

MINUTES
Planning Board
January 12, 2015
7:00 PM

Members Present: Bob Barnes, Ted Beckner, Ray Grant, Jim Macklin and Lynne Potter

Members Absent: Stan Buchanan and John Kimball

Staff Present: Donald Murphy, Code Enforcement Officer; James Seymour, Town Planner and Sandy Fredricks, Secretary

Public Present: Cliff Bartlett and Don Toms

7:00 P.M.

Lynne calls the meeting to order.

Lynne states the Board's first order of business is approval of Minutes of the November 10th 2014 Meeting and the December 17th, 2014 meeting.

Jim moves to accept the November 10, 2014 Minutes as written.

Ray seconds.

Any discussion? None.

All in favor? 4 yes – 0 no – 1 abstain (Bob)

Jim moves to accept the November 10, 2014 Minutes as written.

Ted seconds.

Any discussion? None.

All in favor? 3 yes – 0 no – 2 abstain (Bob, Ray)

Lynne states the next item on the Agenda is the continuation of the application filed by Point Sebago for Amendment to Contract Zone Agreement requesting the Contract Zone Agreement entered into October 27, 1992 and as Amended June 21, 1997, June 16, 2001, June 20, 2005 and January 12, 2013 to the Effective Period provisions of the contract be extended from October 31, 2015 to October 31, 2025. The property is known as Map 1-A, Lot 3 and is located in the South Casco Outdoor Resort Zone.

Jim Seymour states it may be easiest to just review and work through the submittal from Point Sebago in response to his Memo. The Board concurs.

Don Toms states that just for a bit of background, they started this entire process in 1986 and it took six (6) years and four (4) months to get the initial Contract Zone Agreement signed.

Don Toms continues by moving along to the items in Jim Seymour's Memo. Stormwater Management: There are ponds that have been built between golf hole 6 & 7 known as Pond 8; near the tee at golf hole 8 known as Pond 7; near the tee at golf hole 12 known as Pond 6 and next to the tee of golf hole 16 adjacent to the Park Road known as Pond 1. He continues that in the Spring they will have an engineer inspect these ponds as they may fill up with silt, although they do feel they are operating properly.

Don Murphy states that in early 1993 seems to be when the Stormwater Ponds were put into effect.

Jim Seymour states that Stormwater changes over time. It would be beneficial to see how these are laid out and how much runoff is produced so we can ascertain how the phosphorous is affecting the lake. He continues that he did speak with Chad Thompson of Portland Water District and they do have an interest in this.

Don M. states that their Stormwater Plan is reviewed from time to time by DEP. It would be helpful to see the Stormwater Plan.

Jim Seymour states that the Town would like to see how those ponds are being monitored to determine if in fact more infrastructure is required or the ponds merely need to continue to have proper maintenance.

Bob asks if there has been any maintenance in the last six (6) months. Don Toms states they maintain the vegetation but no pond maintenance has been done.

Don Toms states the four (4) season lots system is in place for the treatment plant. He continues that undeveloped areas the sewage and water treatment has been all planned out, but haven't gotten to that section yet. Jim Seymour asks if they are chambers. Don Toms replies that the effluence is chambers. Don Murphy states that some of the areas still need flow meters while some have been installed, the rest of the areas still need them. Jim Seymour asks if there are individual septic tanks or are there community tanks. Don Toms states there are numerous tanks, but not individual for each structure. Cliff explains that they are pumped on a regular basis, they are done on a schedule. Jim Seymour states it would be interesting to have a plan that shows what areas go to where. Bob asks if there is testing or only gallons per day information. Don Murphy states there was no official reporting required when it was permitted.

Don Toms states that a Building Code would be welcomed if the Town adopts one. Jim Seymour asks if they have any objection to using MUBEC codes. Cliff asks if a Building Code is adopted would it be Townwide or just for Contract Zone areas. Don Murphy explains what some requirements are

contained in MUBEC and that they wouldn't necessarily need to adopt all aspects. Casco has never had a Building Code other than Life Safety Codes. He further states it would just go on the boundaries of Contract Zone areas. Cliff states he believes Fire Suppression is required under MUBEC. Don Murphy states he will have to check into that further, but there are things that can be changed if they don't apply. Jim Seymour states that with Contract Zoning the Planning Board and Board of Selectmen have the authority to change what is required. Cliff states that he doesn't want them to spend money on fire suppression systems in a 900 s.f. home

Jim Macklin asks for confirmation that in regard to the sixty (60) day residency restriction this applies only to the home owner and that the property may be utilized all winter by others so long as no one tenant stays longer than 60 days. Don Toms states that is correct.

Don Toms next addresses the "living space" issue. He refers the Board to a letter from Phil Brackett to Elwin Thorpe regarding what is and isn't considered living space. Don Murphy states that it isn't calculated in the floor area if it isn't considered living space. The Board discusses different ideas of "living space" and concur that a definition is needed that clearly shows what is and is not considered living space.

Jim Seymour states that is the applicant's responsibility to provide the Board with what they wish to have approved for living space and it is then the Board's job to guide them through the process. Don Murphy states that living area gets interesting when you have a porch. This is discussed briefly among those present with Cliff explaining how they construct the porch.

Cliff continues that moving forward beyond Deer Run, because they can build larger homes, living space wouldn't be an issue. Further due to the topography they wouldn't have basements and would perhaps even be built on slabs. The Board and applicant discuss the feasibility of building on slabs. Ray states that building on slabs would address some of his concerns. If there is no basement, there can't be additional illegal space. Everyone agrees that would be a good way to proceed. Cliff states back in 2012 discussions regarding the basement areas the concern was egress, so since 2012 we have built the basements with egress windows. Jim Seymour states that Point Sebago should provide the Board with specific information of what they desire regarding basements.

Jim Seymour asks if a home is sold with a non-conforming room, would it be up to Point Sebago to inform the Town of those changes. Cliff states he is not sure, but he isn't comfortable with that for the sale/purchase relationship. Don Murphy states that rooms that are finished or added bedroom is a violation and the buyer would be buying that violation. Cliff asks what the remedy is if the Town finds a violation. Don Murphy explains that the remedy

would be to remove all features that make it an illegal room. They would be sent a Notice of Violation and given a time frame to comply. He would then go to the Board of Selectmen to set fines up to \$2500.00 per day.

Jim Seymour asks how many of these homes have or could have this basement condition. Cliff states there are 62 lots in Deer Run and he believes 90% of those could have this capability. He states most of the people want a space where the kids can recreate separate from the adults. Cliff reiterates that the percentage is equal to about 40 homes. Ray states that if you allow 40 more places to have the added room, you are in violation of the Contract Zone Agreement.

Jim Seymour states the biggest issue is the wastewater. Cliff states they have an occupancy restriction – only six (6) full time residents with up to ten (10) with day visitors. Don Toms states they do monitor the occupancy very closely.

Jim Seymour states he doesn't know, from an engineering perspective, the difference between a 900 s.f. structure and a 1200 s.f. structure.

Jim Seymour states that is why we are here, the Board at this time has the entire Contract Zone Agreement open to it for amendment.

Discussions take place amongst those present regarding possible violations, possible consequences as well as the possibilities of "opening Pandora's Box" while working toward a solution.

Cliff states there are 200 Resort Cottages which are 900 s.f. with the sunroom attached. Don Toms states they have had requests from Resort Cottage owners to lift it up and add a foundation which Point Sebago denied. He continues that Point Sebago does not want to change the aesthetics of that section and adding foundations to those structures will not happen. He further states that of all the owners in Point Sebago there has only been one who has come forward to the Board with complaints; none of which the Board can address. There has not been an uprising at Point Sebago nor has there been numerous protests to the Board.

Discussion continues regarding the 40 possible homes in Deer Run that may have an illegal room. Jim Seymour states that issue could be corrected by adding a Building Code. Jim Macklin states that some of the homes on Evergreen are not full basements, but they may have this same issue. Cliff states we should try to make this so it is done openly and have the revenue coming in. He continues that if we control the occupancy there wasn't any strain on the wastewater so what is it hurting. Jim Seymour states that tax revenue on the 300 s.f. per unit is what is suffering.

Ted asks if you have an additional bedroom does it affect the effluence or are they limiting future bedrooms. Discussions take place regarding this question. Cliff states that is one reason why they limit the occupancy so it will not add to the effluence.

Cliff moves on to address the number of campsites. He states that right now they are limited to 444 sites in the campground. Don Toms states they have already eliminated 60 camp sites. Cliff states when they complete Deer Run they will have 186 homes. Don Toms states that perhaps in five (5) years they will go to the 520, but when that happens they would eliminate more campsites.

Lynne states she would like to move on to discuss Fire Suppression. Don Toms states that all roads in Point Sebago are possible for the fire trucks and rescue units to utilize. The hammerhead on Deer Run isn't adequate; however, there is a service road which runs through that they can use. Jim Seymour states that those roads need to be plowed. Ted states that the dry hydrant on the State Park Road is not accessible. Jim Seymour states that some kind of fire suppressions should be beneficial to Point Sebago from an insurance standpoint.

Discussions take place regarding 30,000 gallons of water stored in one of the buildings which could be accessed in emergency situation. Concerns of pumping from that building would be possibility of the structure collapsing or at minimum contamination of those holding tanks. Jim Seymour states that whatever is in place must be maintained.

Discussions regarding the issues at the Boat Launch take place. Don Toms provides background, originally built in 1970, 5 years ago Camp Sunshine put in docks. Point Sebago moved the ramp out slightly. There is no other really good place to put in a boat ramp. He continues that they are looking to regulate boat size – after 6/15 no boats over 25'. They will work with Moose Landing Marina to ensure that only Point Sebago boats or boats rented from Moose Landing by Point Sebago users are being launched; further they can monitor this. They will be sure everyone is aware of low throttle requirement. Jim Seymour asks if there is a "No Wake" zone. Don Toms states the whole cove is no wake. Ray asks if there is a buoy system. Don Toms states there is although it doesn't show on the photograph, but it can be seen on Google Earth. Ted asks if they ever had water circulation pumps. Don Toms states yes, they have them now and recommended to Camp Sunshine that they do the same. Don Murphy stated that he has brought up several times that during special events or busy weekends they should have a Monitor on-site; this hasn't been responded to as yet and he feels it would be good. Jim Macklin states that perhaps a volunteer who is interested in the water may want to do it.

Don Toms moves on to discuss the off-season residency issue with the Board. He states that this is the least impacting issue. Are there some who have violated the 60 day restriction; perhaps; however this restriction was put into the Contract Zone Agreement to pertain to school age children. Cliff states anyone is welcome to take a drive through Point Sebago to view residency in the winter. Don Toms states that school children will never be staying there and taxing the school system.

Jim Macklin asks if they have year round employees who stay there. Don Toms states yes there are, but they can rent from Point Sebago. He continues that the two that were there are gone. Don Toms continues that they have provisions for 8 manager homes on the property and they currently only have 4 manager homes.

Discussions take place at length regarding the 60 day restriction. Bob asks if the school is the issue, wouldn't the school know that there are more students? Don Toms states they would know if there were school kids and he would get involved to stop that. Discussions continue regarding the 60 day restriction. Don Toms states that if someone owns a home or even rents a property for 60 days during the restricted time, they cannot move to another rental location on Point Sebago's property and stay another 60 days. He further states they used to have winter rentals with ski packages but stopped as they weren't profitable.

Lynne states that when the Board held their ride through she asked what the flags were and was informed they meant that the unit was winterized. Lynne asked if Don or Cliff could explain what exactly that meant. Cliff explains that it is someone who has closed the home for winter and it lets us know we don't have to plow there. Lynne states there seem to be a lot of those homes that were winterized. Cliff confirms there are.

Lynne states the sticking point seems to be the homes that are going to be built larger and four season. Jim Seymour states that in the four season homes you get into different road standards etc. Jim Seymour states the 60 day restriction seems to have worked well to keep kids out of the schools and he doesn't see any benefit to the Town to add additional residency restriction.

Cliff moves on to talk about the Home Owners Association. They have reserves for those; reserves are for roofs, roads and leach field replacements. They add \$40,000 to this reserve annually. He continues that they have started road resurfacing several years ago and continue to do so. Jim Seymour states concern is if the resort is sold; the Town wants assurances that those funds would be transferred and kept in place. Would a new owner want to turn control over to the Home Owners. Bob asks what the trigger is on road resurfacing etc. Don Toms states they have a schedule for all of these things. Jim Seymour states that perhaps these repair records should be provided to the Town. Discussions continue regarding repairs. Cliff points out that if a

leach field needed to be replaced, the Town would be aware because they have to apply for permits through State and Town. Don Toms states there are also funds for emergencies and they can do a special assessment if necessary. Jim Seymour states that maintenance plans, improvements and proof of funds would be very useful.

Don Toms states regarding the elimination of certain sites, there is letter dated June 25, 1992 to the Planning Board showing the phase out of 150 sites. To date the threshold of 350 hasn't been reached. Cliff states when they complete Deer Run they will have 319 home owners. Don Toms states they have already eliminated 5 sites. They have also eliminated other sites not on that list that were on the water and within 75' of the water. The Board would like a list of which sites have been eliminated to date. Jim Seymour asks when those sites were built. Don Toms states it was 1970-1971. Jim Macklin asks if there is a map showing what it looked like in the '70s. Don Toms has a conceptual map as well as a 1971 aerial map.

Ray states he is concerned about the Park Model trailers near the water for phosphorus run-off and would like to know the dates those were put on that shoreline.

Don Toms states he will get copies of the earliest maps he can find.

Jim Macklin states he would like to see the Board and the applicant work through one issue at a time and bring it to a resolution before addressing the next item. This should be much more productive for all concerned.

Don Toms will talk with Dave Kamilla and Pat Clark regarding stormwater matters.

The Board moves on to discuss possible dates for Joint Workshop with Board of Selectmen. All Board members have given dates they are available; Sandy will discuss with David Morton and advise when the date is set. Don Toms and Cliff Bartlett ask to be informed of the date of this workshop.

Lynne closes the open meeting and opens the Workshop.

Jim Seymour states he put together information for the Board to review regarding which changes to address. He states he used the format the public asked for last time as it did seem to be a bit more clear.

He states we need to add to and revise some definitions. We need to address Road Standards as those are in the Subdivision Ordinance and not contained anywhere in the Zoning Ordinance. We either have to reference the Subdivision Ordinance or pull standards from it.

He continues that we can address Stormwater to amend it so it is not phosphorus driven; we don't need to define it because it is the standards that matter.

Lynne moves to adjourn.

Ray seconds.

Any discussion? None.

All in favor? 5 yes – 0 no