

WISCASSET PLANNING BOARD
MINUTES, AUGUST 27, 2018
7 P.M., MUNICIPAL HEARING ROOM

Present: Al Cohen, Tony Gatti, Jackie Lowell, Lester Morse, Karl Olson, Deb Pooler, and Ray Soule

Absent: Larry Barnes and Peter McRae

1. Call to Order

Chairman Ray Soule called the meeting to order at 7 p.m.

2. Approval of the August 13, 2018 minutes

Karl Olson moved to approve the minutes as presented. Vote 6-0-1 (Pooler abstained).

3. Joseph Gagnon – Final Subdivision application for division of subdivision lot, 47 Cushman Point Road, Map R-7, Lot 20-3

The following written review of the application by Karl Olson was distributed, and actions of the board (in italics) are as follows: Gagnon Application

Waivers they asked for -

Metadata - Article VII, Subdivision, Section 3B2(b) Grid North requirement

Waiver should be because the original plan was based on Magnetic North, applicant does not want to confuse users of the plan by introducing bearings based upon a different North orientation. *Karl Olson moved to accept the waiver. Vote 7-0-0.*

Existing & proposed easements - Article VII, Subdivision, Section 3B2(b)(8)

Adequate response in part. However, the average landowner is not qualified to determine if wetlands exist or not. There is no minimum size for the wetland in our ordinance. Both his survey & his site evaluator are qualified to make such a statement and a note to that effect should be on the plan. *The surveyor will add to plan. Vote 7-0-0.*

Contour lines - Article VII, Subdivision, Section 3B2(b)(9)

Answer is inadequate as the requirement does not allow for the opinion of others to be a substitute. Even if it was a reason to grant a waiver, we would need a signed letter from the person making the determination. *Al Cohen moved to accept. Vote 7-0-0.*

A possibly suitable reason to grant the waiver is that none was required or shown on the original subdivision plan as recorded in Plan Book 26 Page 40.

Proposed connection - Article VII, Subdivision, Section 3B(2)9b)(11)

The reason for the waiver should be expanded to say that there are no known problems with drilled wells on the adjacent properties and that the addition of one more well should not be expected to significantly impact the aquifer. *Should be on plan, board accepts.*

The location & results of tests ...private sewage ...proposed. - Article VII, Subdivision, Section 3B2(b)(13)

No waiver needs to be granted as he submitted a soils test by Peter MacCready, SE #357. However, the surveyor should add the test pit location to the final plan. *Should be added to plan.*

Flood Hazard areas - Article VII, Subdivision, Section 3B2(b)(20)

Applicant's first sentence is not relevant. However, the entire shore has a Flood Elevation of 10' as shown on the FEMA Firmette that is submitted. Note: I think applicants should actually indicate where their projects are on these submissions. *Karl Olson moved to approve. Vote 7-0-0.*

Cost Estimate - Article VII, Subdivision, Section 3B2(b)(28)

Answer is not acceptable for granting a waiver as without written proof we really don't know if he has the financial capacity to do this project or not. *Karl Olson moved this was not applicable. Vote 7-0-0.*

A possible good reason for a waiver is that since the financial capacity requirement is in place to insure the building of proposed public or quasi-public infrastructure and no such activity is involved in this application that the actual requirement is not applicable.

Any other conditions -

Applicant has repeatedly responded with some variation of the statement that "This is a small division of one lot into two." To them it may appear to be so, but to the Planning Board this is change to a five-lot subdivision which is in turn just Section 5 of larger subdivision. We, the Planning Board, are bound to go thru the same review criteria as if it's a brand new one hundred-lot subdivision. The difference is that the answers to our requirements & review criteria can be simpler or requirements can be waived if the planning board is given a reasonable reason why a waiver should be granted.

What they did not ask waivers for or issue a answer to -

Article VII, Subdivision, Section 3B(2)(B)(2) - Location map. Applicant submitted a reduced copy of Tax Map R-7 but failed to indicate on that sheet the project site. *Requirement met.*

Article VII, Subdivision, Section 3B(2)(5) - Zoning or statement on zone not on the map. *Requirement met.*

Article VII, Subdivision, Section 3B (2) (13) - Location of soils test pit not shown on plan. *Will be added to plan.*

Article VII, Subdivision, Section 3B (2) (14) - Type of erosion control procedures needs to be specified such as Maine DEP Best Management Practices (probably not the correct title of the publication). *Karl Olson moved to accept the statement. Vote 7-0-0.*

Article VII, Subdivision, Section 3B (2) (15) - The fact that no utilities, bridges, etc. are planned should be in the application response. *Karl Olson moved that this was an acceptable answer. Vote 7-0-0.*

Article VII, Subdivision, Section 3B (2) (17 & 18) - The fact that there are none should be in the application response. *Karl Olson moved this was an acceptable answer. Vote 7-0-0.*

Article VII, Subdivision, Section 3B (2) (21) - significant resources. There should be a response to this based on the Maine DEP's Beginning with Habitat maps. *Karl Olson moved to accept the response. Vote 7-0-0.*

Article VII, Subdivision, Section 3B (2) (22) - The fact that there are none should be in the application response. *Karl Olson moved that the project has no significant resources. Vote 7-0-0.*

Article VII, Subdivision, Section 3B (2) (24) - Phosphorous control should have a response. A waiver request stating that the addition of one more house in this area should not significantly increase the existing phosphorus loading might be acceptable. *The response was accepted.*

Article VII, Subdivision, Section 3B (2) (26) - No space on the plan supplied for any conditions of approval. If there aren't any, normally the chair would write that in the conditions block when signing the plan. *The mylar will be changed to indicate "none."*

Article VII, Subdivision, Section 3B (2) (27) - There is no note on the plan that any future division or modification of this plan must be approved by the planning board. *This statement is needed on the mylar.*

Article VII, Subdivision, Section 6 A (4)- says granted waivers will appear on the plan. We haven't been doing this. I suggest that from this point forward we at least require a note on the plan saying that waivers were granted at the meeting when the plan is finally approved. That is, the plan note would have the meeting date, so a diligent researcher could retrieve the minutes to see what the waivers were.

Article VII, Subdivision, Section 3C (7)d - Plan note should mention that driveway width is 12' minimum traveled way.

Al Cohen moved to accept the waivers as submitted with additions to the mylar. Vote 7-0-0.

Article VII, Subdivision, Section 8 - Review Criteria (page 200) - The applicant did not supply a written response to the review criteria. The planning board will need to make a finding on each one individually.

1. Pollution: Karl Olson moved that the addition of one additional lot will not increase pollution. Vote 7-0-0.
2. Sufficient Water: Karl Olson moved that there is sufficient water available for the foreseeable future. Vote 7-0-0.
3. Municipal Water Supply: Karl Olson moved that the proposed use will not cause an unreasonable burden on an existing water supply, if one is to be utilized. Vote 7-0-0.
4. Erosion: Al Cohen moved that the proposed use will not cause unreasonable soil erosion. Vote 7-0-0.
5. Traffic: Al Cohen moved that the subdivision will not cause traffic congestion. Vote 7-0-0.
6. Sewage Disposal – NA
7. Municipal Solid Waste Disposal: Karl Olson moved that solid waste disposal will not cause an unreasonable burden on the town. Vote 7-0-0.
8. Municipal and government services – Karl Olson moved that the project would not cause unreasonable burden on the town. Vote 7-0-0.
9. Aesthetic, cultural and natural values: Karl Olson moved that the project would not have an adverse effect on the aesthetic cultural and natural values. Vote 7-0-0.
10. Conformity with local ordinances and plans: Karl Olson moved that the project would comply with local ordinances and plans. Vote 7-0-0.
11. Financial and Technical capacity – NA
12. Surface Waters, Outstanding River Segments – Karl Olson moved that the project would not adversely affect surface waters and is in conformance with the Shoreland Ordinance. Vote 7-0-0.
13. Ground water – Karl Olson moved that the project would not adversely affect ground water. Vote 7-0-0.
14. Flood areas – NA
15. Freshwater Wetlands – Statement on plan
16. River, Stream or book - NA
17. Storm water – NA
18. Spaghetti lots prohibited - NA
19. Lake Phosphorus concentration - NA
20. Impact on adjoining municipality – There is none.
21. Lands subject to liquidation harvesting - NA
22. Farmland: NA
23. Access to direct sunlight: NA

Karl Olson moved to find the application complete with the above statements and updated mylar with the addition of a note on the mylar regarding wetlands, test site, indication that there were no conditions of approval, and approval on August 27, 2018. Vote 7-0-0.

4. Jacqueline Pierce – Site Plan Review application for bed and breakfast business, 15 High Street, Map U1, Lot 144

Ms. Pierce plans a bed and breakfast at the High Street address. There will be four guest suites plus her quarters, which will be Phase I. Phase II will be the renovation of the two-bedroom guest house, which has electricity, water and sewer. Because there will be fewer than seven units, the application does not qualify as a hotel or motel and can be considered a home occupation. Karl Olson moved to approve the application for a bed and breakfast with five rental units as a home occupation. Vote 7-0-0.

5. Don Dyer – Site Plan Review for projects less than 2,500 sq. ft. for a tavern serving full bar and food, 63 Main Street, Lot 39, Map U-1

Mr. Dyer plans to open a tavern at 65 Main Street, former site of an art gallery. He was informed that although he had completed an application for site plan review of projects less than 2,500 sq. ft. which required only approval from the town planner, Wiscasset no longer has a town planner and his application must be approved by the Planning Board. He was advised to complete a full application including reasons for waivers being requested. Karl Olson volunteered to help the applicant find a survey. The application will be on the next agenda, September 10.

6. Other Business

Nicole Gallietta and Zak Labbey said they would be resubmitting the site plan review application for the brewery planned on Wood Lane, Map U-16, Lot 2B and asked what additional information was needed. Al Cohen pointed out that residents were still occupying the apartment house and trailer and that would constitute more than one business occupying the lot if the drying building were built. Labbey said the drying building would not be built this year and they would come back at a later date for a change of use. The applicants were advised that a final site plan application plan would be necessary, and because Lot 2B was not being divided, a subdivision plan was not necessary.

Karl Olson volunteered to redesign the subdivision application, as he had done for the site plan review application. His offer was accepted.

Deb Pooler pointed out the difficulties applicants were having without a planner to assist in the application process and suggested that Planning Board members approach the selectmen. Al Cohen said it was evident from the difficulties applicants had at the last two meetings that without a planner Wiscasset was not business friendly.

7. Adjournment

Al Cohen moved to adjourn the meeting at 7:59 p.m.