

June 11, 2013 Planning Board Minutes

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North Yarmouth Planning Board

Tuesday, June 11, 2013

Meeting Minutes

7:00 PM @ Downstairs Meeting Room, Municipal Building

Evan Haynes (Alternate), Paul Turina, John Carpenter, Steve Morrison, Peter Lindsay (Chair), Clark Whittier, Barbara Skelton (Code Enforcement Officer), Gary DiLiso (Alternate) (arrived at 7:15pm)

1. Minutes of May 14, 2013

Steve Morrison moved and Clark Whittier seconded to accept the minutes as presented. The vote was 3 Yes and 2 Abstentions (Turina, Carpenter).

1. Pre-application meeting – J & A Development, represented by Tom Farmer of Terrence J. Dewan & Associates, seeking sketch plan review for an amendment to the Eagle Ridge Condominium Subdivision to add one additional duplex at Hazel Lane on Property Map 8 Lot 64 in the Village Residential District.

Tom Farmer gave an overview of the plan and the request for their amendment. At the time of the original approval, the duplex was discussed. He indicated that stormwater studies may need to be updated.

The leachfield and septic have been installed. There is approval from DEP (given at the 2008 Planning Board approval) to tie into another well which has sufficient capacity.

John asked if the leachfield and septic documents were in the approval at that time. Tom stated that it was not but there was discussion at that time about including them but were not pursued. The land where they would be located was considered at the time of approval and the current condo association has agreed to include it. The DEP approval is needed and can take a couple of months, so they would not likely return for approval until that time. Clark asked if these were considered in place of others at the top of the hill that were not built. Tom stated that he was not sure and would check on this. There was a discussion on the wetlands and they are sufficiently located away from the property.

There was no public comment.

Peter stated that there doesn't appear to be a lot of concerns for this request based on what was outlined here. Barbara stated that given that Sevee & Mahar is the town's peer review and is being used for this project that the Board would work with Gorill-Palmer in this case.

John suggested that the revised condo association documents be reviewed. The declarant stated that this duplex was set aside in the paperwork. Given this, Peter stated that this would not need to be reviewed.

1. Review – Chris MacLeod & Anik Nadeau seeking site plan review and approval for a single family dwelling and a home-based occupation at Sligo Road on Property Map 2 Lot 39 in the Farm & Forest / Royal River Corridor Overlay / Resource Protection Districts.

Chris stated that they would like to purchase land for a home and locate their landscaping business on the same parcel. The house would be on back section of the lot with the business towards the front. The only business aspect would be workers arriving to get equipment and returning equipment at the end of the day.

The barn would be under 3,000 sq ft and store all the equipment. He outlined the setbacks and the wooded setting which would provide screening and privacy for both them and for their neighbors. He also outlined the topography in brief to answer Paul's question.

There will be no sign for the business and he outlined what they do, number of employees, and their business values.

The barn design would be natural to the setting and blend in to the landscape/terrain. Evan asked where the employees would park. Chris stated it would be in the same location as the 2 company vehicles.

John asked about equipment storage. Chris stated that everything except the trucks would be stored in the barn but would be hidden with the wooded setting.

Peter commented on the request vis a vis the overlays and the ordinance criteria. He stated that the Royal River Overlay location for the home and the home based business are the 2 items as part of the application. He commented on the ordinance limitation on the total number of vehicles that can be parked at one time and in particular, their visibility to abutters. Chris stated that the intent is to locate the business further into the wooded area to minimize this. Clark asked when the barn would be built. Chris stated that the barn would be built after the house is complete. The site work would possibly be done at the same time. At present, they have an offsite rental facility to store

their equipment. Clark asked about the buffering and Chris indicated that the property is highly vegetated. Gary DiLisio stated that the lots appear to be listed as single lots. He expressed concerns that it may not be deeded in this way and they are non-conforming lots that would require a variance. Chris stated that the lot would be divided upon approval and at the close. Barbara stated that the Zoning Board of Appeals at that time stated that it was acceptable as it was presented and approved it. There was a valid deed presented but it was not recorded. She gave an overview of the process as she recalled the details.

Paul asked if there are additional requirements for septic /sanitary facilities for the barn given the number of employees. He believes that it might be a possibility from the state perspective. Barbara stated that it is possible given that the plumbing codes have changed. Chris stated that he could get information and that this could be a condition of approval.

Peter reminded the group about the Royal River Overlay and the placement of the house would require a site walk. The 3 issues to address are the non-conforming lot issue, sanitation facilities question for the employees and a site walk. Peter gave an overview of the site walk items and processes.

Evan asked about snowplowing as their winter operations. Chris stated that they would be ready to operate during business hours. There are no night operations on site and no sand/salt storage etc.

Peter stated that the Board has received a letter of concern from an abutter at the start of the meeting. He reminded the group about the procedures for materials arriving before the Board.

Tim Lambert, an abutter stated that he believes that the barn is quite large and that in winter, they will be able to see it through the wooded area. He also indicated that the ravine is a major drain for the area. Given the proximity, he expressed concerns about run-off. Given the location and the district, he does not believe it is an appropriate location for a business.

Sarah Marble indicated that the notice to abutters contained vague information. She stated that the letter that the Board received contained some good comments on issues to be concerned about. She outlined some of the items and that Sligo Road is a very special and highly residential road. She does not believe that this is the appropriate location for a business.

Carolyn Roffler, an abutter stated that there is a down play of the impact of traffic for this business on this road.

Scott Legge expressed concerns regarding the business in particular. He is also concerned about noise and traffic from this business. He doesn't support approval of this project.

Alan Corrow stated that the noise may not impact him that much but expressed concerns about the other neighbors. He would like to see this road remain residential as much as possible and would

this approval set precedence.

Peter stated that the site walk is important but that the secondary use of the property for the business is the larger issue to address via the ordinance wording. John stated that the reworking of the ordinance tried to strike a balance between the home business and its impact on the neighbors and this will be something that the group will need to address for this application and Paul commented on the same and suggested that more details regarding the barn at some point would be helpful.

Steve asked about the equipment. Chris gave an overview and indicated that there are no large pieces of equipment (i.e. a bobcat). The size of the barn was considered to keep all the equipment under cover and clean. They ran their business on North Rd and didn't have any issues and they voluntarily moved their equipment since they didn't want to create any issues with their neighbors. They are approaching this potential in the same way and are willing to work with people to help this process.

Sarah asked if the site walk is premature. Peter stated that the ordinance requires site walk as part of the site plan and the entire application would be reviewed.

The group agreed to June 20th at 6pm.

Carolyn asked about stormwater runoff and culverts and whether or not it can be addressed during the site walk.

1. Review – United Properties, Inc. represented by Robert A. McSorley, P.E. of Sebago Technics, Inc., seeking final approval of a major subdivision known as Deer Brook Apartments – Phase 2 off Gray Road on Property Map 15 Lot 27 in the Farm and Forest District.

Shawn Frank of Sebago Technics gave an overview of the project. He outlined some additional work that has been done. The area would include a detention basin to accommodate run-off. Sevee & Mahar is reviewing this. There has been discussion with the Gray Water District to service these additional 7 units. The intent is to not sprinkle the buildings but to include hydrants. The owner has discussed the hydrant system with the Selectmen and the intent is to make it a private hydrant so long as there is not a significant financial impact to the owner. The Selectmen are also concerned about costs if it would be public hydrant and this application will need to appear before the Selectmen again for additional review. He requested a site walk date and public hearing be scheduled to keep moving this process along.

Clark asked if they are rentals. Shawn stated that they are. There was a discussion on the public hearing timing and necessary items.

There was a review by the Fire Chief on the turnaround radius. Barbara suggested that he be a

part of the of the site walk. The group agreed to June 20th at 7:30am and a July public hearing.

1. Any other items as the Chair may deem appropriate

Paul stated that he may not be able to be at the meetings in September, October and November.

There was a discussion on getting new members. Peter encouraged the group to offer recommendations to the Selectmen. Paul suggested some signage at Stones about openings on the Board. There was a discussion on recruiting some members to start as alternates to help train them.

Paul Turina moved and Steve Morrison seconded to adjourn the meeting.

The meeting ended at 8:50pm.