

PLANNING BOARD MINUTES
OF
MEETING & PUBLIC HEARING
APRIL 11, 2016
CASCO COMMUNITY CENTER
7:00 P.M.

MEMBERS PRESENT: Bob Barnes, Ted Beckner, Stan Buchanan, Ray Grant, John Kimball &
Lynne Potter

MEMBERS ABSENT: James Macklin

STAFF PRESENT: James Seymour, Town Planner & Sandy Fredricks, Planning Assistant

STAFF ABSENT: Don Murphy, Code Enforcement Officer

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 March 14, 2016 Minutes.

Stan moves to approve the Minutes.

Ray seconds.

Any discussion? None.

All in favor? 5 yes – 0 no – 1 abstain

Lynne states that as a voter she is in favor of moving the Town Office project forward, however the due date for materials was March 21, 2016 and the Town's submission was not received until April 1, 2016 which is eleven (11) days late. She continues that we have a matter that was postponed due the submission being received two (2) HOURS late. Lynne states that as always, she will ask the Board members what their positions are in this regard as to moving forward at this meeting or not in connection with the Town Office review. Lynne also states that if the Board moves forward with the Town Office project review at this meeting, we are setting a precedent.

Jim Seymour asks Lynne if she is taking this out of order. Lynne states that yes, she is, so that if we don't address this tonight, David doesn't have to hang around. Stan asks what the reason was it was late as they should know the due dates. Lynne states that certainly employees involved in this should know the dates. Stan states he would like to see if there is an explanation. David states that it was in on the 21st.

Ted moves that the Board vote whether to proceed and take action on the Town Office matter at this meeting.

Bob seconds.

Any discussion? None

All in favor? 2 yes – 2 no – 2 abstain

David Morton states that what the Board received most recently is what the Board asked for at the previous meeting. He continues that the Site Plan now shows the generator pad, the propane tank pad, the utility access location and the description of the Stormwater runoff plan. David continues that he does not know what the problem with staff was on this matter. Lynne states if the Board asks for things on a plan, it should be submitted by the deadline. She continues that the fact that it was delivered days late and another application was hours late, where do we draw the line.

Ted states the Board had had an opportunity to review this at the previous meeting whereas the other matter had not been reviewed previously. Ray states he feels the Town should be held to a higher standard. Lynne asks if the Board should take a vote on postponing the Town Office discussion to next month. Jim Seymour asks if this was still a continued Public Hearing. He is advised it is. Jim continues that in his review items needed clarification and those were done. He continues that the Board should have some discussion on the application. Lynne states she believes everyone is ready to discuss the matter but not give approval now. There is discussion that perhaps the schedule of filing dates needs to be discussed to permit ongoing matters an extra week to make revisions and submit as the filings are usually due the Monday following the meeting.

David states he would like the Board to acknowledge they have a complete application and they should at least review the information received at the last meeting that they wouldn't review. Lynne states that the Board did receive materials last month at the meeting which they didn't discuss and agrees they could discuss that information if the Board wishes. Ray states they did discuss the application last month with the exception of Jim Seymour's Memo. Jim states the Board has enough information that the Board could review the application for completeness. Jim reiterates that the Board needs to make a motion for completeness. Stan states that after discussing these items, it puts a different aspect on it as it related to the submission that was hours late.

Bob moves to reconsider the prior motion to hold a discussion and review of the Town Office materials.

Ted seconds.

Any discussion? None.

All in favor? 3 yes – 2 no – 1 abstain

Lynne moves to review and hold discussion for completeness of the Town's application.

Stan seconds.

Any discussion? None

All in favor? 4 yes – 1 no – 1 abstain

Lynne states that we will now move along the Agenda to item 3. Lynne reads from the Agenda “Wayne T. Wood, as agent for MECAP, LLC, has submitted an application for An Amendment to an Approved Subdivision to divide Lot 6 of said Plan into two lots. The original Lot 6 will contain 2.8 acres and the newly created lot will contain 3.1 acres. The property is shown on the Tax Map as Map 4, Lot 23-6. The property is commonly known as 3 Graystone Drive and is located in Residential and LRR zones. This matter is a continuation from the March 14, 2016 meeting.”

Wayne Wood addresses the Board. He states he hopes this is a much shorter discussion than the prior one. He continues that the plans submitted show the changes requested at the March meeting. Wayne states he would like to just run through Jim’s Memo.

1. Agreement with abutters has been submitted.
2. Waiver of Private Road standards as requested is on the Plan. Cross-section of access/driveway has been added to the Plan.
3. Notes have been added to the Plan referencing the Ordinance sections regarding the Street Standards and Zoning regulations that apply to the lot.
4. Applicant has provided calculations and notes for requested cover over culverts.
5. Note has been added to Plan regarding non-acceptance of road by the Town.

Stan states that the Board had asked for an executed copy of the Agreement with the abutters. Wayne states it has been previously submitted. This is confirmed with the Board members. Wayne continues that he didn’t know who the Board wanted to be responsible to inspect the access road construction. Jim Seymour states that he would think the Board would want the Town to do the inspection.

Lynne states that on the most current plan it appears the entrance doesn’t have any measurements shown. Jim states that what they usually like to do is have the Fire Department go and try it. Wayne states that is what they are doing and will comply with whatever they want, within reason, and that is why there are no measurements. Jim states that would be part of the inspection process.

Ray moves to approve the Site Plan submitted by MECAP with the Condition of Approval that additional driveway width be as requested by the Fire Department and that the entire driveway/entrance way construction be inspected by the Code Enforcement Officer.

Stan seconds.

Any discussion? None.

All in favor? 6 yes -0 no – 0 abstain

Lynne states the next matter is #4 on the Agenda. Lynne reads from the Agenda “The Town of Casco has submitted an application for Site Plan approval to allow for the construction of a new

Town Office on property known as Map 38, Lot 33 and commonly known as 635-637 Meadow Road. The property is located in the Village Zone. This matter is a continuation from the March 14, 2016 meeting.”

David states that before we begin review of this application, John should recuse himself as he has accepted a position with the Town. Lynne states she doesn't feel that it is conflict of interest with the position he is filling. Ted asks what the position is that John has accepted. David states that John will be working at the Recycling Facility. Lynne reiterates she doesn't feel it is a conflict. Stan states he believes it should be up to John if he is comfortable with it. Ray states he doesn't see a problem with it; if we were reviewing something that was going to be at the Transfer Station, yes, but as a general Planning Board issue it is not a problem. Jim Seymour states for the record that a Conflict of Interest is usually based on a financial or fiduciary stake in a project.

Lynne moves that John remain as a seated Board member for this matter.

Ray seconds.

Any discussion? None

All in favor? 5 yes – 0 no – 1 abstain

David begins by asking the Board to look at Jim Seymour's Memo from March and they will see that the Plan shows revisions asked for by the Board. He continues that details behind the Plan were submitted in March as well. David states that he wishes to inform the Board that the automatic doors asked for will also be a part of the plans. David continues that the Town will try some striping in the Fire Station lot to deter folks cutting through there. He goes on to state that there is the issue with the turning radius of the fire trucks.

Lynne asks if the generator is going to be in the location that the pads for the propane tanks are shown. David states that the pads for the propane tanks and the pad for the generator are located on the Plans. Jim asks if it is separated from the fuel for the building. David states it has gone to the Fire Marshal's office for review.

David states in the March 14, 2016 Memo, Preservation of Landscaping, shows shrubs and now in the April 4, 2016 Memo it states there are trees. Jim states yes, they added the trees. He continues that the Final Site Plan also shows trees on there and also the Buffers which are part of the requirements in a Village Zone. He goes on to state the front buffer is required to be 25' and the rear buffer is required to be 15' which can be landscaped or fenced. David states they plan on leaving the field in a natural state. He continues that it will be mowed periodically to preserve the open field. Ray asks what the spacing is for the trees; do we know how many are required.

Lynne states the lighting information requested was submitted last month. Jim states that the answer to Ray's question is, nothing in our Ordinance says anything about spacing. Ray states that on the Plan it shows 6 on the southern exposure. Jim states he sees 12. Ray looks at the other Plans. Stan states that suffice it to say that there will be an adequate number of trees. David states it was going to be all evergreens and then they thought some hardwoods would be

nice diversity so the number will depend on the canopy size as they mature. Lynne states trees like those in the Village Green would be very good. David states they are Maples, they grow straighter and don't have as large a canopy. Lynne asks Ray what it was he was concerned about. Ray states he was only concerned about how we interpret the buffer zone.

Jim states they have already addressed the 20' aisles and adequate turnarounds, added additional lighting pole for safety. Jim continues that the stormwater treatment was calculated by our new point system.

Lynne states she notices on the last page of the map there shows a proposed septic and an alternate septic. Jim states one alternate field is located in a swale and cannot happen. The one in the center of the front of the structure will be used. Lynne states that the final test pits are shown on the HHE 200 but should be on the Site Plan as well. Lynne states we are set with the lighting. Jim states the only other item is solid waste removal. David states the Town has a service that picks up twice a week and if we need it, we can have a dumpster placed if we can't store it. Jim states a dumpster should be placed where it will have the least impact on the public lot. Lynne asks if anyone has any questions. Jim states that similar to Ray's comment, he feels there should be some indication of exact size and species of trees listed on the plans. Lynne asks if the Board moves forward or not. Jim states they can accept this for completeness and next month would be final approval. Ray states he is still not comfortable with the access being as it is. David states he has indicated that there wouldn't be any changes to the Fire Station entries.

David asks if the Board would approve the application with Conditions of Approval to be reviewed by the Planner and Code Enforcement Officer. Jim asks if there have been any accidents at the Fire Station entrances. David states there have been a couple of incidents where people park where they shouldn't is all. Ray states he is concerned about someone coming out and someone going in and you get a direct hit. David states he doesn't feel widening that access will help. Bob states he is concerned about the yellow striping and states that it will only keep people from parking there. Stan states he feels we need feedback from the Fire Department if this will be sufficient. Lynne states if your trucks are coming back to the barn, they should be able to get out of the way. She continues the concern would be the volunteers coming in to get to the trucks. Ray states that is true. Bob states that, procedure aside, there are two things this is contingent upon, input from the Fire Chief and inspection of the road construction by the Code Enforcement Officer. Jim states there are a few other things as well such as the size and species of the trees to be planted/planting schedule, proposed location of dumpster if needed as well as location of test pits. David again asks for Conditional Approval. Ray states he doesn't believe they can give Conditional Approval based on discussions and votes taken earlier. Lynne asks if the Board wishes to bring this matter back for the May meeting. Jim reminds them to deem the application complete.

Stan moves to deem the Town Office Site Plan Application complete.

Ray seconds.

Any discussion? None.

All in favor? 6 yes – 0 no – 0 abstain

Bob states he understands precedent, it is procedural. He continues, we have the information, let's address it. Bob goes on to state he doesn't feel it does any good to delay it and doesn't see where it does any harm. Ray states he feels it sets a standard. He continues, he has been on the other side of the table and was held to the letter of the law. Ted states he feels he has had the information long enough and is comfortable with it. David states often approvals are with conditions. He continues that he doesn't feel dumpster locations, type of plantings or test pits on the Plan are items the Board needs to spend another night on.

Bob asks what the ramifications are of a month delay. David states that for the Town it is the opportunity to lock in the contractors. Jim states the only issue with any consequence is the input from the Fire Chief. Stan states he is not worried about the little things, but does feel input from the Fire Chief is important regarding combination of maneuverability at the new entrance and the lot.

Jim states that in the past the Board has scheduled an additional meeting in a month to wrap up a matter and this may be something they wish to consider. The Board members discuss the possibility of holding an additional meeting to address Final Approval of the Town Office Site Plan. Jim states the Town would need to submit Final Site Plan showing the location of the test pits, location of a dumpster if needed, a Planting Schedule showing species and sizes of plantings as well as information from the Fire Chief regarding the entrances and lot at the Fire Station.

Stan moves that the Board meet on April 25, 2016 at 7:00 p.m. to address Final Approval of the Town's Site Plan.

Lynne seconds.

Any discussion? None.

All in favor? 6 yes – 0 no – 0 abstain

Lynne states the last matter tonight is #5. Lynne reads from the Agenda "Thomas F. Smith, Esq. has submitted an application for Sketch Plan Review/Pre-application Review on behalf of Brian and Beverly Chamberlain to permit conversion of property know as Settlers Village from a Contract Zoning Agreement to an 8-Lot Major Subdivision. The property is located in a Contract Zone and is known as Map 8, Lot 14-A.

Tom Smith introduces himself to the Board and begins by stating they are here talking more as a preliminary matter rather than a Sketch Plan Review. He continues that the sketch they provided is nowhere near ready for submission, it shows no Open Space etc. The Chamberlains would like to redo the property to allow them to sell the units individually in Settlers Village. He continues they do not know if they would do it as condominiums or a Subdivision. Tom states that Settlers Village was constructed pursuant to a Contract Zone Agreement, which he does not believe has ever been formally terminated, and may be like a TIF, however, there is

language in the Contract Zone stating that the conditions run with the land. Tom further states they are here seeking some guidance. Most of the preliminary calculations were done with the original plans and it seems to be maxed out. Wells are done, septic systems are done and the roads are done. He continues they are not seeking any change of use, no additional units, no additional density; it will be as it is now except we are looking to market properties individually and we are seeking your advice how best to accomplish this. We have looked at the possibility of rezoning the property to its original Residential Zone status or is it better maybe to amend the Contract Zone to accomplish what we need.

Ray states he has a lot of questions.

Jim states the zone goes with the land. The flip side of this Contract Zone is that all the terms of the zone cannot be met because the time has expired. Ray asks if Point Sebago can sell their buildings, why can't The Chamberlains. Tom states it is because the Contract Zone classifies it as one property. Jim states the cleanest way to do this is as a Contract Zone to meet what they need. Stan states for them to get clear title to the properties they are going to sell, they need to do this. Jim states he doesn't know if the Board has a preference on this but it seems that that's the best way to do this to accomplish what is being asked for. Stan states, to be perfectly clear, we aren't telling them what to do, but it is their option. He continues it is the Board's opinion that this is the cleanest way to go.

Tom asks what the Board would need to accomplish this. Jim states they need to present a proposed Contract Zone Agreement to the Board with the terms and conditions you want set forth along with a plan showing the way the property will be divided. Contract Zoning is in the Zoning Ordinance, Article 3 to use as guide and provides procedures. The Board would review the proposed Agreement and once the Board is satisfied with it, they would refer it to the Board of Selectmen for a Joint Public Hearing and if the Selectmen find it acceptable, it would go to Town Meeting. Once approved by Town Meeting, it would come back to the Planning Board for final review of the Site Plan. Tom asks if the Board would want to see the Open Space etc. Jim states it is the applicants' opportunity to tell the Board what they want. Ray states that the two lots that are 20,000 s.f. can stay that way. Jim informs they will also need to see a copy of the original HHE200.

Beverly states they have taken good care of the property.

Jim states that they will also have to address stormwater in their plans.

Ray moves to adjourn.

Lynne seconds.

Any discussion? None.

All in favor? 6 yes – 0 no – 0 abstain

