

**MINUTES
TOWN OF SEBAGO
PLANNING BOARD MINUTES
7:00 PM
Tuesday, August 13, 2019
TOWN OFFICE BUILDING**

I. Call to Order

Paul White called the meeting to order at 7:00 p.m.

Present: Jim Jansz, Dick Perry, Andrew Plummer, Paul White, Code Enforcement Officer Brandon Woolley, Recorder Desirae Lyle.

Absent: Tina Vanasse

Guests present: Nathaniel York, June Allen, Deb Howard, Phil Lowe, Marcia Christensen, Dorothy O'Donnell, Grove Newcomb, Alan Munroe, Jason Schoolcraft, Edie Harnden, Mike Borsetti, Maggie Bannon, Kelly Haley, Greg Cutting, Tom Cutting, Ashton Cutting, and 2 unidentified guests

II. Correspondence

Desirae Lyle reported that the following correspondence was distributed to the Board in their meeting information packets prior to this meeting

1. A copy of a letter dated August 6, 2019 from George Sawyer, PLS of Sawyer Engineering & Surveying, Inc. This letter was to advise the Town of Sebago that the signed Plan of "Amended Subdivision Plan for Bluestone Capital" was recorded at the Cumberland County Registry of Deeds in Plan Book 219 on Page 319 on July 30, 2019. The original copy of this letter will be included in the Planning Board file for this approved subdivision project.
2. A copy of an email and letter received August 6, 2019 from Gerard Schofield, Attorney for the Cuttings, regarding the proposed project on tonight's agenda. (Site Plan Review – Property owned by Nathaniel & Adele York – Map 4, Lot 6 & 8A). The original copy of this letter will be included in the Planning Board file for this project.

Desirae Lyle reported that the following correspondence was distributed to the Planning Board members at the start of this meeting.

3. A copy of an email dated August 13, 2019 from Gerard Schofield, Attorney for the Cuttings, regarding the proposed project on tonight's agenda. (Site Plan Review – Property owned by Nathaniel & Adele York – Map 4, Lot 6 & 8A). The original copy of this email will be included in the Planning Board file for this project.

III. Open to Public Questions

Phil Lowe passed out an excerpt from the Maine Municipal Association Planning Board Manual regarding Planning Board members attending Zoning Board of Appeals meetings and vice versa. (This handout will be included with the original set of these minutes.)

IV. Review of Minutes (June 11, 2019 & July 9, 2019)

Dick Perry made a motion to approve the June 11, 2019 and July 9, 2019 meeting minutes as presented. It was seconded by Jim Jansz. Motion carried with all in favor.

V. Old Business

None

a. CEO Updates

Nothing reported.

b. Goal Setting Items

1. Review of Application Processing Documents

Nothing reported.

VI. New Business

a. Site Plan Review – Requesting Permission to Extract Materials in an Area Greater than 2 Acres – (Property owned by Nathaniel York) – (Land Lot) – Map 4, Lots 6 & 8A

This is a pre-application meeting for Mr. York's proposed gravel pit. Brandon explained that the Land Use Ordinance recommends a pre-application meeting to have an informal discussion between the Planning Board and the applicant to go over the requirements of the application and make formal determinations on what will be required in the application. It was discussed whether this is a minor or major development. Brandon suggested going through Land Use Ordinance Section 7, this is the section that the Zoning Board of Appeals determined that the Planning Board had erred in not properly applying Section 7 by going through every element. Brandon stated that there is no application at this point, but he feels that everyone remembers the process. The applicant's primary intention is still to farm the land and harvest timber. Agriculture and timber harvesting are allowed uses and are not reviewable by the Planning Board, these uses are exempt from site plan review. Mr. York is allowed up to two acres of open gravel pit with CEO approval. He currently has two acres of active open gravel pit, which does not include storage areas, stockpiles of material, or storage of equipment. It only includes the active open gravel pit; it does not include the area that has been stripped of timber because that is an

allowable use under the ordinances. It also does not include the site on the top of the hill which is a separate lot where his home site is, the land has been graded, reclaimed and seeded. One of the requirements of the Land Use Ordinance Section 6 F: Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been secured and evidence that they have been secured has been provided unless state or federal regulations require local approval first. Mr. York has his license from the DEP (Department of Environmental Protection) the site has been inspected by the mining division of DEP. Brandon feels that once a new application is presented the Board can move forward with a review. Brandon pointed out that the Planning Board may waive specific application submission requirements when an applicant can show that such requirements are not relevant to the proposed project. Brandon suggested that the Board go through Section 7 E Contents of Site Inventory and Analysis. The topography of the site at an appropriate contour interval (2 foot to 5 foot) depending on the nature of the use and character of the site. The applicant would like to know at what interval the Board would like to see the topographic map, keeping in mind that slopes maps were submitted with the previous application which shows virtually no slopes. Brandon explained that in the entire active gravel pit site, not the whole land holdings, but the active gravel pit there is barely a two foot change in elevation. Paul White suggested that when Mr. York submits a new application it will need more detail than the last application submitted. The Board agreed that a two foot interval would be sufficient for Mr. York's application. Mr. York asked if the topographic map should show the land before mining. Brandon stated that the map should show prior to the start and the proposed final grade. The intent is to level the land to be used for agricultural purposes.

Andrew Plummer suggested that the Board read through each requirement in Section 7. Andrew proceeded to read Section 7 E Contents of Site Inventory and Analysis. (NOTE: This section of the ordinance will be attached to the original set of these minutes.)

Brandon stated that the applicant intends to provide all of the information in Section 7 (E)(3) except for Section 7 (E)(3)(g): Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified. Brandon asked that the Board formally waive Section 7 (E)(3)(g) as a requirement of the application as there is no intended sewage disposal on the site.

Andrew Plummer made a motion that Section 7 (E)(3)(g) is not applicable and is waived from Mr. York's application. It was seconded by Jim Jansz. Motion carried with three in favor, Paul White abstained.

Brandon suggested that traffic studies, utility studies, market studies in the Narrative, be marked not applicable in Mr. York's application or Mr. York will supply documentation as to why these studies are not required.

The Board discussed minor versus major developments. Brandon read aloud Section 7 (C) (paragraph 2): Major developments shall include projects involving the construction or addition of five thousand (5,000) or more square feet of gross non-residential floor area, projects involving the installation of five thousand (5,000) or more square feet of impervious surfaces, projects involving the creation of five (5) or more dwelling units, projects involving the establishment or expansion of a campground or mobile home park, projects involving extraction industries, other projects requiring review which are not classified as a minor development.

Jim Jansz made a motion to classify this project as a major development. It was seconded by Andrew Plummer. Motion carried with all in favor.

The applicant has agreed that all Written Material (Section 7 (G)(3)) will be submitted with the application. Brandon agreed to ensure that all of the required information is in the application before he will accept it as complete.

Andrew Plummer read aloud Section 5 (A)(19)Mineral Exploration and Extraction. (NOTE: This section of the ordinance will be attached to the original set of these minutes.)

The Board read through each item of Site Plan Review Section 7(G)(4) as follows: (NOTE: This section of the ordinance will be attached to the original set of these minutes.)

- a. Topography** – Existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.

The Board agreed that a two (2) foot interval is sufficient.

- b. Storm water plan** – A storm water drainage plan showing:

1. The existing and proposed method of handling storm water run-offs
2. The direction of flow of the run-off through the use of arrows
3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers
4. Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

This is not applicable because per licensing requirements through DEP all stormwater has to be contained on the site. There is no stormwater runoff it is all contained within the site in a sediment pond. DEP will continue to monitor this.

Dick Perry made a motion that a storm water plan is not applicable and should be waived from Mr. York's application. It was seconded by Jim Jansz. Motion carried with all in favor.

- c. Ground water impact analysis** – A groundwater impact analysis prepared by a groundwater hydrologist for projects involving common onsite water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons per day.

This is not applicable because there is no onsite water supply or sewage disposal facility proposed for this project.

Jim Jansz made a motion that a ground water impact analysis is not applicable and should be waived from Mr. York's application. It was seconded by Dick Perry. Motion carried with all in favor.

- d. Utility plan** – A utility plan showing provisions for water supply and wastewater disposal including the size and location of all piping, holding tanks, leach fields, etc. and showing the location and nature of any solid waste collection facility and all electrical, telephone, and any other utility services to be installed on the site.

Jim Jansz made a motion that a utility plan is not applicable and should be waived from Mr. York's application. It was seconded by Andrew Plummer. Motion carried with all in favor.

- e. Landscaping plan** – A landscaping plan keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted on the site and other landscaping arrangements.

The Board would like to see a landscaping plan included with Mr. York's application.

- f. Signs** – The location, size and character of all signs

Mr. York does not intend to have any signs on the site.

Andrew Plummer made a motion that signs are not applicable and should be waived from Mr. York's application. It was seconded by Dick Perry. Motion carried with all in favor.

- g. Erosion control plan** – An erosion and sedimentation plan showing plans for before and after construction. Approval from the appropriate State or Federal Soil and Water Conservation agency in this area is required.

The Board would like Mr. York to provide an erosion control plan with his application.

- h. Lighting plan** – Lighting plans showing the location, type, radius and intensity in foot-candles of all exterior lighting

Mr. York does not intend to have lighting on the property and does not use temporary lighting, only the lights on the machines.

Dick Perry made a motion that a lighting plan is not applicable and should be waived from Mr. York's application. It was seconded by Andrew Plummer. Motion carried with all in favor.

- i. Traffic impact analysis** – A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.

Jim Jansz would like to see an analysis of Route 114 and Woodland Rd. Paul White stated that the Town attorney felt that the applicant had necessary right-of-way, and it should not be addressed by the Planning Board. Jim clarified that he is concerned with the condition and safety of the road.

- j. Water supply statement** – If a public water supply is to be used, a written statement from the Utility District as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.

Andrew Plummer made a motion that a water supply statement is not applicable and should be waived from Mr. York's application. It was seconded by Dick Perry. Motion carried with all in favor.

- k. Streets and sidewalks** – The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks

Dick Perry made a motion that a plan of streets and sidewalks is not applicable and should be waived from Mr. York's application. It was seconded by Jim Jansz. Motion carried with all in favor.

- l. Construction drawings** – Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.

Andrew Plummer made a motion that construction drawings are not applicable and should be waived from Mr. York's application. It was seconded by Dick Perry. Motion carried with all in favor.

- m. Public use areas** – The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the Town.

Concerning the mineral extraction there is no intent for public use. In the future of the farm there might be public use areas.

Dick Perry made a motion that public use areas are not applicable and should be waived from Mr. York's application. It was seconded by Andrew Plummer. Motion carried with all in favor.

- n. Covenants, deed restrictions** – A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.

Dick Perry made a motion that covenants, deed restrictions are not applicable and should be waived from Mr. York's application. It was seconded by Jim Jansz. Motion carried with all in favor.

- o. Dedication and conveyance** – Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.

Andrew Plummer made a motion that dedications and conveyances are not applicable and should be waived from Mr. York's application. It was seconded by Dick Perry. Motion carried with all in favor.

- p. Homeowner's association** – If the development is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of this Ordinance pertaining to clustered developments have been met. The submission shall include copies of the by-laws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' associations or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the development after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public ways.

Andrew Plummer made a motion that a homeowners association is not applicable and should be waived from Mr. York's application. It was seconded by Jim Jansz. Motion carried with all in favor.

- q. Costs** – Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, the portion financed and interest in financing the project.

Mr. York explained that his company York Earthworks has taken out loans for this project.

Jim Jansz made a motion that costs are not applicable and should be waived from Mr. York's application. It was seconded by Dick Perry. Motion carried with three in favor Andrew Plummer opposed.

Site Plan Review Section 7(G)(5) Narrative: A narrative and/or plan describing how the proposed development scheme relates to the site inventory and analysis if the application is for a major development, is required.

The next section, Site Plan Review Section 7 (H) Criteria and Standards, are the standards that will be discussed once an application is submitted.

Dick Perry commented that he feels comfortable moving forward knowing that the applicant, if he should apply, has a clear understanding of what is needed and expected of him. Dick is also comfortable with the fact that (the Board) has an extremely competent Code Enforcement Officer who will be thoroughly checking the application. When the application comes before the Board, Dick is comfortable that it will be in due form and ready to be acted upon.

Andrew Plummer read aloud the headings of Site Plan Review Section 7 (H) Criteria and Standards for those present.

Jim Jansz would like the Board to discuss procedures and make sure that there is sufficient evidence to cover each item in the Site Plan Review Ordinance. Paul White agreed that written finding of facts, conclusions and individual votes will be taken on each item in the Site Plan Review Ordinance.

VII. Adjournment

Jim Jansz made a motion to adjourn at 7:59 p.m. It was seconded by Dick Perry. Motion carried with all in favor.

Respectfully Submitted,



Desirae Lyle
Administrative Assistant/Deputy Clerk