

PLANNING BOARD MINUTES

June 12, 2017

CASCO COMMUNITY CENTER

7:00 P.M.

MEMBERS PRESENT: Ted Beckner, Stan Buchanan, Jim Macklin & Lynne Potter

MEMBERS ABSENT: Bob Barnes, Ray Grant & Edward Phipps

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

PUBLIC PRESENT: Henry Turcotte, Rick Paraschak, Dustin Roma, Ken Hawley & Cliff Bartlett

Lynne calls the meeting to order at 7:05 P.M. due to a recording issue.

Lynne states the first item on the Agenda is approval of the May 8, 2017 Minutes.

Jim moves to approve the Minutes as submitted.

Ted seconds.

Any discussion? None.

All in favor? 4 yes – 0 no – 0 abstain

Lynne states the next item on the Agenda is Henry Turcotte/Gazebo Tees has filed an application for an after-the-fact fill permit to allow filling over 40 cubic yards at property known as Map 2, Lot 5 and commonly known as 223 Roosevelt Trail. The property is located in a Commercial Zone.

Lynne asks if Mr. Turcotte is present. Henry states he is and addresses the Board. He states he is present because he got letters from the CEO about fill. He continues that he has been filling there for a while as Don Murphy (former CEO) said it was an extension of his permit for building to use the rest of the land. Henry states that he doesn't know what changed other than the CEO changed and he was told to stop filling. He continues that he is trying to fill the lower portion of the property where it is basically a gully created by two highways being on either side of the property.

Jim S. states that 40 cubic yards or greater requires a permit. Henry states that doesn't apply and come under the Planning Board when it is covered in the Building Permit. Jim S. states we don't have plans to go with this application and that makes it difficult to determine what was under the Building Permit and what requires a special permit.

Lynne inquires if the Building Permit issued by Mr. Murphy has an expiration date and what terms were included. Alex states there were several permits issued over the last several years. He continues that in reviewing the file, it looks like Henry and Don worked together to clear up some issues. He goes on to state that there was a permit for a two bedroom apartment over the business and a Certificate of Occupancy was issued; there were also permits issued for a garage, deck on the back and the gazebo for the bait business. Henry states they haven't built the gazebo as yet. Alex states that permit has expired; permits typically expire after a year and an extension can be given for an additional year without additional costs. Alex continues that if Henry came in to get an extension of the expired permit, he would most like get the extension. Alex goes on to state it is a tough situation when a permit is issued and then the applicant is told they can't do it. Additionally, Alex states that with filling, if you get a permit for structure any excavation that is part of the project is included; if you get Site Plan approval for a driveway, etc. that fill would also be covered.

Jim S. states if we had a Site Plan showing he was permitted for the parking lot, the fill may be okay without the Planning Board issuing a separate fill permit. He further states that often you get what is referred to as "Site Plan Creep" meaning you allow so much under the Plan and Permit in a certain time then you need a new permit for the Planning Board.

Lynne states that it looks like there is drainage down to the river, is that correct. Alex states it is between two roads and drainage doesn't seem to go anywhere. Henry states there is a culvert down the bottom; he believes that when they built the new 302 they put in some culverts. Henry continues there is no silt going down off their property, there are natural barriers, there is heavy under growth there. Alex states there are no mapped wetlands on the property.

Jim M. asks if anyone has reached out to Don Murphy. No one from the Town has reached out to him and Henry states he tried to contact him, but he has an incorrect number.

Jim S. asks how many accesses are there to the property. Henry states there are two access areas; one access from Hamm's Hill driveway and one from 302 that they added.

Rick Paraschak states that he is here to support Henry. Jim S. states we need a good timeline of filling. Rick states that when they built the new 302 they created a huge void; the filling is to bring in enough fill to bring the land up to the height of Hamm's Hill. Rick continues that he speaks not only for himself but, he believes, also R.N. Willey and P & K as they have all brought in clean fill. He goes on to state that he has witnessed Henry and others picking out asphalt that was dumped in there by someone; the erosion is controlled, there is no silt going off the property.

Jim S. states what we need is to have some kind of plan for extended filling which will take years. He continues, if it is going to be a mineral extraction it is looked at like a gravel pit and has to come in; if it's filling for parking, we need a plan of where it's been and where it's going. He continues that some aerial photos, estimates of how many yards of fill, how this material is put in, etc. Lynne states we need to make sure there are limits and things don't get extended. Jim S. states other information to be included should be rating of the trucks as well as hours of operation. Lynne asks if lighting would also be a consideration.

Stan states it is uncomfortable as we don't seem to have the original plans and what direction things are going. He continues, we need to know where the culvert is and what impact the fill will have on it.

Henry states he can do that and give you whatever we need to do for this and address the issues. He continues that the hours of operation are normal business hours, regular work days; no one dumps after hours.

Lynne states we need to know where you are today and where you plan to go. Henry states he plans to build a garage where they are filling and use it to store tools of the construction business.

Stan suggests that Henry meet with Alex to do this and get everything set out right. Jim S. states that even a narrative would do.

Rick Paraschak states it's a little unique to where it's not a gravel pit; he's not extracting minerals.

Alex states it is also important to note that some towns have much higher numbers for filling than we do at 40 cubic yards.

Lynne states that Item #4 has been pulled from the Agenda by the applicant.

Ken Hawley asks if Item #4 was the Stonecrest Estates Amendment. He is advised that it was.

Lynne states that under other business we have a request regarding an Aquifer Protection Zone change. Jim S. states it is difficult to determine where our lines were derived from. He continues that Point Sebago is looking to start a conversation where to go with the amendment to zone change.

Dustin Roma states he is a Civil Engineer and has been discussing several projects on the property of Point Sebago and they have been looking at some things in general. He continues that as they looked at undeveloped property they noted the area of the Aquifer Overlay Zone and wondered how they got placed within it. Dustin goes on to

point out the area in red on the maps submitted is the area shown as being included in the Town's Map.

Dustin next states that as we began to think about this area to develop it is important to try to correct this overlay as shown on the Town Map. He continues they are requesting the Planning Board make a request to have the Map changed to match the Maine Geological Survey Map of Significant Sand and Gravel Aquifers. Dustin further states that they understand this type of change does require a Town vote.

Lynne asks what making the Zone Change means to Point Sebago. Dustin states they have State Park Road there and this change would open it up some. Although they have no plans at this time, they would like to get this done.

Jim S. states that on Page 53 of the Ordinance is Section 4.4.6, Aquifer Protection Overlay District. He continues that the biggest thing under the Space Standards is that it limits impervious surface to 10% of the lot, which is a big value if it is removed from the Aquifer Overlay. He further states that in looking at the maps we can see other areas where it doesn't quite match up on other properties.

Jim S. continues that he is wondering what direction the Board wishes to take; do we want to look at the entire area; do we need a geologist or other professional to make certain the States map is correct.

Ted asks Alex if this is the only place the State map differs in town. Alex states it's pretty hard to tell; if you go forward you would just adopted this Polygram. Jim S. states it clearly doesn't match up.

The Board discusses the accuracy of the Map and how it was determined as Aquifer Overlay. Jim S. inquires if the Board wishes to take this on as a case by case basis or take on the entire Aquifer Overlay. The Board's consensus is that if they are going to address this, it should be addressed as a whole and do it in detail.

Jim S. asks if the Board wishes to send a letter to the Board of Selectmen to review this issue. Dustin states he feels that it would be very time consuming and costly to have an entire study done. Dustin goes on to explain the markings on the State map.

Jim. S. states once we get the nod of approval to proceed from the Board of Selectmen, we will have to have several public hearings.

Ted moves to adjourn

Lynne seconds.

Any discussion? None.

All in favor? 4 yes – 0 no – 0 abstain