



## Planning Board

### Review of Previous Year's Applications

### October 12, 2021

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#### III. New Business

##### a. Preliminary Meeting – Delwin Drive Minor Subdivision Amendment

Wayne Wood, from Wayne Wood & Co., (representing Mike Washo) presented the proposed subdivision amendment. Lot 010-100-003 is located on the private road called Delwin Drive. The parcel is in the Town's Village Residential District. The proposed amendment is asking for the approval to separate the remaining lot into two parcels. Wayne Wood indicated that there was a slight change to the original plan provided to the board. The shape of the dividing lot line was changed. Mr. Wood provided the Board with a revised version at the meeting.

Kimry Corrette inquired whether these lots abutted the York Ridge property, Wayne Wood responded that yes it does abut the property of which York Ridge is located but there is a significant distance between the two projects.

Sandra Falsey inquired whether there would be any issues with fire trucks turning around and should there be a hammerhead turnaround added. Wayne Wood instructed that as part of the review the road will have to be widened and meet all road ordinance standards for the portion of the road which goes through his lot.

Paul (Chip) Metevier asked if the current road was a private drive, which is not wide enough for two vehicles. Wayne confirmed that it is currently a paved driveway and is not wide enough for two vehicles. Ryan Keith responded to Chip's questions indicating that when they come into the Code Office to pull a building permit, they are going to have to create road frontage for both lots being created by this amendment. They are required to extend the private road and provide a turnaround. Chip asked about the winding driveway and how that would be affected. Ryan Keith informed the board that the section of the driveway that Chip was inquiring about was not part of the driveway and does not need to be widened at all. The applicant will be required to submit a Road Ordinance Permit for a new road and the section of the road will be outlined. During the construction of the road the Road Commissioner will have several inspections throughout the project.

Chris Cabot asked Ryan for a clarification between the Land Use Ordinance and the Road Ordinance regarding the turn around. Does Planning Board need to approve the turnaround as part of the subdivision approval or does that come after the Planning Board's approval? Ryan indicated no matter what, the turnaround has to

be completed and whether or not the applicant creates an easement with the subdivision plan. He indicated that the better way would be to make a property line cut for the 50 ft turnaround or they can create an easement on lot 2. This is actually part of the Road Ordinance, a separate ordinance all together that the applicant has to meet. It is approved by the Fire/Rescue Chief as well as the Road Commissioner.

Chip Metevier addressed his concern about water in the Town of North Yarmouth. Chris Cabot indicated that this would be a great topic to have with a joint session with the Planning Board and Select Board. Chip noted that the problem he has with the proposal it is only two lots and Board need to use their brains and recognize what is going on and you will clearly see that the ultimate end will be more lots for more people up in that area. He feels that developers are also talking about the water issue.

Chris Cabot recapped where the Board is at this time in the presentation:

- Water issue will be something that Board will continue to talk about big picture
- We will go through questions that other planning Board members have in this application
- We will invite people from the audience to ask questions about this application.
- We will then proceed to see where we are with the application itself

Kimry Corrette clarified that this is going from a private drive to a public road. Wayne Wood verified that it is not going to a public road. He said it will stay private. He said it is just being upgraded to a private road standard. It is not a public road and the Town is not required to plow it. Chip Metevier provided his opinion about the road and future development on this property.

Chris Cabot opened the floor to the public for public comment on the Delwin Dr Minor Subdivision application.

Paul Hodgetts, (no address stated), called a point of order regarding the voting of the Chair and the Secretary at the first meeting of the year. He indicated that has not happened. He felt that technically that there should be a vote for Chair and Secretary which he felt it should be done at the beginning of the meeting.

Chris Cabot responded that he was unaware of this and asked for clarity around why that should have happened at the first official meeting of the year. Ryan Keith and Sandra Falsey both stated that there was a vote taken at the first meeting in July. Chris indicated he wanted the tone of the meeting to stay calm.

Mike Mallory, Walnut Hill Road, he stated he believed that Audrey Lones tried to figure out a way to make herself interim chairperson back in July. He indicated that Jeff Brown inquired at the September workshop whether there was supposed to be an official vote and it was put off which would make it have to happen at tonight's meeting.

Judy Potter, Walnut Hill Road, asked for a clarification regarding alternates voting, she indicated that the bylaws say that if there is a member that is absent than an alternate can replace that person by voting. The Board determined that because there were 4 active members there was a quorum and there was no need for an alternate to vote.

Paul Hodgetts, (no address stated), stated that the Charter states that it is the first official meeting so if you are following the Charter you will need to vote tonight. Sandra Falsey asked if we could just disband the meeting. Kimry asked if the meeting was official without Audrey present. It was confirmed that yes, it was an official meeting. Ryan Keith stated that the vote was scheduled for the November meeting but if this was going to be a sticky wicket then he suggested that a motion and vote be taken.

Mike Mallory, (no address stated), noted that it states that for the elections that every person votes not just the full members, it would be both active and alternate members voting.

Draven Walker, (no address stated), clarified that the Planning Board bylaws states that the chair would promote an alternate member, if necessary, it is not an automatic thing, if Chris felt it was necessary he could promote Paul and Sanford but there is already a quorum. As for the voting of the Chair and the Secretary through the previous vote in July both Audrey and Chris have assumed those roles. He reminded everyone that we are in the middle of New Business so to go into a whole other agenda item when you have an applicant who has been presented and the Board has discussed this just seems disrespectfully inappropriate. He noted that it was Chris's decision, but he wanted to bring that up as a concern.

Jeff Brown mentioned it should have been brought up under Old Business. Judy Potter handed Chris a document. Chris indicated that he was looking to verify the voting of the officers.

Chris Cabot apologized to Wayne Wood to take up his time on this but it seems like if it was something the Board should have taken care of in old business then let's take care of this before we get back to your presentation.

**Sandra Falsey made a motion for Audrey Lones to be president (Chair) of the Planning Board and Chris Cabot to be Secretary;** Kimry Corrette seconded the motion. Discussion. **Vote 5 YES / 1 NO**

Chris Cabot redirected the topic back to the Delwin Dr Minor Subdivision application and asked for public comment on the application.

Jim Bunting, (an abutter to the proposed subdivision on the corner of Edna Ln and Delwin Dr), noted that for a little more accuracy the Town's stub into this area is approximately 150 ft deep. His understanding of the property is that it would be a minimum of 400 ft beyond the 150 ft, so the total area that needs to be done based upon a conversation that he had with the Town. He wanted to note to things: 1. The grade from the private drive that is part of this parcel as it abuts his property is a fairly significant grade downward. He would be very interested in understanding in detail exactly how that is going to be carved into and how water runoff will be directed on the new private road. He noted there is a lot of water that flows down off Delwin Dr to Edna Ln area and how that may affect his property since they already have a fair amount of water drainage issues. 2. He is very interested in how the road will be plowed and where that snow will go relative to his property line. He would like zero impact. 3. He would like to second the water issue of the Town.

Kimry Corrette noted that there was a waiver request for stormwater management plan and for soil & Erosion Control. Chris Cabot asked Wayne Wood if he wanted to respond to any of the questions or comments. Wayne Wood mentioned that as the road is being upgraded the ditching and everything will remain the same other than moved out to the side to remain the same as it currently is. As far as the additional run off, you will have not a 12 ft wide road but a 20 ft wide road, which is not going to significantly increase what ends up in your ditches from 8 ½ ft to the 10 ft on each side. He discusses the current culvert location and water flow and with the upgrade of the road the ditches that are currently in place will remain in the same location just moved out.

Sandra Falsey suggested a site walk would be something to think about.

Jim Bunting, (no address stated), noted that he felt would benefit the Board to have a site walk. He is not looking to put up a battle but would just like to have a clear understanding of how the upgrade will work because the current ditch doesn't apply to their parcel, there is just a slope. He feels that it would be good for the Board to see how Delwin Dr comes down and sweeps into Edna Ln.

Paul Metevier noted that he felt a site walk would be beneficial.

**Sandra Falsey made a motion to schedule a site walk on Mike Washo's property on Delwin Drive;** Kimry Corrette seconded the motion. Discussion. **VOTE 4 YES / 0 NO**

Chris Cabot and Ryan Keith indicated that Tracey Cox, Executive Assistant to Code/Assessing, will distribute a date/time and will take care of the notifications & postings on the website. Ryan noted that the reason the Town has oversight of the road ditching is so that we do not increase water and help make things better. We have the Public Works Director and the Fire/Rescue Chief to ensure that is it done correctly. Sandra Falsey inquired if in all attempts to make it correct which we have talked about with a few other subdivisions recently and it is not working then what is the next step. Ryan Keith responded in saying if it is not working then it is on the applicant. The intention is to be a zero impact on abutting properties.

Sandra Falsey asked if the lots are sold and then there is an issue who then is responsible? Ryan responded saying it would then be on the Road Association. That is the reason why the private roads need to have a maintenance agreement to take care of the road. They are now the owners of that road. Whoever purchases the land they purchase any issues as well, it would be the two lots that would be part of the association. The Town needs verification that the new owners of the two properties sign the maintenance agreement but does not need to know the detail.

Jeff Brown noted his issues with this two-parcel subdivision is not so much the surface water but the subsurface water; the ground water. He has known about 500-foot wells in that areas since the place was built. He noted that it is a very real issue for the people that live there. He mentioned that when is it going to be the last well that you drill there, then no one has water. Then it forces the Town to move into bringing Town water up there when they weren't planning to. He noted that he joined the Planning Board to try to tap the breaks a bit with big time expansion. He noted that he knew that this was just two houses out of one lot and he feels that people should be able to do what they like with their land within reason. He stated his option that the ground water issue is no secret and when is the last drill going to be the drilled then no one will have water.

Kimry Corrette mentioned the new pumping station on Rt 9 and there was talk about putting a station on the top of Walnut Hill but could possibly be a future solution for the ground water.

Chris Cabot stated that we will continue to talk about the water situation and the Board will need to research how it factors into our approval. Here are the next steps:

- The Planning Board will schedule a site walk. Chris noted details about how the site walk will be run. It is an information gathering meeting and no decisions will be made.
- A turn around will need to be added and contour elevation numbers to the resubmitted plan.
- Chris mentioned that the application and plans that were submitted were very hard to read online for the Board Members and residents. He requested that the applicant provide a legible electronic copy when resubmitting the proposed application.
- Applicant should also be using the updated checklist found on the Planning Board webpage.
- Applicant should provide a statement to all Waiver and Non-Applicable items listed on the checklist using the required form.

The Board began reviewing the Application Checklist. Kimry Corrette discussed her concerns regarding the waivers and non-applicable items check off for Section 10.6 Sediment and Erosion Control and Storm Water Management. She asked what they meant by it Will it be completed by using best management practices? Wayne Wood replied by stating the best practice manual that the DEP put out to all earth work contractor's erosion control methods they are required to follow for what

they are supposed to do in the different scenarios that they come across in construction. It is noted on the Plan that the contractors need to follow that manual. She also inquired whether Section 10.24 Water Supply would apply to this application. It was noted that this section refers to public water not private wells. Ryan Keith commented that the water discussion could go on and on but it comes down to buyer beware. We can not single a property out saying you cannot build there because you may not be able to get water. Everyone takes the same risk no matter where you build in the Town. He discussed options for those properties that are having water issues. Paul Metevier noted that there is a community well which services 8 residents in the area of this proposed subdivision and repeatedly expressed his concern about the water supply issues in the area. There was a lengthy discussion about what the Planning Board requires from the applicant as well as Paul's concern about the Town being liable and sued because of the lack of water supply. Chris Cabot tried redirecting Paul's conversation regarding water concerns to the appropriate time so that the Board could continue with the proposed application process.