

MINUTES  
Planning Board  
June 8, 2015  
7:00 PM

Members Present: Ted Beckner, Ray Grant, and Lynne Potter

Members Absent: Bob Barnes, Stan Buchanan, John Kimball and Jim Macklin

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

Public Present: Scott Lalumire, Julie Adlard, Keith Adlard, Gaetan Michaud, and Barbara Michaud

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 May 11, 2015 meeting.

Ray moves to approve the Minutes as written.

Ted seconds.

Any discussion? None.

All in favor? 3 yes - 0 no

Lynne states the next Board has an application submitted by Wayne T. Wood as representative of MECAP, LLC 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.

Wayne states he was contracted by MECAP, LLC to divide Lot 6. There is a house on the upper section of the lot and new lower lot is to contain one house as well when they are done. When the Subdivision was originally created there were four (4) lots from one (1) large lot.

Jim states that the biggest issue is where they are going to get their frontage for the new lot with the house on it. He continues that what they have shown is the shared driveway of Lennon. It appears that they want to take that driveway and

bring it around to make the frontage; however, this does not meet our new definition of Backlot. Jim continues that the only place the Town has any road standards is in the Subdivision Ordinance. The question we need to address is if the Board is willing to allow this as a Private Road and then permit this as a Backlot with waivers.

Wayne states that he is looking to the CEO for his interpretation of that. Don explains that what has been done in Town through both he and Elwin is they have been utilizing the driveway Right-of-Way as frontage. Don states the applicant should show previous information and what is desired.

Jim explains that the Right-of-Way only exists for the current location, not the new front lot.

Wayne states there is language in the deeds for Lots 5 & 6. One is together with the other as shown on the Subdivision Plan for any and all purposes. Jim asks if this includes the right to transfer to other owners. Wayne states he feels they do as they have the rights from the original lots. He continues that the deed from the original Lot 6 would provide that to the new lot and vice versa.

Jim states he didn't see where the Right-of-Way was delineated on the Subdivision Plan.

Don states this same thing happened across the street. The same developer, Hale, the Right-of-Way was shown the same as this one. They are shown in the deeds. Jim states, yes, but they were as shared driveways not Right-of-way. Don states that is the way it has always been done in Casco. Jim states yes, but we are dealing with ghosts of the past and going forward we are not doing that.

Ray asked if a Private Road would be up to the current house. Jim states it would have to be improved to have a turnaround and enough to create the 200' of frontage. Ray asks what the reason was for shared driveways originally. Wayne states it was because Portland Pipeline didn't want more crossings.

Jim states we would need a note on the Plan that any further development would require the road to be upgraded. Jim further states the Board and the applicant could compromise and call it a Private Road and call the lot with the existing house a backlot. Wayne states that is a good and acceptable compromise.

Lynne asks what the surface of the current driveway consists of. Wayne states it is gravel. Lynne asks if it is gravel all the way up. Wayne states it is. Wayne further states that they do understand they will have to upgrade the driveway/road some.

Don states he would like to see something showing what the drainage is. He continues that we don't want to create runoff issues. Wayne states they are proposing three culverts and perhaps they can get a crosscut of the driveway then.

Jim asks if the contours shown were from USGS. Wayne stated they are from the original plan. Jim states that one place looks steep for backlot standards. Don states another way to look at it is that the house already exists and there is an opportunity to ditch the driveway to help drainage.

Lynne asks if there are any culverts there now. Wayne states there are not.

Lynne asks if they are following the line of Graystone Drive. Wayne states they talked on the phone with the CEO and part of the stormwater requirements are not to export water onto neighbors. These culverts will be a preventative thing. There are further discussions among the Board members about the culverts.

Jim states we need an absolute certainty that this was to benefit one owner and that there will be another lot owner; do we need to have a Driveway Maintenance Agreement if there isn't one already. Wayne states they are willing to go to the abutters and work out a Road Maintenance Agreement. Scott states they will be required to do that for the new house to be financed any way.

Lynne asks how wide the driveway/road is. Wayne states it is 12' in most places but he is unsure about having 2' wide shoulders. He again acknowledges that they know there will need to be some upgrading done. Ted asks if that steep section will be used by both the existing house and the new house. Wayne states that the steep section will only be used by the existing house. Jim states it would be helpful to see on the plan where the new driveway will cut off. Jim stated there will be a list of waivers that will also be needed.

Gaetan Michaud asks if this is a Subdivision. Jim explains, yes, it is an existing Subdivision which the applicant is asking to amend to split one lot into two. Jim further explains that

the Board will ask for some notes on the plan prohibiting this lot from any further development however, we cannot prohibit a different lot owner from doing the same thing. Don states that the topography lends itself not to be further divided. He also stated that once something is before the Planning Board like the original Subdivision, it is always before the Planning Board such as this lot split. Wayne states they can clearly update the Plan per the Board's direction and delineate whatever is necessary along with making the appropriate notes. Wayne continues that they will work with the CEO for whatever he deems necessary for the turnaround and frontage.

Barbara Michaud asks if Lot #6 has an existing house. Don states it does. Barbara asks for clarification that they are asking to put another house on the bottom portion of the lot on Meadow Road. Ray states, yes, it is further from you rather than closer.

Jim asks the Board if they have any preferences or concerns about the issues discussed. Lynne states that the Board needs to look at the driveway, turnaround and where the driveway is going to be located to the new house. Jim asks if the Board would like to do a Site Walk. The members discuss this and agree they do not need to conduct a formal Site Walk.

The Board reiterates they need to see where the new house will be located, where the driveway to the new house will come in, where the turnaround will be and they will need to see a Driveway/Road Maintenance Agreement.

Lynne asks where the well and septic will be located. Jim states it is existing where the current house is located and soil tests have been done on the new lot that passes for well and septic.

Wayne states he received more calls from the certified mailings on this than any other project and those he spoke with were not opposed. He further advised the Board that Lennon was not one of those he spoke with.

Don states that it couldn't hurt them to contact MDOT regarding the entrance permit. Wayne states he believes if there are only three houses, it is okay as a driveway, but more than three it is considered a road by them.

Jim states we need to cover the drainage on this also. Wayne states he saw where there is a requirement to bring in an

engineer. He continues by asking if this is an absolute requirement or can they utilize another qualified person. The Board discusses this with the Planner and agree that a letter of review from a qualified person regarding the road standards is acceptable. Ray asks if the CEO could do that. Don states yes, but that said, it is an existing driveway and this is a good opportunity for us to see a cross-section, drainage etc. Jim states we have items for the backlot that will need to be developed anyway, so we only want the standards of the existing portions verified. Wayne asks for verification that there be a note placed on the plan that the driveway to the backlot will require upgrading. Jim states yes and we need a note that the Road Commissioner requires about the Town not accepting new roads and there will be no maintenance of any kind by the Town.

Wayne asks for a straw poll of the Board on the likelihood of Waivers requested being accepted. Lynne, Ray and Ted all concur that the Board needs to do some compromising here.

Ted moves to adjourn.

Ray seconds.

Any discussion? None.

All in favor? 3 yes - 0 no