

PLANNING BOARD MINUTES

JULY 13, 2015

CASCO COMMUNITY CENTER

7:00 P.M.

**MEMBERS PRESENT: Stan Buchanan, Ray Grant, John Kimball, James Macklin & Lynne Potter**

**MEMBERS ABSENT: Bob Barnes & Ted Beckner**

**STAFF PRESENT: Don Murphy, Code Enforcement Officer; James Seymour, Town Planner & Sandy Fredricks, Planning Assistant**

Lynne calls the meeting to order at 7:00 P.M.

Lynne states the first item on the Agenda is approval of the June 8, 2015 Minutes. The Board Members present discuss that the only Member in attendance at the June Meeting was Lynne. No one else is comfortable with moving and approving Minutes. Lynne states we will move approval of the June Minutes to the July Agenda.

Lynne states there are four items on the Agenda this evening and we will proceed in the order they are listed. First up is MECAP, LLC application for an Amendment to an Approved Subdivision Plan. This matter is continued from the June 8<sup>th</sup>, 2015 meeting.

Wayne Wood reintroduces himself to the Board as the designated representative for MECAP. He states that they have reconfigured the front of the turnaround and confirms that the driveway will be designed to meet the standards of a Private Road.

Wayne moves on the reviewing Jim Seymour's comments in his Memorandum. Jim Macklin states he was not at the June meeting and wants to verify that the application says there will be three (3) culverts but he only sees two (2) on the plan submitted. Wayne confirms there will only be two (2) culverts.

Lynne asks if we need a diagram showing the depth of the road. Jim Seymour states we will need that information even though the Board is allowing the road to be brought down to Private Road standards, we will need to see how it is built. Jim Seymour continues that the road terminus be sufficient for emergency vehicles to turn around. He continues that as it is being reviewed as a Private Way we have to see the profile of the road. Additionally, he reminds the applicant's representative that any Waiver requests need to be in writing to the Board; it may simply be by letter. He also informed the applicant that the Waiver Requests need to reference the Ordinance Section being waived.

Jim Seymour continues that regarding the culvert sizing, we would like to see how it was calculated for size. He continues that all other items have been met. We do, however, need a note on the Plan regarding utilities.

Stan states that the way the boundaries are is kind of awkward; he would like to what the reasoning is for that. Wayne states it is to allow for moving the turnaround down a bit from where originally proposed.

Lynne states she believes it is important for the Board to see the six (6) items noted as Conditions of Approval.

Wayne states that they are in negotiations with The Lennons regarding a Road Maintenance Agreement; he believes they are close to having it worked out. They are only working on a Road Maintenance Agreement as the Easements in their deeds give each party rights to do this.

Joan and Dennis Lennon state they are in #2 Graystone. They don't understand why there has to be a Road Maintenance Agreement if they are just allowing them to turn around and go up. Wayne explains it is a part of Subdivision and should have been done when it was first approved. Joan states we maintain our roadway, always have for 8 or 9 years. She continues that when a neighbor bought, they wanted to go through the driveway and we said no, so they went to the other side. She goes on to say they don't understand why they need an Association; they (MECAP) are going to widen their part of the driveway and we (Lennons) don't want to be responsible for what is going on up the road.

Dennis asks Wayne if they have spoken with Portland Pipeline. Wayne states they have not just yet. Stan states that as he understands it, while all three owners would sign the Maintenance Agreement, all expenses to widen the driveway/roadway are to be borne by Lot 6 and 6A. Jim Seymour states this is a Civil Agreement between them and the Town has nothing to do with it other than to be sure there is a Maintenance Agreement in place. The Town really wants to see this for safety reasons and upkeep. We want to be sure it is built to proper standards.

Joan states their niece is their lawyer; she will be returning from vacation tomorrow (6/9/15) and they will have her look it over and put in whatever they are comfortable with. She continues that they don't want to prevent MECAP from building up there.

Lynne states she feels they can't go forward without the additional information. Don states there is enough information in the backlot driveway section that as long as what they do meets it, we (he and Jim Seymour) can review it. Jim Seymour states they would have to verify it. The Board discusses the issues, and determines they would like this matter to come back before them with all information for approval.

Wayne asks if the Board wants a separate sheet for the road or do they want it on the plan. Jim Seymour states that a typical section should be separate, but other information can go on the plan that will be recorded.

Jim Seymour clarifies that they need to make their waiver request from §9.4.7 of the Subdivision Ordinance, Design and Construction of Streets. He continues by asking the Board how they feel regarding allowing the applicant to move ahead with the Backlot Driveway standards. The Board is in agreement to permit moving forward under Backlot Driveway standards and request waiver regarding road standards under the Subdivision Ordinance. Wayne states they will add this information to the Plan. He continues that the driveway should

be located on the flat portion shown, but they do not have a definite location yet; it should be between the turnaround and the culvert. He continues that they will add a note that the utilities are overhead. Jim Seymour states that they should also show the radius of the turnaround on the plan.

Wayne states he will get verification information for existing driveway/roadway. Jim Seymour states that the Road will be a Condition of Approval regardless. Wayne states he will also add a note on the plan that they will follow Best Management Practices (BMP). Jim Seymour states he wants the size of the rip-rap to be sure not to have washouts.

Lynne states the next item on the Agenda is the State Park Parking Lot project. George Powell introduces himself and Tom Linscott to the Board. He continues by showing the Board the drawings of the parking area at the State Park, specifically the impervious areas as they exist, impervious areas to be removed and revegetated and impervious areas to be added. The portions shown in green is the tree line that will exist when the project is completed; said tree line will be moved back quite a distance from its present location. He next explains that the blue area is currently vegetated area and will be changed to impervious surface. The new pink area goes to the waters' edge. Tom states the entire new parking lot will be outside the RP zone. Lynne states that one corner on their map is blue and she is wondering if that will be planted. George states it is going to be realigned to allow for better maneuvering. Dave Morton states it appears there will be 3 lanes 10' or 11' to allow access with trailers; how is that going to work out for controlling invasive plants on entry and exit. George explains that the three lanes will allow one for entry and two for exit. There will be inspectors on duty to check for milfoil or other vegetation and there is a hose there. He continues there will be a curbed island and a gas island. Further, George explains that there will be signage indicating flow of traffic to the right, through the parking lot to the Make Ready Area with enough room for two (2) vehicles, then continuing around launch boat then trailer and tow vehicle to lot. The spaces are 10' wide x 40' deep and we also have provided three (3) handicapped spaces. He further states that since boats are getting larger and tow vehicles needed are also larger, there are a few spaces that are larger than 10'x40'. The handicapped area will be paved. George continues that all standards used were taken from the DEP requirements; erosion, sediment control, stormwater will be a Permit by Rule and must meet standards. In this plan we have 21,500 s.f. of additional impervious cover. We are proposing to convert eight (8) regular parking spaces to single car parking which would reduce them from 40' to 20' moving part of the lot back thereby reducing the impervious to under 20,000 s.f. and thereby allowing a Permit by Rule. Additionally, he continued, there will be a drainage ditch between the parking areas and we could put some trees in there as well.

Stan states he would like to go back and talk about permitting as he is not sure they are correct about 20,000 s.f. additional. Jim Seymour explains that what happened is standards changed in the last 20 years. If it existed prior to 2007, it is grandfathered and additional impervious can be under Permit by Rule. George states he has spoken with the DEP and they clarified his interpretation was correct.

Don states that with regard to the RP zone, it would be helpful to have the 250' shown on the drawing. Tom Linscott has drawing showing the 250' line and hands them out to the Board. Discussion takes place between George and Don regarding trees.

Jim Seymour reiterated the circulation now that he is looking at the color drawing. George states they realized they didn't put island on the end and will be adding that in. Jim Seymour states that it is good for this project to be paved as the gravel washes into the lake. Jim further asks for clarification that all of the blue is to be new impervious and that it was taken into consideration during calculations. George states yes, it will be impervious, but it will be gravel not paved and they did include it during the calculations.

Ray asks if it is okay for the driveway to be in the RP zone. Jim Seymour states that in the Shoreland Table, #23, footnote 8 allows it. Don states we are also picking up retention ponds that we didn't have before.

Jim Seymour suggests that the drawings be broken out into separate Site Plans to allow for easier review. He suggests existing, removed impervious and proposed. It is discussed they could do one plan with overlays if they desire; the Board just needs it to be clear. Jim continues and reminds the Board they will be doing two simultaneous reviews and approvals, Shoreland and Site Plan.

Lynne states she is still a little confused on the traffic pattern. Tom states what she is looking at are the existing handicapped spaces and they will be coming out. Lynne states she understands now.

Mr. Dwyer states with the relocation of the impervious surface he is concerned about drainage issues. George states there will be minimal contaminants going from the parking lot once the job is finished. Jim Seymour states that at the bottom making the turn to go in, perhaps makes sense to go down the ramp rather than possible washing out of the shoulders.

Jim Seymour states that review by DEP will be looking at erosion control. Stan states it's pretty flat there and improvements to the launch is great; he continues, additionally, families will be happy with the relocation of the potties.

Ray asks if they could perhaps have it drain to one side or the other and go into a collection basin rather than down the ramp. George states they could look at that. Ray states they could also put it further up and have it go into the vegetation. Jim Seymour states where the pavement and gravel meet they may be able to do something to reduce gravel coming down.

Stan states he would like to see a separate plan of what it will look like when it is done rather than looking at all the existing. Jim Seymour states that paved is an improvement from all the gravel there currently.

Jim Macklin states, after having reviewed it and done calculations, it is a 2% grade ramp to concrete.

Jim Seymour states we will want to see the flood elevation noted on the plan.

Jim Seymour reiterates to the Board that they have to do simultaneous reviews and approval for Shoreland and Site Plan. He continues that we can go through each item and make a vote or if you feel they are all met, you can do it all in one lump sum, although they are usually done individually.

Lynne asks what their timeframe is for completing this project. George states that the money is allocated for July 1, 2015 through June 30, 2016. He continues that if the project isn't done during this fiscal year, the money may not be available again.

Lynne asks the Board if they wish to do review item by item and vote on each or do all at once. The Board discusses the options and wishes to proceed individually.

**Shoreland Zone Review:**

1. **Will maintain safe and healthful conditions.**

Jim Macklin states it is an improvement; Stan agrees.

Stan moves to accept #1.

John seconds.

Any discussion? None.

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

2. **Will not result in water pollution, erosion or sedimentation to surface waters.**

John states in the end it can all be subject to DEP approval.

Stan moves to accept #2.

John seconds.

Any discussion? None.

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

3. **Will adequately provide for the disposal of all wastewater.**

Stan moves to accept #3.

John seconds.

Any discussion? None.

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

4. **Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.**

Stan moves to accept #4.

John seconds.

Any discussion? None.

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

5. **Will conserve shore cover and visual, as well as actual points of access to inland waters.**

Stan moves to accept #5.

John seconds.

Any discussion? None.

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

6. **Will protect archaeological and historic resources as designated in the comprehensive plan.**

Stan moves to accept #6.

John seconds.

Any discussion? None.

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

George states that last year for the Boat Ramp Project the Board requested a letter from the Historic Division. Jim states that can be made a Condition of Approval.

7. **Will not adversely affect existing commercial fishing or marine activities in a Commercial Fisheries/Maritime Activities District.**

Stan moves to accept #7.

John seconds.

Any discussion? None.

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

**8. Will avoid problems associated with flood plain development and use.**

Stan moves to accept #8.

John seconds.

Any discussion? None.

All in favor? 5 yes- 0 no – 0 abstain.

**9. Is in conformance with the provisions of Section 15, Land Use Standards.**

Stan moves that Section 15, Article 9, Footnote 8 is acceptable to create minimal disturbance in the RP District.

John seconds.

Any discussion? None.

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

**Site Plan Review - The Board reviews for Site Plan as follows:**

- a) Jim Seymour states that if the Board feels the applicant has met the requirements they may approve; if they do not feel the requirements are met they can grant an approval with Conditions.
- b) The Flood Elevation needs to be noted on the Plan
- c) Provide a separate Sheet for the Site as it Exists, a separate Sheet for the Site Plan as it will be after completion
- d) Show impervious cover to be <20,000 s.f. allowing for Permit by Rule
- e) Add traffic island for return loop of trailers.

Stan asks about signage. Jim Seymour states it is on the plan; Stan states he feels there should be speed limit signs posted around the parking loop as well as several "CAUTION" signs.

- f) Additional landscaping – planted buffer between new and old parking areas
- g) Applicant must provide DEP approval for Stormwater prior to construction

Stan moves to approve the Site Plan application with the following conditions:

1. The applicant shall break the one plan into 3 sheets, to clearly show all information. (Ex-cond/Site Plan layout –es/ grading & drainage imp)
2. The plan shall delineate the RP Zone line as determined from the 250 ft. setback from edge of lake
3. The plan shall clearly indicate the 100 yr. flood line and elevation for Sebago Lake.
4. The plan will show and note that the parking area has been reduced to keep the new impervious surface added to under 20K sf
5. Where parking/impervious cover converted to keep under the 20K sf threshold, additional shrub landscaping will be added for more buffer.

6. The Site plan will add a thin landscaped traffic island, to direct return looping trailers near the main entrance.
7. Speed limit signs shall be added within the parking areas to 5mph for safety.
8. The applicant shall provide copy of a Maine DEP Stormwater (permit by rule) or [Stormwater Management](#) Permit Application approval.
9. The applicant shall provide evidence of their letter receivable from the State of Maine Historic Preservation stating no harmful impacts will occur by the site development.
10. A signature block for the Planning Board shall be added on the Site Plan.
11. A note that the Planning Board allows the land use under Table 1: Shoreland Use Table 23. Public and Private recreational areas involving minimal structural development, and deems that the small portion of re-development in the RP District creates minimal destruction to the environment.

John seconds.

Any discussion? None.

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

Lynne states the next item on the Agenda is the application of AT&T for a Wireless Communications Facility on property at 190 Tamarack Trail, owned by Robert T. & Shellie Symonds.

Barry Hobbins, Esq. introduces himself to the Board Members and provides background for those who were not part of the initial approval in 2011. After approval in 2011, an abutter appealed the matter to the Zoning Board of Appeals, the filed a Rule 80b appeal and continued to appeal the matter through the entire legal system. The end result is the abutter and AT&T reached certain terms to allow the project to move forward with certain modifications requested by the abutter/appellant.

Barry further sums up how the development of the properties on Tamarack Trail came about. He next stated that AT&T wishes to build a facility on a leased parcel accessed by a 408' long by 12' wide gravel extension off of Tamarack Trail. They will have a 50' x 50' area surrounded by chain link fencing which will enclose the tower, antenna, generator and an 11' 5" x 20' shelter for equipment. He directs the Board to Exhibits 8, 14, 15 & 16 for specifications.

Barry continues to explain how cell service providers obtain their licenses and that they do not expect the FAA to require lighting on a 150' tower. He also informed the Board that they do not have the FAA approval yet due to the litigation process.

Barry states that there are some items in Jim Seymour's Memo that can be addressed.

Stan states that he sees the leased area is 100' x 100' and the tower is 147'; what happens if the tower falls. Barry states it will fall on no one's property but The Symonds'. He continues that you don't have to cut a 2 or 3 acre lot for a tower; the towers don't fall to a side, they collapse down on themselves; a tower with guy wires will fall to a side.

The Board members and Barry discuss progress in technology and if any changes to the length of time the generator will run has changed.

Jim Seymour stated that at some point all the drawing need to be stamped and updated as well as, prior to an approval, any studies you want need to be current. Barry states that the Sound Study used in 2010/2011 is still the same.

Barry informs the Board that the Court cases have restricted uses of the road, construction times, etc. and we added the Conditions of Approval on the Plans. He continues that the Board is welcome to do a Site Walk if they wish.

Jim Seymour advises the Board they need to acknowledge receipt of the application, determine that all criteria have been met to allow a new facility and inquires if they wish to conduct a Site Walk.

Lynne states that having been a part of this initially and what everyone went through, she will defer to those who were not involved initially. The Board concurs that a Site Walk is not necessary.

John moves to accept the application.

Ray seconds.

Any discussion? None.

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

Ray moves that the criteria for a new tower have been met.

Stan seconds.

Any discussion? None.

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

The Board discusses the filing deadline being July 20, 2015 (a week from meeting) if they wish to give AT&T an additional week to file the requested information to allow the matter to move forward at the August 10, 2015 meeting. The Board is in agreement that AT&T has until Noon on Monday, July 27, 2015 to submit the necessary information requested to move forward in August.

Ray moves that the Board give AT&T an additional week to July 27th to submit materials.

Lynne seconds.

Any discussion? None.

All in favor? 5 yes - 0 no - 0 abstain

Bill Horton asks about fuel for the generator; he believes it was changed last time and they agreed to change from diesel to propane. Barry acknowledges that change was made in 2011 and it will be reflected in this submission as well.

Bill states that their agreement regard road closures and notice for closures is 24 hours, however, he would like that to be modified that 24 hour notice will not be required for fire, rescue or police.

Lynne states next on the Agenda is a Site Plan Preliminary conference with the Town of Casco regarding construction of a new Town Office.

David Morton states his name for the record and that he is the Town Manager. He continues by giving some background information; Town Meeting approved money for a new Town Office, the location of which is still to be resolved. He further states that originally they were going to build on the back part of the lot where the Fire Station and current Town Office (storage facility) is sited, however, the Public Safety Departments asked why it was not going to be up front and they felt it would be better served in front; plans are very much still in transition.

David continues that a survey was done showing the setbacks and it can fit up front but we may move the filling station back for safety and aesthetics. He further states that there will be the same number of people in the new building as are in the current building, we are only moving them from a to b. Additionally, there are two (2) septic systems on the property, one for the Fire Station and one for the Town Office along with one well. David continues that he believes we have adequate utilities.

David states that the Town has not engaged an architect as yet; the Board of Selectmen will probably begin working on the floor plan and will be talking with staff about flow etc. He goes on to explain there may be some parking in the front, back and side.

David states that while we can go ahead on the existing property, he must inform the Board that the Board of Selectmen want to approach Mr. Jabbusch to purchase that parcel. He continues that he doesn't know how quickly that would happen or if Town Meeting would approve. David next states that we are proposing 4500 s.f. on a slab; we will use heat pumps for heat, solars to reduce heating costs, architecturally energy efficient. He goes on to explain that the Fire Station and current Office share a generator and he is unsure that will still be sufficient.

David informs the Board that he saw Jim Seymour's Memo and while the Town submitted drawings that were included at Town Meeting, the 7000 s.f. has been reduced to 4500 s.f.; we are eliminating meeting room as meetings can all continue to take place here in the Community

Center.

Ray states he thinks the septic to the current office may need to be disconnected.

Jim Seymour states that he sees the Town would like a Waiver for Stormwater, however, with the new Ordinance changes, we may have to do something about roof runoff.

The Board and David discuss parking and the fact that if the filling station is moved it must not be located too close to the well.

Jim Macklin asks if it is to be 4500 s.f., what is 100 x 150? David explains that they want it larger to allow for future expansion. Ray states if you don't buy additional land there is a circulation issue.

Jim Seymour states the only other thing is the landscaped buffer. Jim Seymour states that one thing the Board and the Town may wish to take into consideration is that when we were doing ordinance changes in 2014 the people were concerned about design of any new structure. He continues, we have not addressed design standards in the Village district as yet, but certainly the Town may wish to consider that input when proposing a design for the building.

David states he expects the Town will be back before the Board in September.

John moves to adjourn.

Lynne seconds.

Any discussion? None.

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