standards to the applicant's representative and the buyer. Maie asks if it has to be paved. Jim states that per the ordinance it needs to be 20' of pavement with 6' shoulders. He continues that we need to see an engineered drawing of the road with dimensions; we need something from the Fire Department regarding the turnaround.

Maie states as far as the Brook is concerned, if the surveyor can go out and tell if the Brooklines have not been changed, is that acceptable. Jim Seymour states he should be able to establish the brooklines. He continues that we need to see how this fits into the subdivision; we need to see a larger plan updated to show the lot you are carving off.

Alex states the Town road ends at the start of this lot. We need 400' of frontage; 200' for each lot. Additionally, you may need a Maintenance Agreement between the two owners.

Krista inquires if there is a way to have the lot they are buying be a part of the public road. Alex states that is not likely to happen.

Ray states he hasn't seen the Town accept a road in the last 25 years or more; your chances are slim.

Krysta asks if gravel meets the requirements.

Jim Macklin asks if it can be done as a backlot. Jim Seymour states he doesn't think so because Tobey doesn't have backlot property.

Maie inquires if there is any way to request the road be non-conforming. Jim Seymour states that could be addressed by the Board on a case by case basis; it is ultimately up to the Board for public safety as well as documentation of who will be responsible for maintenance. Jim Seymour goes on to state we have to see if the Board can approve the reduced road standards.

Maie next inquires if they need to do anything about the Stonecrest Subdivision prior to Timber Ridge. Jim Seymour states we need to see how Timber Ridge, Stonecrest and this lot fit together. Maie asks if that has to be on the mylar. Jim Seymour states that somebody will have to hire an engineer and suggests that perhaps someone from CADmaster should make an appointment to meet with Alex and himself to ensure everyone is clear what is required.

Jim again states the Board has to look at the entire Subdivision of Timber Ridge. He continues that you have to work with the utilities to show where the utilities will come into the lot; you need to show the future well location, proposed septic location, any other wetlands or swamp like areas on the lot; we need to see those.

Jim goes on stating that stormwater for a single family lot so the stormwater will depend on the topography of the lot.

Jim Seymour continues that the Board will need to see a proof of document to be recorded for who will be responsible for the private road.

Maie states that if they can get this together and submitted by the end of this week, could it be reviewed before May 14<sup>th</sup> meeting.

Ray states they will need that time to get everything together.

Maie is advised the next submittal deadline is Monday, April 23<sup>rd</sup> by noon for the May 14<sup>th</sup> meeting.

Jim Seymour refers applicant's representative to Page 3 of his Memo, 12 requirements per the ordinance and advises they review with their professional and provide the information as required. He further advises they can find those items in the Town Code as §210.9.10.

Jim Seymour also points out to the applicant's representative and the buyer of the new lot, that when you build this part of the road, if the lots on the other side plan to build, they will come into the mix for maintenance of the road as well. Alex states that if the buyer takes on the role of maintaining this road, you are taking it on for the lots on the other side as well.

Holly Hancock states she is addressing this Board as Chair of the Selectboard. She states that the Planning Board has had one resignation; Ray heads out on an extended trip; three members and an alternate are not here tonight. Should the Selectboard be concerned? The Board's reply is yes, as are we. Holly states she will take the matter up with the Selectboard tomorrow night.

Additionally, Holly asks the Board if there is anything else they wish her to discuss with the Selectboard. Ray states yes, accepting Subdivisions without paved road. Holly states that is a different matter.

Lynne moves to adjourn.

Jim seconds.

Any discussion? None.

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