

## Planning Board Meeting Minutes

September 12, 2022

Minutes prepared by Kandice Talbot

Members present: Chairman Keith Emery, Vice Chairman Baldinelli and Scott Warchol

Members absent: Jeremiah Ross

Attendees: Bill Ham, Henry Huntley, Shawn Frank, Sebago Technics, Mr. & Mrs. Hendricks, Austin Fagan, Cliff Thomas

**Public Hearing:** Robert and Doris Dorr are requesting review of a 4-lot residential subdivision located off of Joy Valley Rd. Tax Map 10, lot 146-1. The property is located in the Residential District and is 17.15 acres in size.

Mr. Warchol made a motion to open the public hearing. Vice Chairman Baldinelli seconded the motion. The Board voted 4-0 (Ross absent) in favor.

Shawn Frank, Civil Engineer with Sebago Technics, gave a recap that there are two existing homes and this will be further division of the property with two more lots for single-family homes. The Dorr's will be granting an easement to the Town for access to the fire pond if it is needed for an emergency situation.

Mr. Warchol asked if the easement and the dredging of the pond had been approved by the Fire Chief.

Chairman Emery said he had a proposed condition of approval to have the Fire Chief sign off on this prior to building permits being issued.

Vice Chairman Baldinelli asked if the dredging was complete on the fire pond.

Mr. Frank stated that Mr. Dorr said the dredging had been completed and bollards were added based on the Fire Chief's previous memo. He said he put the items from the Chief's memo and put it on the plan in regards to the easement and the improvements that were needed. He was not sure if the Chief had been out there to inspect it.

The Chairman opened it up to abutters if they had any comments.

An abutter spoke regarding a previous proposal and discussion regarding whether there would be new entrances off of Joy Valley Road. She asked about the easement and if it was for the Dorr's. She also asked where the new houses would be situated

and how much wetlands were on the property and would that prevent the building of new homes.

The Board discussed these new lots will have the driveway off Joy Valley Road. And that the easement was over the Dorr's driveway so the Fire Department could access the fire pond for fire protection if needed. They also mentioned the houses would be located on the front of the property near Joy Valley Road. The Board showed on the plan where the wetlands is and the homes would be situated near Joy Valley Road, outside of the wetlands. And would have to be 40 ft. back from the front property line.

Mr. Warchol made a motion to close the public hearing. Vice Chairman Baldinelli seconded the motion. The Board voted 4-0 (Ross absent) in favor.

Chairman Emery read the proposed conditions of approval as follows:

1. All elements and features of the application and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings, are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.
2. That the applicant be in compliance with all applicable provisions of Section 13.
3. All outstanding bills will be paid prior to issuance of a building permit.
4. The Fire Chief shall review and approve the easement language and the improvements requested by him to the Fire Pond, prior to issuance of a building permit.

Vice Chairman Baldinelli made a motion that based on previous discussions we find the application to be in compliance with all applicable provisions of Article 13. Mr. Lefebvre seconded the motion. The Board voted 4-0 (Ross absent) in favor.

Vice Chairman Baldinelli made the motion to approve the application with the conditions stated this evening and from previous meetings. Mr. Lefebvre seconded the motion. The Board voted 4-0 (Ross absent) to approve.

**Preliminary Plan:** Bill Ham is requesting subdivision review for a 14-lot single-family subdivision to be located off of Old Standish Road. Mr. Ham recently received approval for 3-lots and is back with an additional 11 lots. The property is in the Residential District. Tax Map 1 Lots 131 & 132-1 and Tax Map 2 Lot 4.

Austin Fagan, BH2M, representing the applicant, discussed they were proposing an amendment to the originally approved 3-lot subdivision for an additional 11-lots. He mentioned this project will be subject to DEP permitting for stormwater management and wetland impacts. These wetland impacts will also have to be permitted through the Army Corp of Engineers. There will be an access road proposed to add eleven new lots, making this a 14-lot subdivision. We also understand per the February approval,

the Fire Department will be requiring fire protection for all of the proposed and existing houses. The applicant prefers to have a wet pond and we will be working on where this will be located. No formal design of the road has been done at this time. This is sketch plan to get any comments from the Board as we go forward and design this project.

Vice Chairman Baldinelli said when he looked at the plans he noticed Lots 4, 6 and 7. These lots have a large area of wetland on them and he is concerned where the driveways will be located to get to the uplands where the homes are proposed.

Mr. Fagan mentioned they were thinking about a common driveway between these lots. But he would keep the comment in mind and maybe restructure those lots so the buildable area is in the front of the lot instead of the back.

Chairman Emery mentioned the subdivision plan will be peer reviewed because there is a large amount of wetlands. We want to make sure that the design is adequate to protect the abutters as well as the developer. He also said he doesn't see buildable area on this plan and that would need to be provided.

The Board discussed the plans should at least show the sizes of the buildable area.

Mr. Warchol said they need to show at least the sq. ft. of buildable area per lot. He would like to see Lot 1 dimensions and would like a road profile. He also said test pits and septic location would have to be provided. He asked if this subdivision was all in Buxton.

Mr. Fagan said what is proposed at this time is all in Buxton. There is a portion of the land that is in Standish. No development is proposed in that area at this time. Once this phase is built out then the applicant will work on that.

Mr. Warchol asked if the Standish portion would have its own access.

Mr. Fagan said he believes they are looking at having it a continuation of this road. And there will have to be approval of the road by both Towns at that point.

Ms. McKenna stated because the property is located in two towns, based on State law, that even though the development is only in Buxton, you still have to submit to Standish this plan. The Town of Standish can sign off and say they don't want any input, but it is required by Subdivision Law.

Mr. Warchol asked when Mr. Fagan planned on bringing in the designed plans.

Mr. Fagan said at this point no design has taken place and after tonight we will start designing the roadway, figure out the best location for the wet pond, along with getting someone out there to do the test pits. He's assuming in a few months but not sure what it will entail with DEP permitting, etc. Mr. Fagan said the Army Corp of

Engineering permitting will take up to 30 days and the stormwater permitting can take up to 120 days.

Vice Chairman Baldinelli reminded the applicant this will be peer reviewed and the applicant is responsible for paying that bill.

Mr. Fagan asked if it was possible to do a site walk prior to the formal design and show approximately where the roadway will be. He then asked if it was possible to do a site walk at this time, so they could move forward with the design in case it snows and the Board cannot do a site walk at that time.

Mr. Warchol asked for a .kmz file.

Vice Chairman Baldinelli made a motion to hold a site walk on September 20, 2022 at 6:00 p.m. for the Old Standish Road subdivision. Mr. Lefebvre seconded the motion. The Board voted 4-0 (Ross absent) in favor.

### CEO Report

Patti McKenna, Code Enforcement Officer, mentioned there is a representative for the store on Parker Farm Road working on the application.

She discussed a business on Long Plains Road that has occasional craft events is in the Rural District and if you look at the flea market definition in the ordinance and does not need conditional use approval because it is permitted in the Rural District.

She then discussed a farm on Narragansett Trail that is on a 2.5 acre lot. She mentioned when she purchased the property, she was told because there were already horses on the property, and there were horses, there, she could have animals on this property.

The Board discussed she could have the number of horses that were allowed in the conditional use approval, but she would have to come back to the Planning Board for the other animals. And there was some concern about erosion because there is no vegetation there. There are a lot of questions that need to be answered like storing of grain, rat control, etc.

She then discussed some proposed ordinance changes. They are regarding peer review language, marijuana caretaker, and electrical permits.

The Board discussed whether the proposed peer review language could be on the November ballot. They discussed holding a workshop in October to discuss proposed ordinance changes they should be working on. They also discussed the language and whether they needed to change the language.

The Board discussed sending the language to the attorney and getting it to the Selectmen for the November ballot.

### Approval of Minutes

May 23, 2022 –

Mr. Warchol made a motion to accept the minutes as written. Vice Chairman Baldinelli seconded the motion. The Board voted 4-0 (Ross absent) to approve.

### Approval of Bills

- Wright-Pierce Bill, \$3,000.00

Mr. Lefebvre made a motion to pay the Wright-Pierce bill in the amount of \$3,000. Vice Chairman Baldinelli seconded the motion. The Board voted 4-0 (Ross absent) to approve.

The Board then discussed getting estimates from both Engineering firms to see which firm to use for the review of the Old Standish Road Subdivision.

### Communications

- Town of Gorham, Maine Planning Board Agenda
- Memo from Kandice Talbot regarding signing of Blueberry Ridge Subdivision recording plan

### Other Business

- BWC Little River LLC Findings and Decisions

The Board discussed and Chairman Emery made a motion to approve the findings of fact for BWC Little River. Vice Chairman Baldinelli seconded the motion. The Board voted 4-0 (Ross absent) to approve.

- Memo from Kandice Talbot regarding GenX Motor Toys Project, Narragansett Trail (possible ordinance amendment)

The Board discussed whether an invoice was sent to the applicant and what was said on the recording at the first meeting. They asked that Kandice review the recordings and see what was said.

- Vice Chairman Baldinelli asked about the 2.5 acre farm and they decided they would have to come to the Board for approval. He also asked about Parker Farm Rd entrance on Town road and Ms. McKenna said they are working on an

application. Then there were a couple of violation memos that have been resolved.

Attendees may address the Board

- None

Adjourn

Mr. Warchol made a motion to adjourn at 8:01 PM. Mr. Lefebvre seconded the motion and the Board voted 4-0 (Ross absent) to adjourn.

Approval Date:

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Keith Emery, Chairman

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Date