

EDGECOMB PLANNING BOARD
MINUTES, NOVEMBER 15, 2007

1. Call to Order

Chairman Katharine Braid called the meeting to order at 6:30 p.m.

2. Roll Call

Members present were David Boucher, Katharine Braid, Bruce Cameron, Barry Hathorne and Anne Peaslee and alternates Jarryl Larson and April Lawrence

3. a. Review and approval of Minutes of the October 15, 2007 site walk and the November 5, 2007 meeting

The minutes of the site walk were corrected to indicate Town Planner Byron Johnson was present. Bruce Cameron moved, David Boucher seconded, to approve the minutes of October 15, 2007. Vote 4-0-1 (Peaslee abstained).

David Boucher moved, Bruce Cameron seconded, to approve the minutes of the November 5, 2007 meeting. Vote 5-0.

b. Clarifications - None

4. Richard and Adrianna Ortisi-Best - Site Plan Review for proposed residence in Shoreland, Map U-14, Lots 11 and 12

The Ortisi-Bests own a non-conforming parcel of approximately 1.03 acres on Riverside Avenue off Cross Point Road. They will be tearing down a non-conforming camp on the property and building a one-bedroom, 2,160-square foot house. They will be using the existing well and leach field. Sedimentation control is shown on the site plan; a silt fence with hay bale barrier will be utilized. It will be necessary to remove two trees on the site. David Boucher moved, Barry Hathorne seconded, to find the application complete. Vote 5-0. The Board reviewed the findings of fact and found that the proposal:

1. Will maintain safe and healthful conditions - owner observed installation of septic;
2. Will not result in water pollution, erosion or sedimentation to surface waters - owner is retired and will take personal responsibility;
3. Will adequately provide for the disposal of all wastewater - leach field on site plan;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat - far enough from water's edge;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters - site will be improved by tearing down existing camp;
6. Will protect archaeological and historic resources as designated in the comprehensive plan - none found or shown;
7. Will avoid problems associated with flood plain development and use - seven feet above flood plain; and
8. Is in conformance with the provisions of Section 1.9, Land Use Standards - proposed structure meets requirements for Limited Residential District.

David Boucher moved, Bruce Cameron seconded, that the application meets the requirements of Article III, Section 1.10.3.1 through Section 1.10.3.8. Vote 5-0. David Boucher moved, Barry Hathorne seconded, to approve the application. Vote 5-0. The Shoreland fee of \$100 and the building permit fee of \$216 were paid.

5. SYTDesign, Edgecomb Development, LLC, and Joe Bettey - revised waiver applications

Katharine Braid noted that a letter had been received from the residents of Fort Road and Davis Island expressing concern for their wells and requesting that a hydrologist be hired to study the overall groundwater situation on Davis Island. The letter will be on file. A letter had also been received from Waldo S. Williams, a resident of Fort Road, regarding insufficient water supply recently from his well. This letter will be on file and is on the Board of Selectmen's website.

Peter Biegel, on behalf of the applicants, presented waiver requests. He asked that, with regard to topography, the requirement to include two-foot contours of the CHOM property and the northwest corner of the subdivision (parking lot) be waived. The remainder of the property would be surveyed including the White's property to the structures. There is a difference between the CHOM survey and the applicant's survey that will need to be rectified. He said that contours on the corner would not be useful information and therefore the waiver was requested.

Katharine Braid said that both surface and underground water issues had been raised and it would be necessary to have as much information as possible for a third party review of the plans. She said the Subdivision Regulations and Site Plan Review require two foot contours of the whole site and since the Board has to rely on a third party review, the applicant should provide reasons that it would not be useful to have two-foot contours shown for both the corner lot and the 150-foot swath. Thomas Saucier said that he had talked with Steve Roberge (who presumably would perform the third party review) and had had a pre-application meeting with the DEP who was satisfied with the proposal. A motion to waive the requirement to survey the northwest corner was defeated (2-3) David Boucher moved, Bruce Cameron seconded, to grant the waiver with respect to the CHOM property and other areas where a recent topo exists and deny with respect to other areas. Vote 5-0.

Peter Biegel requested a waiver of a soils report because there are no subsurface wastewater disposal systems proposed. Rather than grant a blanket waiver, Katharine Braid said that she would rather have assurance that if the DEP or Steve Roberge requires additional information, it will be provided. Peter Biegel said that the DEP would require a soil investigation. Bruce Cameron moved, Anne Peaslee seconded, to approve the waiver with the condition that, if DEP or Steve Roberge or any third party peer review consultant on behalf of the Planning Board or the Town requests further information, the applicant will provide it. Vote 5-0.

Peter Biegel displayed a plan indicating where trees 10 inches or larger would be shown and where trees 4 inches or larger would be shown including those 25 feet into the White's property. He said it was not worth trying to save trees where the area would be disturbed due to development; a landscaping plan showing the location of new trees would be provided. David Boucher moved, Bruce Cameron seconded, to find the plan, with respect to mapping the size and location of trees, acceptable and to affix the plan to the file. Vote 5-0.

Peter Biegel said that his firm is in the process of soliciting proposals for a hydrologic/geologic study to address the concerns of the Board. Katharine Braid said that Article IV, Section 3.4.3 gives the Board the authority to specify a hydrologist, but she said she would rather reserve the

right to approve or disapprove the hydrologist his firm would use. She asked that the applicant provide the Town Planner with the name of the hydrologist and the scope of work he would be asked to perform. The study should deal with the temporary impact on ground water from the construction and the permanent effect from the development. If necessary, the report will be reviewed by a third party consultant. Peter Biegel said that the hydrologist would design the scope of work in order to address the concerns of the Board. In response to the applicant's request to proceed with the hydrologic/geologic report before the Board reviews the scope of the work to be done, Katharine Braid said that the applicant could proceed but would be taking the risk that if the report is not complete, the Board reserves the right to ask for more information.

In response to a question on a public hearing, Katharine Braid said that a public hearing is required by the Site Plan Review section of the Land Use Ordinance, but the date cannot be determined until the application has been found to be complete.

Peter Biegel said that plans now are to provide a five-foot sidewalk adjacent to a 20-foot driveway that will tie into the CHOM sidewalk. He said the sidewalk would not be ADA compliant because of the grade. The consensus of the Board was that there did not seem to be a problem with the proposed sidewalk next to the driveway that would in some places be steeper than ADA requirements.

With regard to the driveway width, Peter Biegel proposed a 24-foot width from the CHOM driveway to the utility easement and a 20-foot width from there to the facility. Keeping the width to 20 feet would limit the amount of material that would be disturbed and would give the driveway a more residential feel. He added that the ordinance has no width requirements for driveways, and the intensity of use is not high; a 20-foot width should handle the traffic adequately. There was concern on the part of the Board that 20 feet was not wide enough to handle large delivery trucks. Tom Saucier said that the guidelines suggest that 18 feet is adequate for traffic going 15 to 40 mph and that they were proposing a 20-foot road, two feet wider than that recommended by the guidelines. Katharine Braid said that increasing the width of the road increases the amount of impervious surface, which affects the stormwater runoff and wastewater; widening the road might also require the removal of trees; and there is the safety issue to consider. The majority of the Board members agreed that the driveway should be 24 feet wide. Tom Saucier commented that they had added a five-foot sidewalk and they would now be adding another four feet to the driveway. He said research indicates that the wider the road, the faster traffic will go and that the industry says an 18-foot roadway is adequate. The chairman emphasized that the Board was giving feedback, not approving or disapproving, and that the application at some point would be considered as a whole.

The chairman said Edgecomb's ordinance is silent on parking requirements; other towns require one space per unit. Peter Biegel said that the plan proposes one space per unit (54) and he asked for input from the Board. Steve Normand, Normand Associates, said that on average 30% of the residents own cars. There are 20 employees on the day shift and 12 employees on the other two shifts. Peter Biegel said that the fewer spaces required, the less disturbance on the site. The consensus of the Board was that one space per unit would be adequate.

Peter Biegel illustrated the projected increase and decrease of stormwater leaving the site based on a 25-year storm. Increases and decreases were slight ("slight" he defined as .034 acre feet). Tom Saucier said that not much change is projected. In response to a question, Peter Biegel said an underground water chamber would hold 360 gallons, the total system would hold 5,200 cubic feet and with the addition of stone around it, 8,900 cubic feet.

Peter Biegel said it was his understanding that the power line easement had been abandoned and he would be getting the relevant paperwork. He said 80 to 90% of the total suspended solids would be removed from the stormwater run-off.

With regard to the concern about tree blow-downs associated with forest clearing, Peter Biegel said the majority of trees are not old growth, they are 25 to 30 feet high and there is not a lot of undergrowth. He said it appears that the trees on the site will be buffered from the northeast on the diagonal by the marsh and forest. Prevailing winds from the southwest will also strike the site at a diagonal, lessening the exposure. He added that the hardwoods do not blow down as easily as softwoods and the 30 to 35-foot trees do not blow down as easily as 70-foot trees.

The applicant has received its entrance permit from DOT, which will allow access through the CHOM road only.

7. Other Business

Katharine Braid said that at the first meeting in December, the Board would discuss the State's new requirements for the shoreland regulations. She asked Byron Johnson to compare the State's regulations to Edgecomb's regulations so that the Board can see whether any sections of Edgecomb's shoreland ordinance exceed the requirements of the State and should be retained. Byron Johnson said that the State recommended repealing the town's Forestry section and leaving the State's regulations in force and enforcement of them to the State.

Byron Johnson distributed new zoning maps for Davis Island, maps showing wells and overboard discharge, and a map indicating areas of pollution along the Sheepscot River as well as information on stormwater management.

In response to Skip White's question, Katharine Braid clarified the situation with regard to a hydrologic/geologic study. The applicant will have the study done by a registered hydrologist. The Town will have the study reviewed by a third party of its (the Town's) choosing that will be paid for by the applicant. The third party consultant will examine the scope of the study as well as the results but will not repeat the study. Byron Johnson will check the credentials of both the applicant's hydrologist and the third-party consultant that the Town will hire.

8. Adjournment

Barry Hathorne moved, Bruce Cameron seconded, to adjourn the meeting at 8:45 p.m.