

PLANNING BOARD MINUTES
January 13th, 2020
CASCO COMMUNITY CENTER
7:00 P.M.

MEMBERS PRESENT: Ray Grant, Jim Macklin & Lynne Potter

MEMBERS ABSENT: Stan Buchanan

STAFF PRESENT: Alex Sirois, CEO; James Seymour, Town Planner and
Sandy Fredricks, Planning & Zoning Assistant

PUBLIC PRESENT: **See Attached**

Lynne calls the meeting to order at 7:00 p.m.

Lynne states the first item on the Agenda is approval of the December 9th, 2019 Minutes.

Jim moves to approve the December 9th, 2019 Minutes as written.

Ray seconds.

Any discussion? None.

All in favor? 3 yes (Ray/Jim/Lynne) – 0 no – 0 abstain

Lynne states next item is MSAD #61 has filed a Site Plan Application to permit the renovation of the existing structure interior and construction of a 2nd story 13,800 s.f. addition along with a 1,300 s.f. platform (stage) addition in the existing gymnasium. The property is known as Map 5, Lot 27-E located at 1437 Poland Spring Road. The property is located in a Village and Aquifer Protection Zone.

Matt Phillips, Landscape Architect, Carroll Associates addresses the Board. He states he is here on behalf of MSAD #61, Lake Region School District. He continues that also present are Doug Breer of Steve Blatt Architects and Andy Johnson of Atlantic Resource Consultants, Civil Engineer. He goes on to state that after the December 9th, 2019 meeting, the plan has undergone a few changes based on Board comments and peer review. He continues that the Board found the application complete and granted two waivers. The question tonight is would the Board like a complete full overview of the project or just a review of the changes made. The Board agrees they would just like to review the changes.

Matt continues that they removed one parking stall in the center parking aisle to help the fire access and they have striped this area as No Parking zone which gave them 69 parking stalls. Further, they added No Parking, Fire Lane, Staff Parking and Drop Off signs for clarity. Additionally, per the Fire Chief's request, a Knox Box has been added and they have also received their DHHS approval for the wastewater system.

Matt further states he received Jim Seymour's comments and the concern was for fire access and turning radius. He continues that they removed a second parking stall in the center aisle which gave them 68 parking stalls to meet the minimum parking requirements. Further, they have widened the throat of the driveway from 19' to 22' by converting one handicap van accessible space to a regular parking space thereby leaving 2 handicap spaces. Matt goes on to explain they have also removed gated fence that was going to be locked and have a Knox Box, but for ease of access, it was removed as it was more of a hindrance than a benefit. Matt reviews the access to the rear of the addition on the drawings with Board. Matt concludes his presentation stating he hopes these changes and the new design satisfy the Board and Jim Seymour.

Jim S. states he has been in touch with Andy Johnson during the past week and the Board will have to waive the aisle width requirement. Further he would like to have additional signage. He continues that he feels it was best to remove the gate for ease of access and safety to the access. He states he is perfectly fine with everything as presented.

Alex states the only thing he sees is we will need Site Plan with a signature block and on Page C-1, minimum lot size in Aquifer if 120,000 s.f. not 60,000 s.f. as you are showing.

Ray asks how wide the space where the trucks do the 3-point turn is. Matt states it is approximately 65' – 70' in one spot and a little wider, about 80', in the other. Ray states if they need to get trucks in there, they would be further back not next to the building. Jim S. asks if they would be going in with a tanker; Ray and Holly Hancock both state they would.

Lynne opens the Public Hearing on this application.
No one coming forward to speak, Lynne closes the Public Hearing.

Ray moves to grant a waiver to reduce roadway width to 20' as shown on the Plan revision dated December 18, 2019 and reviewed by the Board January 13, 2020.

Jim seconds.

Any discussion? None.

All in favor? 3 yes (Ray/Jim/Lynne) – 0 no – 0 abstain

Jim moves to approve the Site Plan for the MSAD #61, Crooked River Elementary School, improvements and renovations.

Ray seconds.

Any discussion? None.

All in favor? 3 yes (Ray/Jim/Lynne) – 0 no – 0 abstain

Jim S. reiterates they also need to have all appropriate signage shown.

Lynne states next is David Banks, RE/MAX By the Bay has submitted an Application on behalf of Natalie Sanborn to permit an amendment to an approved subdivision known as Quaker Ridge Estates for property known as Map 5, Lot 58-3 commonly known as 11 Rollinghill Road and is located in a Residential zone.

David Banks of David Banks, RE/MAX By the Bay steps forward and thanks the Board for allowing him to represent Keith and Natalie Sanborn in this matter. He states their intent when they divided off the land to family, the attorney did not recognize the road being an issue because it was to family members. The approval in 2005 said any split, not houses, would require the road be brought up to standard. David continues that they reviewed Jim Seymour's Memo and are asking for a waiver as it was sold to an abutter and the abutter does acknowledge they would have to bring the road up to standards.

Jim S. states the Town standards whether a road is public or private, there is only one standard which is for full-width, paved road. He continues that a couple of lots have been created that have jeopardized Note #7 on the 2005 Plan and whether or not they are family or abutters, they recognize there are 3 lots having access off that road. He further states that we have been down this path before; the development has been divided and at some point someone has to make improvements to this road to be 24' wide, paved, shoulders etc. He continues that in this case, the Sanborns were the ones that were more or less left holding the bag so to speak. He goes on, they can do this as a backlot driveway; he is not sure the Town wants to get into waiving something that was set in 2005 very specifically.

Ray states that if the land that was bought by the abutter was put into one deed, then it wouldn't be a division. Alex states that was his discussion with the landowner in the back. He advised conveyance from Sanborns to the abutter then a reconveyance to include with the abutter's original parcel and from what he gathers, this did not occur. Alex continues that Elwin considered it two lots, and wrote a No Action Letter in 2010 or 2011 stating that the Town wasn't going to require that the road be upgraded. The Title Attorney didn't care about that stating it needs to be upgraded.

Jim S. states if all the Monahan property was one deed, it would go away. He continues that it is his recommendation that the Board deny making this change. Ray states he agrees.

Alex inquires when did Sanborn convey the land in the back. Harry Monahan states the deed was recorded June 20th, 2018. Alex further inquires if the 33.3 acres is just the portion purchased from Sanborns. Harry says it is.

Jim S. states that future development would require the road be brought up to Town standards.

Alex states they would have to come back to amend the subdivision again. He further states it looks as though half of the road is owned by one party and the other half owned by the other party. He further states that ideally we want all the front to be in one ownership. Jim S. states they just need 200' of frontage and the Right-of-Way.

Alex advises David to speak with the surveyor to see if they can assist in working it out for backlots and clear up the title issues and the Note would remain on the Plan.

David states he would like to know if Mr. Monahan speaks and states if any other permits are pulled, he would be responsible to upgrade the road, would that be enough. He further states he feels the backlot driveway will still be an issue for the Title Insurance. Alex asks if the Title Attorney doesn't like the Note or the Subdivision. David states he believes if the Note were waived because the land was sold to an abutter but additional building permit would require upgrade of the road it would satisfy the Title Attorney. Alex states it seems the title issue was more about the building done in the backlot. David states the Title Attorney stated the Note needs to be removed. Ray states that is all on the applicant's side, not the Board's side; it's a different ballgame. David states if it's a matter of no more houses, it doesn't matter.

Jim S. asks why did Monahans split lots, if they weren't planning to build and also how is the Homeowners' Association handled. Harry Monahan states to answer Jim's questions, for mortgage purposes they kept the bulk of land separate and in his wife's name eventually to give lots to kids. He continues they paid extra in taxes for that, but they have 5 acres and the house for their mortgage in his name. A Homeowners' Association was discussed; Sanborns had half the Right-of-Way and they (Monahans) had the other half. He continues they were supposed to have annual meetings, plowing, fees, etc., but he has always just taken care of it.

Jim S. states so the parcel purchased from the Sanborns, is that in Susan's name. Harry states that it was supposed to go onto Susan's lot, but we are getting separate tax bills because the Sanborns could only convey to him. He is informed that he can now correct the conveyance.

Alex states so your intent was to have the property be one except for the 5 acres with the house. Harry states that is correct. Alex states the attorney has something from the Town and he is not sure why they aren't accepting that. Jim S. states it goes back to the Subdivision Laws and should have come back to the Board. He continues if they can provide evidence that they have combined all of Susan's holdings into one lot, then Note #7 should be modified where it clearly spells out that any development beyond this date, whether family or not, the road must be brought up to Town road standards.

David states so you are asking for Susan's lots to be combined into one lot. Jim S. stated he and Alex can work with whomever is working to correct the Subdivision Plans

to bolster the language of the Note. Harry states he will have his attorney work to combine Susan's acreage into one deed.

Jim S. states he recommends the Board table this matter until such time as we have revised plans to amend lot lines and new deeds.

Ray states he has a question, if it is called 2 parcels but on one deed, can this be done without having to go to Subdivision again. Jim S. states if the Note is worded correctly then we can restrict it down for additional Subdivision.

The Board and David discuss allowing additional time to submit the revisions as they are currently due on Friday, January 17th. The Board agrees to allow additional time to submit to January 27th, 2020.

Jim moves to table this matter with the extension of time to submit to January 27th, 2020.

Ray seconds.

Any discussion? None.

All in favor? 3 yes (Ray/Jim/Lynne) – 0 no – 0 abstain

Alex states he has some ordinance stuff for the Board. He continues that we should start with §215-4.7, Commercial District. Page 3 changes 300' of frontage to 200' of road frontage. Ray states he has a question on why Mineral Exploration is allowed. Jim S. states because Mineral Extraction is permitted. Alex states our Commercial District is basically our Industrial District. Ray further states that C (2) (c) should also be 200' not 300' of frontage. Alex states he checked what neighboring Towns have for road frontage on 302 and 11; Naples doesn't have a frontage requirement on 302 and Raymond's is 100' or 150' on 302 and 11, but he doesn't recall which was which road. He continues that Poland's frontage on Route 11 is 200'.

Jim S. states next, let's look at §215-6.1, Building Permit; Certificate of Occupancy. A. (3) has been modified to read: "No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure unless written authorization attesting to the validity and currency of all local permits required under this chapter or any previous ordinance has been issued by the appropriate municipal officials. Following the installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed." (Note wording in red added).

Section B. has been modified as follows: "Application for building permit. All applications for building permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, the location and dimensions of the proposed building, and the proposed sewage disposal system as required by the

Maine State Plumbing Code. The application shall include such other information as lawfully may be required by the Code Enforcement Officer (CEO) to determine conformance with and to provide for the enforcement of this chapter, including but not limited to a **land** survey of the property performed by a professional surveyor. Applications shall be accompanied by a fee established in the Town Fee Schedule and revised periodically by the Selectboard.”

“1. Where any building permit application requires a new structure, or new building addition, to be established within 5 feet of any minimal zoning setback line, the applicant shall at the time of inspection for the structure or foundation, provided documented verifications for setback measurements as measured to the closest point off the proposed structure (including roof overhangs), by a licensed State of Maine Land Surveyor.

2. Where any building permit application requires structural or building construction for the purposes of altering the building footprint to a non-conforming structure, the applicant shall provide a formal boundary survey from a licensed State of Main Land Surveyor, for the building lot. In addition, at the time of inspection for the structure or foundation, the applicant shall provide documented verifications for setback as measured to the closest point off the proposed structure (including roof overhangs), by a licensed State of Maine Surveyor.

3. All documented survey verifications for setback measurements must provide evidence by a field survey, taken prior to the establishment of a formal foundation, for the proposed structural improvements. Such measurements may include those as marked from proposed stake building locations, or from foundation forms and allow for the depth of any roof overhang. Submitted verification documents shall include a sealed exhibit drawing indicating the nearest property markers and proposed closest point to the structure or foundation, and written statement, that the proposed field layout locations of the structure and foundation, conforms with the necessary minimal setback from a property line for the zoning district, or to a setback distance as approved from a Zoning Board of Appeals decision. No construction work for the proposed building structure, or foundation footing, or placement of material for bearing load, or concrete pouring may commence until such verification has been submitted and approved by the Code Enforcement Officer.

4. If in the opinion of the Code Enforcement Officer, there is a small tolerance for error in the construction to maintain the minimal setback, the CEO may further require a post-construction as built measurement following the same survey verification procedures. The as-built verification must be submitted and approved prior to any allowed occupancy of the proposed structure, or building addition.

5. Internal building renovations to an existing structure not involved in, or over any proposed building footprint expansion, may not require a documented survey verification of setback.”

The remainder of the article remains unchanged.

Alex states there will be a joint meeting with the Selectboard to review the Shoreland changes. Mike Morse will be at that meeting to review those changes which will, essentially, bring us into line with the State requirements for Shoreland zoning. He continues that the remainder of what was handed out includes all of Zoning and has changes to definitions as well as language in certain articles. Please read through the changes and present your comments at the joint meeting or the next Board meeting. Alex further states that in Timber Harvesting, he would like Casco to become an Option 1 Town which means the State will handle all timber harvesting matters in the Shoreland zone.

Lynne moves to adjourn.

Ray seconds.

Any discussion? None.

All in favor? 3 yes (Ray/Jim/Lynne) – 0 no – 0 abstain.