

Washington Planning Board

P. O. Box 408, Washington, Maine 04574

Tuesday December 11, 2012

The meeting opened at 7:00 pm.

Present were: Chairman, Mitchell Garnett; Vice Chairman/Secretary, Jim Bowers; Members: Hank Aho, David Williams, and David Studer; Alternate, Rich Bouchard CEO, Bob Temple and Recording Secretary, Liane Chapman; Absent: Alternate Reggie Burns. Attendee: Rick Whelan

Mr. Aho moved to approve the minutes of October 9, 2012. Mr. Williams seconded. All voted in favor.

The CEO report was approved. Mr. Aho questioned the figure of 145 feet by 20 feet for an addition. Mr. Temple will check on it.

Old Business: Mr. Garnett said that there was no application before the Board. Mr. Temple said the Linscott's attorney had requested that the application be tabled, but Mr. Temple said that as the application had not been deemed complete by the Planning Board there was nothing to table. He had sent the attorney a list of what was required to make the application complete. The Board has received a packet containing all communications between the Linscott's attorney and himself.

In addition, Mr. Garnett informed the Board of a letter received from the Selectmen requesting that in all future deliberations the Board comply with Maine Municipal Association (MMA) legal opinions regarding mining or gravel pit applications. The letter and MMA opinion will be filed with the minutes of this meeting. Mr. Temple thought the Board had gone along with the MMA opinion. Mr. Bowers noted that there had been times in the past when the Town had had to go to court despite having complied with MMA opinion. Mr. Aho asked why this was an issue. Mr. Garnett explained that the matter had come up when the Board was considering the Dave St. Clair application. He said the Board would have to ask the Selectmen why it was an issue. Mr. Bowers thought the Selectmen insinuated that the Board had not paid attention to the MMA opinion. The letter was dated October 3 and the information from MMA had been sent on October 2. The Board had deliberated on October 9, but Mr. Garnett did not receive the letter until after the meeting. Mr. Aho noted that if the Board had to abide by MMA opinions, the application could just be sent to MMA directly. He thought the Board should consider the opinions, but not necessarily be required to comply with them. Mr. Bowers said he would go to the Selectmen's meeting and ask for an explanation.

Mr. Temple reported that the Dave's World application had not been recorded with the Register of Deeds and it was already well past the 30 day limit. Mr. Williams said that Mr. Temple should issue a stop-work order. Mr. Garnett thought they had just forgotten since they would not be working now. He asked Mr. Temple to remind Tammy Reynolds and said that if it had not been recorded by Spring, he should issue a stop-work order.

New Business: Arlene Condon had applied for a permit to make her garage into an auto repair shop. Mr. Temple said he had taken pictures to show what had been changed. The trailer had been removed and the apartment in the garage no longer existed. The plumbing had been removed. He thought Ms. Condon was hoping to make a few extra dollars doing small repairs. He thought the application would be similar to doing one for a day care. Mr. Studer asked whether this was a home occupation. Mr. Temple thought it might be since the Land Use Ordinance (LUO) said a repair garage was a permitted use requiring Planning Board review. If it was only one person, he did not think he could say, but the Board could. Ms. Condon had begun mostly with inspecting cars. Mr. Temple told her she needed a permit because she was working in violation. The only previous permit had been a building permit. She had applied for a use permit and it was unclear whether the fee had yet been paid although the Town Clerk had said she would take care of it. Mr. Temple said that it could be delayed until next month since Ms. Condon was not present. The Board agreed,

New Business # 2: Mr. Rick Whelan had requested a meeting with the Board to discuss a subdivision of the Schroyer estate on Razorville Road. Mr. Studer recused himself and sat with the applicant. The Board discussed whether there had been a change in the subdivision ordinance since their last action regarding division of land for family use. Mr. Bowers said that particular one was in the LUO. The subdivision version the Board members had was dated 3 31, 2001.

Mr. Whelan said there were four lots and the one of twelve and a half acres containing the house and barn had been sold. The remaining lots total 58 acres on the south side of Route 105. Number 3 which includes the cemetery has 1250 feet of road frontage, probably 15 acres. The remaining two were about 17 to 20 acres each. Number 2 has about 690 feet of frontage. Mr. Williams asked about the piece across the road. Mr. Whelan said that needed clarification. It is a 13 acre lot that stands alone. It is part of the Shroyer estate, but he had not included it in the

subdivision because anything that happened across the road would be treated separately from the other land. He said tonight was really a pre-application meeting at which he wanted to let the Board know what he would like to do. The subdivision ordinance mentions something about a sand and gravel aquifer. Mr. Whelan was sure that the Dave's world land was on one and thought this land was as well. He wanted to know what the Board wanted him to do in that regard. He said the subdivision ordinance called for stone monuments and he was requesting re-rods with plastic caps. He noted that the Board members were welcome to look over the land, but he had stated his wishes. Mr. Williams mentioned that driveways would be approved by the Department of Transportation (DOT). Mr. Temple said he had asked Mr. Whelan to reference the driveways to DOT because the road curved and it was simpler to show them the plan.

Mr. Whelan distributed plans showing test pits that had been made by Mr. Studer who was recusing himself on that account. Each lot had a test pit and #3 had two. Mr. Whelan noted that there would be no interior roads. Discussion arose as to whether the subdivision was a major or minor one. Mr. Garnett noted that the LUO definition said a major subdivision was more than four lots. He agreed that it was minor unless the piece across the road were to be included. Mr. Studer said that if the road had been built by the applicant, the subdivision would be more than four lots. As it was actually a public way, he argued that the subdivision was a minor one and the Board could ignore some of the extras which would not apply. There was some discussion about whether lot 43, a 16 acre lot across the Vanner road, was part of the estate. Mr. Whelan said it was, but the person who had bought the first lot had also bought that one. He noted that if a developer had built the road between the lots it would be a different situation. In this case the road was not built by a developer and the lots were entirely separate. Mr. Bowers noted that he had no problem substituting re-rod with plastic covers for the monuments.

Mr. Whelan said the reason he had mentioned the sand and gravel aquifer was that the LUO said if any part of the subdivision was on such an aquifer, there was a question of whether or not the Board would require a hydro-geological assessment. The land was wooded and there had been a heavily supervised timber harvest between the present owner's land and the Davis Stream. The cemetery as shown on the survey is separate from the lot it is on. The copy of the map the Board had show the original cemetery and also the new piece. Mr. Studer asked about a small piece west of the cemetery which he thought might be added to it. Mr. Whelan said he would have to talk with the lawyer and the family about that. It could not be developed and Mr. Williams felt it should be added to lot #2. Mr. Studer did not think it could be developed. Mr. Aho wondered about the scale and thought it could be. Mr. Bowers thought the land was quite flat. Mr. Whelan said the distance between contour lines on the topographical map is very large. It goes from 300 feet to 280 feet, very flat. Mr. Studer noted that the soils map showed a zero to eight percent slope. Mr. Garnett asked about a name, but Mr. Whelan said he would have to confer with the family.

Mr. Garnett asked if the Board wanted to determine what the contour lines should be. Mr. Bowers said there was no slope. Mr. Studer suggested 20 foot contours. Mr. Whelan asked that the Board decide about the hydro-geological study and other requirements, but noted that many would not apply since there were no roads. It did not seem to be typical since the lots were not small. Mr. Garnett asked about restrictions and Mr. Whelan did not think there were any covenants. He said it was tough on mineral extraction as there were pits on both sides of the road. Mr. Aho noted that the Board did have a checklist in back of the subdivision ordinance. Mr. Whelan thought the Board should find out if any of the land actually is on the aquifer, and if it is the Board should decide what he should do about it. Mr. Aho thought the applicant should decide based on what information he could find. If the Board did not agree, the Board could decide what to do then. Mr. Whelan said he wanted to bring in everything the Board wanted to see. Mr. Garnett noted that, according the Board would need a hydrological assessment. Mr. Aho asked its purpose. Mr. Garnett cited the regulation of 100,000 square feet per dwelling unit. He thought the lots were big enough so that an assessment would not be needed. Mr. Williams thought if the lots were further subdivided later, it would be needed. Mr. Garnett pointed out that the lots were big enough to subdivide a couple of times further. There was further discussion as to what the ordinance required. Mr. Bowers noted that the Board had some leeway in making changes to requirements. He wondered whether the assessment could be waived, but noted that if it were waived, the applicant would have to request that and give a reason. Mr. Garnett pointed out that the ordinance referenced a specific map. Mr. Whelan said it was the hydrogeological *map for specific sand and gravel aquifers*. Mr. Whelan asked that the Board decide about the specific points he should address in the application when he returned in January. Mr. Bowers felt that a lot of contours were unnecessary because the land was so flat. At this point the meeting was recessed for five minutes in order to let the Board look at the hydro-geological map in the office to determine the location of the aquifer. The map turned out to be the correct one except that it was more recent, 2000 rather than 1985, and the Razorville quadrangle was indicated on it. Mr. Whelan suggested that the ordinance should be changed to indicate the later map, or to say the most current version. Mr. Temple said he would research the 1985 map. He thought that the Department of Environmental Protection (DEP) would help. Mr. Studer thought the map came from the Maine Geological Survey. Mr. Bowers asked just what a hydro-geologic assessment was. Mr. Whelan did not know. Mr. Garnett thought the only time the Board might have had experience with it was in the Lane application. Mr. Temple thought if Mr. Whelan were to call Lane and give them the location of the lot, they might be able to provide some information about the impact etc. He noted that the aquifer was capable of producing enough water for the whole town. Mr. Studer suggested that the Town buy a lot. Mr. Bowers said it would be a good investment. Mr. Studer pointed out that the Town dump was sitting on a ten gallon or better section of the aquifer. The old race track is also on it, but the track is no longer used. Mr. Williams noted the water in the little pond there was orange. Mr. Bowers said the spot used to be a good trout pond.

The Board addressed the pre-application checklist. Some questions such as the name and the file number could not be answered yet. The file had just been opened as of today, December 11, 2012. The Board had a sketch of the plan, roads, buildings, natural features, ponds, streams, etc. Mr. Whelan said he could not have a pre-application form completed tonight as he had just learned about it. Mr. Garnett said it would just give him an idea of what he would need at the meeting in January. He would need the USGS map. Mr. Whelan had that. Mr. Garnett listed other requirements: conformity with zoning in the comprehensive plan, general observations: the cemetery's location. Some members said they would drive by and look at the area. Mr. Garnett noted that it was a minor subdivision and the Planning Board should determine the contour elevations. Mr. Whelan hoped for 20 foot elevations because of the long distance between the lines. The Board agreed to 20 foot elevations because of the flatness of the area. In regard to a high intensity soil survey, Mr. Whelan said they had dug test pits to show that septic systems could conform to the plumbing code. Mr. Studer explained that high intensity meant that a test pit must be dug in every lot for a subdivision in which there would be many lots, therefore high intensity use. A low intensity would be one in which a USGA map could be used to show that the soil was all of one kind. Since these had been a pit dug in each lot, the survey was actually high intensity.

Mr. Garnett said the hydro-geological assessment appeared to be needed. It seemed that the DOT would take care of traffic impact because they would have to issue driveway permits. Mr. Aho asked whether the Road Commissioner had to give approval. Mr. Williams said that was for a driveway permit, but the state would cover that in this case as Route 105 is a state road. Mr. Garnett said the Town would have to give each lot a 911 address. Mr. Aho questioned pre-location of the driveways on such large lots. Mr. Studer explained that the road curvature controlled that because of required sight distances. Mr. Temple thought the sight distances were pretty good. Mr. Whelan said he had planned to have the surveyor who is a professional engineer determine the best sites and flag them, then have the DOT look at them. Mr. Bowers suggested that the engineer might be the person to do the hydro-geological assessment. Mr. Garnett noted that there could be no change once the drives were established since 911 addresses would be assigned and culverts would be installed. Mr. Aho commented that with such long stretches and big lots, to establish an unchangeable site for a drive before the lot was sold seemed like putting the cart before the horse. Mr. Whelan noted that lot #3 would have 1250 feet of road frontage. Mr. Garnett stated that traffic impact analysis was covered by the DOT since Route 105 is a state road. Mr. Bowers moved to waive the traffic impact analysis, the phosphorus control analysis and the landscape plan due to the size of the lots. Mr. Williams seconded. Mr. Studer noted that the phosphorus analysis referred to erosion control. Mr. Garnett recalled the last subdivision the Board had done was the Orff one on Hopkins Road. It involved Davis Stream, and there was a road going into it.

Mr. Williams suggested to Mr. Whelan that the little piece of land on lot #3 was cut off by the cemetery and it would make more sense to make it part of lot #2. Mr. Whelan agreed that it made more sense and said he would suggest the idea to the family and the attorney. Mr. Garnett asked for a vote on the motion to waive the traffic analysis, the phosphorus control analysis and the landscape plan. All voted in favor.

Mr. Whelan showed the Board a copy of the original survey plan. Mr. Garnett observed that most of all the lots were in the aquifer. Mr. Whelan agreed, with the possible exception of a little piece at the end of the east lot. Mr. Aho said he still wanted to understand what a hydro-geological assessment was for. Mr. Garnett thought the idea was to find out the impact of a subdivision on the aquifer. Mr. Aho felt there should be a clearer statement of what was being asked. Mr. Bowers noted that most of the subdivision ordinance was lifted from the state ordinance. He thought the state might have some clarification. Mr. Studer said that his experience had been that the goal was to look at possibility of contamination by the use of the land. That was what could be different. This is a residential, not commercial subdivision. Mr. Garnett observed that, back from the two acre road frontage, the zoning would be farm and forest with a minimum of five acres. Mr. Studer did not think a hydro-geological assessment would be needed in that case. He noted that the requirement was meant for small subdivisions in which each lot had a septic system and the total nitrate load from all of that was enough to worry the DEP because of possible contamination of streams, etc. He argued that these are big lots and any pollution would be diluted. There was a difference between a drop of pollution in a 1,000 gallon tank and a drop in a cup.

Mr. Aho returned to the hydro-geological study. It was determined that the two acre road frontage was zoned rural. He was concerned about the impact of those activities that might be approved in that area. He noted that one could not have a car wash there, but that was not something one would want over an aquifer anyway. Mr. Williams observed that there would be a resource protection issue involved since the aquifer crosses Route 105. Mr. Whelan pointed out that the property did not go up quite that far on Route 105. He said he would have someone analyze permitted uses in the rural and in the farm and forest zones [in respect to the hydro-geological assessment]. Mr. Aho noted that he had brought up the assessment because he wanted Mr. Whelan to have an idea of what the Board might be looking at when they look at the application. Mr. Whelan expressed appreciation for the Board's help.

The meeting adjourned at 8:25 pm.

Respectfully submitted

Liane Chapman

Recording Secretary.