

St. George Planning Board
January 9, 2018 – 7 p.m.

The Planning Board meeting was called to order at 7 p.m. Members present were: Anne Cox, Chair, Jane Brown, Brandon Chase, Michael Jordan and Mary K. Hewlett. Also present: Richard Bates, Randy Cushman, Elizabeth Curtis, Wendy Carr, Evelyn Blum, Steve Thomas, Nat Lyon, Will Gartley, Joseph Dinofoi, and Will Gartley.

Quorum: A quorum was present.

Conflict of Interest: None.

Adjustments to Agenda: None.

Review of Minutes:

Planning Board Meeting – December 12, 2017 – The minutes were amended as follows:

Page 1, under members present, line 2, delete the name Cox.

Page 1, under Planning Board Meeting, sentence beginning with A motion was made. Change to read, A motion was made by Hewlett, seconded by Brown to accept the November 28, 2017 Planning Board minutes, as amended. This motion was approved 5-0.

Page 2, first paragraph, line 11, correct to read, the total would be \$47,278, annually.

Page 2, paragraph 4, line 13, change the word slime meal to slime eel

A motion was made by Brown, seconded by Jordan to accept the December 12, 2017 Planning Board minutes, as amended. This motion was approved 5-0.

Public Comment: (nonverbatim and edited)

Wendy Carr: "I think this process is not going to really work because, I have a whole list of things I want to talk to you about. It is hard to interact with you, sitting here. I mean, I could go line by line and say what I think the remaining issues are."

Chair Cox: "We have culled and worked through our proposed ordinance revision, and then we are planning to have a workshop, a week from Thursday when, hopefully, we all can sit around the table and look at that, and bring up whatever everybody has for issues. That is where a really detailed thing could go in."

Carr: "That sounds better than me, raising my hand, Section V, subpart B. I can do that if you want me to, but you will have a look on your face that is not happy."

Chair Cox: "We are not at the sitting down (stage) because we (the Board) have not all agreed - Yes, this is what we would like to put forward."

Carr: "Do you have a different version than the copy that we received at the last Planning Board meeting? Is there a different version of the proposed (ordinance)?"

Chair Cox: "We worked on that, and made changes to that."

Hewlett: "After the last meeting."

Chair Cox: "After the last meeting."

Carr: "Okay. Is that available for public consumption, so that we are working on the same...?"

Chair Cox: "It will be after we have worked through it tonight. If there are any changes we want to make tonight, we will try to make them as soon as we can. This is what I think we agreed on, to have that proposal available for everybody to look at. There have been some substantive changes that we have done, from where we were a month ago."

Hewlett: "The most updated, is 1/4/18, which we are going to talk about tonight. We are happy to share, once we have a preliminary draft that all of us agree on. This is not a secret thing."

Chair Cox: "We just want to all agree on it and working at meshing it with our ordinance. It is going to be out there. We just want to be clear that all of us say – Yes, this is what makes sense."

Carr: "Alright. Well, I don't want to comment on an incorrect version, an incorrect draft, so I am assuming that I should hold my comments."

Chair Cox: "We are all trying to figure this one out, and I am well aware there has been frustration that we have not moved fast; but we are moving."

Carr: "I think there is somewhat of a misunderstanding. At the beginning, I think there was a speed issue for us that we thought, despite all the other issues ongoing, that we thought the Planning Board would move with all due speed to coming up with the draft version. Now I think our frustration is that we don't see strength in the draft from the previous Planning Board."

Chair Cox: "Let's see what we have coming up because we have made some changes."

Carr: "I don't want to foreclose the idea that I'm going to comment on further substantive changes if I wait until the next meeting. When the process is ongoing and snowballing, it is already down the road, and somebody says, you should have commented on that on January."

Chair Cox: "We are planning to have on January 18..."

Hewlett: "Sit at the same table."

Chair Cox: "Sit at the same table. Get a bigger table that we often spread out on, so we all can just be here and say..."

Brackett: "I think that is reserved for upstairs."

Carr: "Okay."

Thomas: "So our group could have a place at the table?"

Chair Cox: "Yes, yes. That is the intention."

Thomas: "Excellent."

Hewlett: "And we have taken your suggestions. I think one of the biggest things, not to jump ahead as to what we are going to talk about, but benefits of the project are a new category that we had not thought about until you all brought it to our attention."

Bates: "There is public comment, and no one is privileged or anybody else in public comment, and that is what you are going to be holding in a couple of weeks. No one is privileged over anybody else to make comments."

Chair Cox: "Everybody who shows up, will be able to be at the table and will hear all sides. It might be a little difficult if we have 200 people. We will have to figure out how to manage that, but I really want to have it. Let's hear from it; let's look at it. So as soon as we have made changes to what we are working on tonight, we will have it available for people to have copies."

Carr: "Okay."

Chase: "This is the process to basically get it in an essential first draft to then workshop with the public."

Chair Cox and Hewlett: "Yes, exactly."

Hewlett: "We want everybody's input. The bottom line is, if we are going to do this ordinance, we want people to be able to support it. Because if we do not support it, then we have no cable ordinance, which is not good."

Chair Cox: "I am totally committed to having people being able to talk."

Carr: "Alright."

Randy Cushman: "What we brought forward, my brother and I last week, I just want to add to that. I wanted to add to it at that meeting, and I have heard this before and I heard it after we brought that information forward, that you guys don't have jurisdiction over the water. Right now, I disagree with that. The decision of whether that cable lands here or not, from a fisherman's point of view is, whether we still have fishing grounds in the near future. To me, you have just as much jurisdiction, now, as do the National Marine Fisheries Service or the Department of Marine Resources. It doesn't look that way to you, but from a fisherman's point of view, you do. Because in order to have commercialized windfarms out here in the future, this project needs to go forward. And if this project goes forward, this cable comes ashore, we fishermen in this community will lose our fishing grounds. It's that simple."

Chair Cox: "You will see that we have really listened and taken that to heart."

Hewlett: "Incorporated that."

Cushman: "Thank you."

Building Permits:

a. Joseph Dinofoi --Structure Renovation, 146 Patten Point Road, Map 235, Lot 037

Joseph DiNapoli represented the applicant. The application is to build a 10' x 6' shed-style dormer on the east side of the house and to replace the existing deck on the first story. The property owner is Valerie Clemons. Because the majority of the house falls within the 75' setback line and the estimated cost is more than \$10,000, the proposed project is required to come before the Planning Board for review.

DiNapoli included several sketches. The proposed plan is for a shed-style dormer across the front of the house; the dormer would not run the full length of the house. A door would be installed off the dormer to access the deck. The proposed deck would be 10' x 6'. It would not create a new shadow line or go beyond the existing roof line. DiNapoli said one piece of plumbing needed to be moved. The sink pipe would have to go from where it was now through the rafters, up into the new dormer wall, into the rafters of the dormer and through that. This would not impact the footprint of the proposed project. Brackett said there was one and one-half bathrooms. The property owner and the contractor signed the application on 12/5/17. A drawing of the deck was added to the application building permit.

DiNapoli said there was an existing deck on the first story that rotted. The owner would like to have the decking boards replaced.

On a motion by Brown, seconded by Hewlett, it was voted 5-0 to accept the application as complete. On a motion by Brown, seconded by Chase, it was voted 5-0 to approve the application.

Subdivision Application:

a. Long Property Management, LLC – 162 Seal Harbor Road / Map 232, Lot 019

Will Gartley of Gartley & Dorsky represented the applicant. This is a Preliminary Plan application for a nine (9) lot subdivision on Seal Harbor Road. Two of the lots are served to the east of the property and are separate from the rest of property; there is a significant wetland in the back that separates those two lots. Those two lots are accessed by a single driveway that is shared between Lots 1 and 2. The application proposes building a new road towards the westerly side of the property that would service Lots 3 through 9. Lots 8 and 9 abut Jones Brook to the west side of the road and Lots 3-7 are to the east side of the road. Lots 3 and 4 are existing houses with septic systems in place. To the west side of the road is, in an easement on Lot 9, the fire pond (shown by a magenta line on the plan). Lots 6 and 7 show a designated driveway. Because they want to control the wetland impacts, there is one driveway that is shared for Lots 6

and 7. There is no DEP permitting required because the total wetland impact is under 4,300 square feet and are not building in access of an acre of new impervious area.

Gartley said the Resource Protection Zone (RPZ) is shown as a green dash line from Jones Brook. There is a small portion of the road that cuts through that. There is a section in the ordinance that we outlined at the pre-application meeting that allows you to allow that road to cut through there, as long as there is no other reasonable location.

Gartley said he had a rather independent issue to bring before the Board and had discussed it earlier with Brackett. Gartley & Dorsky would like the town to consider updating the Resource Protection map to match the Wild Life Habitat map which is what it was based on to begin with. Chair Cox said because that has changed. Gartley said yes, and the Resource Protection is based on the mapping prior to 2008 which was not done on the ground and was done with some early aerial photographs. Since then, the process and their procedure for mapping the habitat has been updated. The 2008 mapping is considerably different and has a pretty significant impact on this parcel.

Brackett agrees that the Wildlife Habitat changed, but it doesn't appear that the wetland changed. Gartley agrees but said that Resource Protection line matches exactly the Wildlife Habitat line. Gartley's point is that line was drawn based on something that does not exist. Brackett agrees with Gartley on that point; but said there is more than one reason for having Resource Protection designation, and if you look at the Wetland Resource, it looks like that hasn't changed.

Chair Cox said the Planning Board would use the current Resource Protection area map because that is what it is today. Gartley said correct.

Chair Cox said her recollection from an earlier conversation was that the Resource Protection area was less. Gartley said if you take the town's map and overlay it, then it is less than where the green line is showing. Gartley said his RPZ (green line) was much more conservative; they went to Jones Brook, located the wetland and then measured 250' from that. Gartley said there was nothing in the ordinance that tells us why it was resource protection. He said, All we can do is try to do some research and figure it out, and when the line for Resource Protection matches exactly the Maine's Wildlife Habitat map, it seems like pretty good evidence that was how that was created."

Gartley said to figure out where that line really is, it is hard to do from the town's maps because it is a thick appearing line at a scale of 1:100. He said, "To know where that really is - I wanted to figure out. Normally, it is 250' from the resource. The resource is defined as the emergent wetland or where the wetland vegetation changes from wooded to not wooded. We found that line and measured 250' and realized we were probably inside of it. That is why during the preapplication, we went through what we did. At the preapplication meeting, I did give you both lines." Hewlett and Cox agreed.

Chair Cox said she knew Gartley had addressed many of the questions in the pre-application, but the Board would have to review them. She said the Board would need to have an on-site inspection and Gartley said the road could be flagged.

Chair Cox asked Gartley to explain the magenta line around the fire pond (on the plan).

Gartley said the fire pond is located on Lot 9, and the magenta line is an easement that allows for the pond to be there, for maintenance of the pond and access to it.

Brackett asked how many gallons in the fire pond?

Gartley said the pond is 120,000 gallons. It is labeled on the subdivision plan as V2 and is on sheet C1, which shows the actual construction grading for the road and the pond. C2 has the cross sections through the pond, along with details for the dry hydrant.

Hewlett said the dry hydrant will be accessed from the road.

Gartley said yes. The purpose of that pull out is to access the dry hydrant.

Chair Cox asked if the pull out could go up hill a little more?

Hewlett said it is probably 30' showing in the green line and she did understand what Cox was asking. From a fire trucks stand of view, the more room, the better.

Brackett said no one is asking you to change the road side, they are swinging the road uphill to get it out of the resource protection, and Hewlett said right.

Chair Cox asked if that would work to change the contour of the road a little or is it because of the way the grade runs? There is a little crest.

Hewlett said Lot 4, then, doesn't have 1 acres, that's the problem.

Gartley said exactly. Lot 4 is 1.01 acres and is the smallest lot on the plan. He said because the two existing houses are already there, it limits their ability. He said Lots 3 and 4 are funny shaped.

Hewlett said the one option would be to take the back line of 4 and put it up a little bit, but then.

Gartley said there is a line missing on the plan between Lot 3 and 5. Lots 3, 4, and 5 are the smallest lots; 3 and 4 are existing and the option would be to remove Lot 5 and then move the road over. Chair Cox said it would not work.

Chair Cox asked about the hammerhead at the end. Was it according to dimension, and Gartley responded yes.

Gartley told Hewlett that none of the septic systems are shared and each one will have its own well.

Hewlett said she did not see and we do not require any building envelopes, but thought we should. She said the building envelopes are pretty obvious because of the wetlands, but it would be nice to have those delineated. Cox agreed.

Gartley said you can see the size of the houses on Lots 3 and 4, and you could double and triple those house sizes on every one of these lots and still have plenty of room. "We used to show the current building setbacks and envelopes. The problem we had was when the town changes the ordinance and setbacks change, then there has always been this question if the recorded plan has those on there, do we have to do a revision to the plan because the town's ordinance changed? So, I stopped putting them on for that reason and to avoid any future confusion."

Gartley explained that each lot had a good spot to build without being in the wetlands, but it did not mean that someone could not apply for a permit for something in the future. He said there are no Permit by Rules with wetlands; it would have to be a full NRPA permit, and with the rules, it would be difficult to pass those requirements.

Hewlett said that Gartley had respected the wetlands but wanted to make sure the wetlands were respected when everything was spelled out. She asked if existing Lots 3 and 4 were okay with going into a subdivision?

Gartley said Long still owned both of those lots.

Chair Cox had questions about the hammerhead and read from the subdivision ordinance.

Hewlett said you have the width of 50' across. Cox said that was the right of way. It had to be 150' long. Cox said it was definitely longer than that.

Gartley said he had widen the turnaround part to make it easier for a fire truck. A fire truck could pull all the way down, head in, back into that turnaround and get back out.

Chair Cox asked about a fire truck turning into a driveway?

Gartley said he was not showing a radius.

Hewlett said they may have to lay hose; but with the fire pond close by, the fire department would be able to easily draft water.

The Planning Board began their review of Section VI, subsection E, Preliminary Plan Submission Requirements, page 21 of the Subdivision Ordinance with Will Gartley. (Remarks given by Will Gartley were put in quotations.)

E. Preliminary Plan Submission Requirements - The complete preliminary plan submission requirements shall consist of the following information:

1. The applicant shall complete and sign seven copies of the subdivision application, and submit the appropriate preliminary plan fee as described. "Seven copies are included with the application fee."

2. Location Map - the preliminary plan shall be accompanied by seven copies of a location map showing the relationship of the proposed subdivision to adjacent properties and the surrounding area: "Seven copies of a location map showing all areas within 500' of the property line of the subdivision, labeled LOC are included."
- a. locations and names of existing and proposed roads: "Yes. It is a little hard to read the text on the aerial photograph." It is Jones Brook Road.
- b. boundaries of land use districts, where applicable: "It is hard to read." It is better on V2.
- c. names of all owners of property abutting or directly across a road from the proposed subdivision: Yes
- d. the outline of the proposed subdivision together with its probable access and an indication of the future road system: Yes
- e. any river, stream, brook or coastal bluff within or abutting the proposed subdivision: "Jones Brook is on the plan and labeled."
3. Preliminary Plan - the preliminary plan shall be submitted in seven copies which may be printed or reproduced on paper drawn to a scale of not more than 100 feet to the inch: "Yes, it is labeled V2. The scale is 80 feet to the inch."

The following information shall either be shown on the preliminary plan or accompany the application for preliminary approval:

- a. the date the plan was prepared, magnetic north arrow, graphic map scale, names and addresses of the record owner, subdivider, and surveyor who prepared the plan: "Yes. A general note box is labeled in the upper right which includes the names and addresses, dated December 28, 2017."
- b. proposed name of the subdivision and the Tax Assessor's Map and lot numbers: "The proposed name is Jones Brook Subdivision; Tax Map numbers are listed the general notes."
- c. an actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor: Yes.
- d. a copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property. A copy of any covenants or deed restrictions proposed to cover all or part of the lots in the subdivision: "A copy of the deed book 5101, page 17-20 is included in the application packet. There is nothing currently affecting the property, and the only right-of-way or encumbrance would be the road right-of-way, and the easement of the fire pond."
- e. the names, addresses and telephone numbers of all property owners abutting the proposed subdivision: "They are listed under LOC."
- f. contour lines at specified intervals may be required and specified by the Planning Board, showing elevations in relation to Mean Sea Level: "Contour lines are shown at five-foot

intervals on Sheet V2; for the road, there are one-foot contour intervals for that and the pond on C1."

g. the number of acres within the proposed subdivision, all land defined as not suitable for development, location of property lines, existing buildings, water courses, vegetative cover types, and other essential existing physical features: "Listed on Sheet V2, which has specified lot information in the box. A line for Lots 8 and 9 were included because the area outside the Resource Protection had to meet the minimum lot size. "

h. indication of the type of sewage disposal to be used in the subdivision.

1) When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted. Where a proposed subsurface sewage disposal system is to serve more than 5 dwelling units, the developer shall demonstrate the existence of a reserve area of suitable soils for a replacement subsurface system: "There will be private, individual septic systems. The soil test pits were provided for each lot and are shown on the Preliminary Subdivision Plan, Sheet V2."

2) When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted. "Not applicable."

A copy of the HHE-200 form for each lot shall be submitted: "A copy of the HHE-200 is included in the application packet."

i. indication of the type of water supply system(s) to be used in the subdivision: "Private wells will be used."

j. the location of any land use district boundaries affecting the subdivision: "The Resource Protection lines are shown on the plan."

k. the location of any ponds, streams or wetlands on or adjacent to the proposed subdivision: "The Wetlands, the stream and the proposed pond are shown on the plan, Sheet V2."

l. the location, name and widths of existing and proposed roads, easements, parks and other open spaces on or adjacent to the subdivision: "No open spaces are being proposed."

m. the proposed lot lines with approximate dimensions and lot areas: Yes.

1) all parcels of land proposed to be dedicated to public use and a copy of the proposed deed of gift: "Not applicable."

2) the location of open space to be preserved within the subdivision and a copy of the proposed legal document to accomplish this end: "Not applicable. "

n. a soil erosion and sedimentation control plan, and drainage plan may be required by the Planning Board. 1) a copy of the Knox County soil survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Planning Board will require the submittal of a high intensity soil survey prepared by a registered soil scientist indicating the suitability of soil conditions for those uses: "These plans have been submitted. Four culverts will be installed and will drain towards the brook. The design, grading and location for the culverts; erosion control details; and silk fence locations are shown on Sheet C-1; the pond is on C-2."

o. if any portion of the subdivision is in a flood prone area, the boundaries of any flood hazard area and the 100-year flood elevation shall be delineated: "This is not in a flood zone location; a copy of the FEMA map is included."

- The Planning Board reviewed the check list requirements under of Section VI, subsection E. of Preliminary Plan of the Subdivision Ordinance and determined the standards were met.

- On a motion by Brown, seconded by Hewlett, the vote was 5-0 to accept the Preliminary Plan for the Jones Brook Subdivision application as complete, with the addition of lot line between Lots 3 and 5.

The Planning Board began their review of the Subdivision Ordinance, page 2, Section I: Purposes:

The purpose of this Ordinance is to ensure the comfort, convenience, safety, health and welfare of the people of the Town of St. George, to protect the environment and to promote the development of an economically sound and stable community.

A. Pollution: The proposed subdivision will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains

The elevation of the land is not in flood plain.

"The attached flood insurance rate map is shown for the location of the flood plain adjacent to Jones Brook."

2. The nature of soils and subsoils and their ability to adequately support waste disposal.

"The test pit data for the proposed non-developed lots and existing developed lots 3 & 4 HHE200 forms, are attached. The test pits for all the proposed septic systems, along with the design of the septic systems for the existing septic systems."

3. The slope of the land and its effect on effluents. "The proposed lots are gently sloping and will have minimal effect on effluents."

4. The availability of streams for disposal of effluents. "All effluents will be disposed of by residential subsurface wastewater disposal systems. All proposed development is outside the 250' setback to Jones Brook with the exception of a small portion of the entrance road."

5. The applicable state and local health and water resource rules and regulations. "All known applicable state and local health and water resource rules and regulations have been met."

- On a motion by Brown, seconded by Hewlett, standard has been met, 5-0, on Section I, subset A, 1-5, based on the information on the Preliminary Plan application submitted by Gartley & Dorsky.

B. Sufficient Water: The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision. "Evidence is based on the existing wells that are servicing Lots 3 & 4. They have adequate water and good water quality. There is adequate room to space the septic systems and meet the required setbacks between septic and wells."

- On a motion by Hewlett, seconded by Brown, the standard has been met, 5-0. This is based on existing wells that service Lots 3 & 4 which have adequate water supply and good water quality.

C. Municipal Water Supply: The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used. "Not applicable."

- On a motion by Hewlett, seconded by Brown, standard is not applicable 5-0. Each lot will have private wells.

D. Erosion: The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results. "Best management practices will be followed for the proposed road construction and the proposed subdivision will not cause dangerous or unhealthy conditions, as detailed on sheet C1 and C2. The lots are relatively flat and there are good, wooded buffers all the way around the area."

- On a motion by Hewlett, seconded by Chase, standard has been met 5-0. Best Management Practices will be followed to minimize soil erosion based on Sheet C1 & C2.

E. Traffic: The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section. "Approval for the driveway serving Lots 1 & 2 was received. Awaiting approval from Department of Transportation for the new road because it requires an entrance permit but anticipating receipt before final approval."

- On a motion by Chase, seconded by Brown, standard has been met 5-0, pending approval from the Department of Transportation for the second driveway.

F. Sewage Disposal: The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized. "Lots within the subdivision will be/are serviced by residential subsurface wastewater disposal systems."

- On a motion by Brown, seconded by Chase, standard has been met 5-0. Each lot will be serviced by residential septic or wastewater disposal systems.

G. Municipal Solid Waste Disposal: The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized. "Seven new residences are not anticipated to cause an unreasonable burden on the disposal of solid waste."

- On a motion by Hewlett, seconded by Jordan, standard has been met 5-0. The addition of seven new residences for the town would not cause undue hardship on the existing municipal solid waste disposal system.

H. Aesthetic, Cultural and Natural Values: The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. "The proposed subdivision will not have an undue adverse effect on the area. There are no known historic sites near the proposed subdivision. The Moderate Value Significant Wildlife Habitat image from Maine Department of Inland Fisheries & Wildlife."

- On a motion by Hewlett, seconded by Brown, standard has been met 5-0. The applicant's plan observes the aesthetic value of the property and has done a good job working to preserve approximately one-third of the wetlands and resource protection zone.

I. Conformity with Local Ordinances and Plans: The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, and all applicable ordinances. In making this determination, the Planning Board may interpret these ordinances and plans.

- On a motion by Hewlett, seconded by Brown, standard has been met 5-0. The lot sizes conform with the town's Local Ordinances and Plans.

J. Financial and Technical Capacity: The subdivider has adequate financial and technical capacity to meet the standards of this section. "Justin Long of Long Property Management, LLC, and owner of Justin H. Long, Inc., an earthwork and excavation company will be constructing the roads, himself. Gartley & Dorsky Engineering & Surveying were hired to work on the technical plans."

- On a motion by Hewlett, seconded by Brown, standard has been met 5-0. The applicant and applicant's agent have the financial and technical capacity to complete the project.

K. Surface Waters; Outstanding River Segments.:

1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
 - a) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
 - b) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983.

"The proposed subdivision has frontage on Jones Brooks and the above setbacks will be met for any proposed development. All proposed development is outside the 250' setback to Jones Brook with the exception of a small portion of the entrance road." "There could be 250' of frontage and a 250' setback to meet that."

- On a motion by Brown, seconded by Chase, standard has been met 5-0. The lot sizes are sufficient to meet the setback requirements.

L. Ground Water: The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. "The proposed road and seven new residential dwellings will not adversely effect the quality or quantity of ground water. There will be individual wells, the septic systems will be spaced out and there is adequate soils."

- On a motion by Brown, seconded by Hewlett, standard has been met 5-0. The proposed road for the seven new residences will not affect the quality or quantity of the ground water.

M. Flood Areas: Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area.

- On a motion by Hewlett, seconded by Jordan, the standard is not applicable 5-0. None of the land is within the flood plain zone according to the map provided by FEMA.

N. Freshwater Wetlands: All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. "The freshwater wetlands zone on this parcel were delineated by David Marceau & Natalie Marceau of Gartley & Dorsky and show on the subdivision plan. The pond, road and shared driveways result in minor impacts below the DEP permitting thresholds."

- On a motion by Chase, seconded by Brown, the standards have been met 5-0. The freshwater wetlands have been delineated and identified on the subdivision plan.

O. River, Stream or Brook: Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application.

- On a motion by Hewlett, seconded by Brown, standard has been met, 5-0. Jones Brook is well defined on the diagram and on the plans submitted to the Planning Board.

P. Storm Water: The proposed subdivision will provide for adequate storm water management.

- On a motion by Hewlett, seconded by Jordan, standard has been met 5-0. The stormwater will be adequately managed as four new culverts will be installed to allow the stormwater to follow its natural path towards Jones Brook, and there is sufficient land to provide for the water penetration.

Q. Spaghetti-lots Prohibited: If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1. "All the proposed lots meet the ordinance standards."

- On a motion by Chase, seconded by Hewlett, standard has been met 5-0. There are no spaghetti lots.

R. Lake Phosphorus Concentration: The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision. "Jones Brook Subdivision is not in a lake watershed."

- On a motion by Chase, seconded by Brown, the standard is not applicable 5-0. The Jones Brook Subdivision is not in a lake watershed.

S. Impact on Adjoining Municipality: For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

- On a motion by Hewlett, seconded by Brown, the standard is not applicable 5-0. The proposed subdivision is not crossing into another municipality boundary.

T. Lands Subject to Liquidation Harvesting: Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

- On a motion by Hewlett, seconded by Brown, the standard is not applicable 5-0. This land is not in Liquidation Harvesting.

Section I: Purposes, subsections A through T were approved, with the condition under subsection E, awaiting the DOT permit approval and a revised plan connecting the line on Lot 3.

Chair Cox read from page 21, in the Subdivision Ordinance, under Section VI: D., first paragraph following #3 which states that an approval of a preliminary plan shall not constitute approval of a final plan, rather it shall be viewed as guide in the preparation of the final plan.

- A motion was made by Hewlett, seconded by Brown, to approve the Preliminary Plan application for the Jones Brook Subdivision contingent upon receipt of the subdivision road permit from the Department of Transportation and a revised plan connecting the line on Lot 3.

Gartley said the pins for the monument are required under the Final Plan Submission, but asked if they could be placed after the snow was gone. Brackett said the road would need to be in before the permits could be issued.

Gartley asked if the Performance Bond or Guarantee be required to this project. Brackett said he was not sure but would get back to him on that.

An on-site inspection was scheduled for Saturday, February 10, 2018 at 9 a.m. at 162 Seal Harbor Road, Long Subdivision, Jones' Brook Property.

The Public Hearing for Jones Brook Subdivision is scheduled for Tuesday, 2/13/18 at 6:30 p.m.

9. Other Business:

Michele Phelps, a designer/architect, contacted Brackett to request a change to the Flood Plain Ordinance to remove the 300-square foot area in the V-E zone. She provided information where this request came from. Included was an email from Carmen Baumbeck from Gartley & Dorksy which said that Camden and several other towns were removing this from their ordinance. Brackett said it does not make sense that it is in there and thought it could be removed. He talked with Sue Baker, Shoreland Zone Coordinator for the State of Maine, and she said it was something that she added to the state's version; it is not in the Federal version. This would not be making something less restrictive. However, it is on the insurance side, so if it is taken out of the regulatory side, they still would get hit with the insurance. Brackett asked the Board to review the information. Chair Cox said the Board would discuss this and the flood plain issue at the next meeting.

A motion was made by Brown, seconded by Chase to adjourn the meeting. The vote was 5-0.

Immediately following the meeting, a workshop was held to discuss the Shoreland Zone Ordinance/Cable Landing Ordinance and draft. The workshop ended at 9:15 p.m.

Respectfully submitted,

Marguerite R. Wilson
Planning Board Recording Secretary

