

Town of Greenwood
Planning Board Meeting Minutes
Aug. 2, 2021
5:30pm

Item 1: Call meeting to order - Chair Doyon called the meeting to order at 5:30pm.

Item 2: Roll Call

Present:

Dennis Doyon, Chair
Eva Mills, Secretary
Brad Payne
Becky Secrest
Rosemary McLean
Joelle Corey, Codes Officer
Shelley Norton, Land Use Planner from AVCOG

Absent:

Tyler Bennett

Item 3: Consider minutes of June 7, 2021 & June 21, 2021

The Board reviewed the minutes. Becky motioned and Brad seconded to approve the minutes as presented. Vote: All in favor. Minutes are approved.

Becky stated that under Item 5. New Business A. we have an item that shouldn't take too much time to review as Item 4. Old Business has the Twitchell Pond Overlook review which could take quite a bit of time. Becky motioned and Brad seconded to move Item 5. A. up on the agenda. Vote: All in favor. Item moved up on the agenda.

Item 5: New Business

- A. Robert & Sharlene Spalding, 5 Hayes Hill Rd. Map U24-04
Expand kitchen & dining area out to where deck was and bring roof line down to match pitch of main roof. Add a mudroom on Hayes Hill Rd side of home.

The Board reviewed the application. Chair Doyon asked Joelle if she was familiar with the property. Joelle stated that she has been working with them for months as they have had the build upon blocks and putting a foundation under it.

Joelle explained that this application is for an expansion as you can see on the sketch. Joelle stated that the expansion fits within the 30% rule and she has checked all of the numbers/calculations and they are accurate. Joelle explained that on the Hayes Hill Rd. side what they are calling an addition use to be a stoop and now they would like it to be an enclosed mudroom.

Eva motioned and Becky seconded to approve the application as presented. Vote: 5-0. Motion passes and application is approved. Joelle will prepare the permit.

Item 4: Old Business

Subdivision Application – Twitchell Pond Overlook

A. Submissions since last meeting

1. Packet from Main-Land Development, dated 06/21/ 2021
2. Letter from Kevin Hawthorne, of Log Cabin Lane, dated 06/23/2021
3. Letter from Chuck Finger, of Indian Pond Rd, dated 06/23/2021
4. Packet from Main-Land Development, dated 06/25/2021
5. Packet from Shelley Norton of AVCOG, dated 07/02/2021
Preliminary Plan Checklist & Review
6. Packet from Main-Land Development, dated 07/16/2021
7. Packet from Shelley Norton of AVCOG dated 7/28/2021 in response to submission from Main-Land Development of 07/16/2021

B. Review submissions and determine if application is complete

The Board reviewed the submissions. Chair Doyon stated that there are substantial changes to the plans since their last meeting. Rick from Main-Land gave an overview of what had changed on the plans. Rick explained that to the subdivision plan there have been a few changes with a lot of documentation for the Board to review. Rick stated the main changes: 1. Top three lots in response to Shelley's comments we have altered the back line slightly to meet the 3:1 ration requirement; 2. Lot 8 has now disappeared with that land to be conveyed to family so we are now talking about lots 1-7 only with this subdivision. Becky asked if the driveway to those lots going to require another culvert now or later. Becky asked what was the status of that lane that leads to those three lots that have just been conveyed to family members. Rick explained that it doesn't need a culvert right now but it will be access to two of the lots in the future. Rick explained that there is no proposal in front of you for the development of those three lots so at this point we can look at this strip of land with the intent of it being future access for two of those lots. Chair Doyon stated that when anyone wants to build on the seven lots, they will need to get a Town Entrance Permit from the Town Road Foreman. Chair Doyon explained that the Road Foreman would determine the size of the culvert and review the installation of the culvert before he/she will sign off on it. Chair Doyon asked Rick to go over the new documents that Main-Land has submitted. Rick explained what was in the following packets:

June 25th – Letter from Maine Historic Preservation Commission, Letter from State of Maine Inland Fisheries & Wildlife, Letter from Town Road Commissioner, Letter from Town Fire Chief, Declaration of Protective

Covenants, Erosion and Sedimentation Control Plan, updated Preliminary plan that reflects changes to culvert size after discussion with Road Commissioner and other notes added as discussed with the Planning Board.

July 16th – Response to Shelley’s Application checklist, updated Erosion and Sedimentation Control Plan, Dept. of the Army Authorization Letter, Statement from Scott R. Dixon, C.G. on Groundwater Supply, and update Preliminary Plan removing lot 8.

Becky stated that Shelley’s work touched on wetlands and she read in some of the documents submitted that some of the wetlands were going to be filled in and questioned that whenever you are filling in wetlands a red flag goes up because wetlands are critical to wildlife habitat, microorganisms, and fish. Becky asked if a DEP permit would be required to fill in a wetland. Shelley answered that a permit would be needed if it was over a certain size. Rick explained that this is below the DEP threshold that would require permits to fill in wetlands. Becky asked what was DEP’s threshold. Rick stated the threshold was 4300 square feet and the Army Corp of Engineers have reviewed our project and permitted this project. Becky asked Shelley if Main-Land’s responses to the Erosion and Sedimentation Plan meet her approval. Shelley stated that they did and her main concern was with the slope and would like to make sure there is enough protection there in the event of a failure. Rick stated that the plan calls for double layer protection on the slopes. Shelley suggested that a condition on the plan could be that when someone goes to apply for a building permit that they be required to submit an update erosion and sedimentation plan that is specific to that site. Becky asked who is going to be responsible for checking on this to make sure this is all being done correctly and is this going to be the Town that has to keep checking on this. Chair Doyon stated that he will be talking about adding two conditions to the plan that will help clarify that.

Shelley asked the Board to review her statement on page 9 of her submission dated July 28th.

Due to the significant slopes on site, it is recommended that silt fencing or erosion control berms are placed more frequently on the slope and that there is a double barrier in place where runoff doesn’t have natural areas to settle and infiltrate but would instead run downslope. This will reduce the likelihood that methods will fail and create erosion downslope or on neighboring lands.

Shelley stated that she could work on the language with Rick for this. Becky asked that they also include language that it is specific to the individual lots when they apply for a building permit.

Shelley stated that she also has other language on page 8 of her submission dated July 28th.

The applicant has prepared restrictive covenants that specify installation and maintenance of the rain gardens on lots 1-7. It is recommended that any condition of approval state that the deeds for lots 1-7 shall include the restrictive covenants, and that building permits for the individual lots be conditioned on the submittal of and review of a site plan that locates all structures, impervious surfaces, lawn areas, and the rain garden and provides grading for the same so that the town can ensure that the design meets the requirements of the stormwater plan.

Rick stated that he would be willing to work with Shelley on how to word this into a condition on the plan. Shelley asked if the Board could clarify if this review is for the preliminary or final plan. Chair Doyon stated that this review is on the preliminary plan and he would like to see the conditions listed out on the final plan.

Eva motioned and Brad seconded to have Shelley's condition to be a condition on the final plan – that there will be a secondary barrier noted on the plan for erosion and sedimentation control with some wording to include that a lot specific erosion plan be submitted at the time of the building permit application. Chair Doyon noted that Shelley and Rick will work on the wording for the Board's review at their next meeting. Vote: 5-0. Motion carries.

Chair Doyon stated that he proposed two other conditions for approval that he would like the Board to consider. Chair Doyon explained that the State of Maine back on January 1, 2020 said that any subsurface waste water or disposal system and component of that that is in Shoreland Zoning would trigger an immediate inspection of the entire system to make sure it is not malfunctioning and working properly. Chair Doyon stated that where the lots are in the watershed going down towards Twitchell Pond, these two conditions of approval for the board to consider would be:

1. That the Subsurface Waste Water disposal system must be inspected by a certified State of Maine Subsurface Wastewater Inspector prior to the transfer of the property.

Chair Doyon stated that this is consistent with the State's rules. So, from the initial homeowner to subsequent homeowners and any deficiencies found would be corrected prior to the transfer if able to be performed during Maine's construction season or would be corrected immediately at the beginning of the next construction season. Chair Doyon stated if some one's septic system is failing, we don't want it to leak into the watershed and into Twitchell Pond. Chair Doyon stated that this is a bit stricter than the State's guideline as that says it has to be corrected within 9 months. Becky asked who would be the person to determine if the system has failed. Chair Doyon explained that there are certified Inspectors in the State of Maine who will do the inspection. Shelley asked Chair Doyon if these conditions should be

in the deed as then the Realtor and Property Buyer would see it. Chair Doyon stated that all of the conditions of approval could be written into the deeds. Brad motioned and Eva seconded to approve this condition. Vote: 5-0. Condition is approved.

Rick stated that this condition would be for conveyances forever and ever. Chair Doyon answered yes.

2. Rain gardens will be inspected by a licensed engineer to insure they have properly maintained prior to the transfer of property from the initial homeowner to subsequent homeowners. Any deficiencies will be corrected prior to the transfer of property is able to be performed during Maine's construction season or will be corrected immediately during the next construction season.

Chair Doyon stated that Main-Land has it noted in their documents that the rain gardens will be inspected by a licensed engineer but he is concerned about what happens in the future. Chair Doyon stated that this should also be noted on the deed so that there is a paper trail and at least at some point someone will be held accountable to fix it. Brad stated that the thought this condition was already in the documents. Chair Doyon stated that the documents state that the rain garden will be inspected after it is installed by a licensed engineer but there are no other inspection requirements noted. Chair Doyon stated that the inspection for the initial installation is still going to be done but this would add inspections every time the property changes ownership as a homeowner is not going to know if their rain garden is working or not. Brad motioned and Rosemary seconded to approve Condition 2. Vote: 5-0. Motion passes.

Chair Doyon stated that he thinks they have completed all of the Preliminary Application requirements and Preliminary Plan Subdivision Plan requirements. Becky asked if they covered phosphorus and knows that Dennis has submitted a letter on this. Becky asked if we have covered that issue. Chair Doyon answered yes and that part of Rick's submittal of July 16th states that it is going to be a requirement for Homeowners to use a certain type of fertilizer which mitigates a substantial amount of phosphorous and the calculations all worked out was what he read from Shelley. Shelley stated that the last thing she read was that Main-Land was resubmitting the phosphorous materials. Rick from Main-Land stated that he had the updated documents for the Board to review tonight. Rick explained that from a phosphorous standpoint a project's phosphorous budget terminology is how much a certain site is allowed to export and how much phosphorous is allowed to come off of that land and contribute to the lake and watershed. He explained that every piece of ground is allowed a little bit as it is in nature and even a blank piece of ground can contribute some phosphorous. He explained that there is a budget for each lot and it is based on how much land area there is associated with that property. Rick explained with the three lots conveyed out to Paula's children actually changes what they consider to be the project acreage for this subdivision

project and with that acreage having to be backed out of the calculation for this project. Becky asked how they calculate the phosphorous as she is seeing that many of our ponds are at lower levels and is it based on the acreage of the pond. Rick explained that Maine DEP has a complex method of evaluating the health of the ponds and how much land can potentially be viable for development and some amount can be deemed not usable. Rick stated that DEP estimates what the current health of the pond is, what the amount of phosphorous it can take before it is downgraded for poor water quality. Rick explained that the DEP recalculates the health of these ponds on a regular basis to determine if the pond is staying the same, is it static, or getting worse and periodically will update the status of the pond. Becky asked how often does DEP do these inspections. Shelley explained that the number was .033 when the ordinance was written and she asked DEP for an update and it was slightly improved to the number of .038. Shelley stated that they don't typically update the numbers unless someone asks them to. Becky stated that she would ask that the abutters to the property do their diligence to keep an eye out on this and report it to whom – the Town or to DEP. Joelle stated that she gets phone calls for such questions.

Chair Doyon asked if Rick had further information to submit to the Board. Rick stated that he did. Chair Doyon stated that they could submit items but doesn't mean they will act on any of this. Rick stated that they have updated the size of the rain gardens and all gardens are the same size for each lot. Chair Doyon asked if Shelley could review these submissions for the Board. Shelley stated that she would gladly do that. Chair Doyon asked that Shelley could look over these new documents to make sure they are complete, update the Preliminary Plan checklist, and review the Subdivision Plan requirements prior to our next meeting and we should have everything. Shelley asked when the next meeting would be. Becky stated the next meeting is scheduled for Aug. 16th. Chair Doyon asked if Shelley could have that information to the Board by Aug. 13th. Becky asked about the impact on the Highway Department with culverts and the increased traffic. Becky asked what the real impact of this subdivision on road maintenance as a Town we have a difficult time with budgets. Chair Doyon stated that Alan's concern is the culverts and not with the traffic. Chair Doyon explained that Rowe Hill is scheduled to be worked on this fall. Chair Doyon asked the Board to keep in mind that 80% of the homes in Greenwood are not year-round homes but second homes so the amount of traffic is not what you would call daily traffic. Becky stated that as our population ages she can see that these places are becoming permanent residences and it is a very realistic concern. Becky asked if there are any specifications of what the sight distances are when people pull out of their driveways. Becky stated that these questions should be put to Alan Seames. Brad stated that he read in the packet that the traffic was so low on that road there would be little impact. Joelle stated that there are presently two subdivisions that dump out onto Rowe Hill Road. Joelle explained that Alan will check for sight distance when he issues the entrance permit, the sight distance is also based on the speed limit, and she knows that all of these seven lots will meet the sight distance requirements. Rick asked that it be noted that there is a letter from the Road Commissioner in the packet and it

highlights that the initial culvert installation is not an expense to the Town but to the property owner or the developer of the lot. Becky stated that once it is installed it becomes the responsibility of the Town to maintain and repair.

Chair Doyon asked if there were any other questions from the Board. Shelley will review tonight's submissions are complete. Chair Doyon stated that he felt that the Board could determine that the Preliminary Application was complete at their next meeting. Shelley asked the Board to review Item 22 of the Preliminary checklist –

22. Ground water impact analysis – The applicant has provided a map showing there are no sand and gravel aquifers on this site and has asked for a waiver from this requirement. This submittal is optional in the ordinance, so the board does not have to require it.

Chair Doyon stated that there is a letter from a certified Hydrologist in the packet so with that they feel that this requirement has been met.

Shelley asked if the Board for Item 23 –

23. Municipal service impact analysis – This was not provided by the applicant; they stated that the subdivision does not represent a significant increase in town infrastructure use or assessed value. The applicant has requested a waiver from this requirement. The most tangible impact are the new culverts for the town to maintain for each driveway, in addition to new population requiring service. This submittal is optional in the ordinance, so the board does not have to require it.

Chair Doyon stated that he doesn't think the Board is leaning towards that as this is such a small subdivision. Becky stated that she wasn't sure about that as she wouldn't mind seeing something like that done. Chair Doyon stated that he would ask the Road Commissioner to submit something that speaks to impacts to the Town. Shelley asked if anyone had been by the site to see if the markers were installed. Joelle stated that she could take a look tomorrow and get back to Shelley. Eva, Rosemary and Dennis stated that they have seen the markers. Shelley asked Rick if he could confirm that his company surveyed the property for vernal pools even though there aren't any shown on the plan. Rick stated that they did complete the survey and found no vernal pools on the property. Brad stated that it was stated at an earlier meeting that there shall be plans with open space options and asked if that is something that has to be done. Chair Doyon stated that the applicant submitted a 20 some lot subdivision that allowed for an open space plan. Brad stated that he had seen that but wondered if that was required. Shelley explained that the Ordinance reads "may" which means it is optional. Rick explained that Paula submitted copies of a 21 - lot open space design just to show the Board that she was thinking about all of her options and what would work best.

C. Other items

Becky stated that the Highway Department is ditching on the Irish Neighborhood Road and they are dumping the fill right into a vernal pool and that is not acceptable. Joelle asked why no one has called her to let her know. Becky stated that is why she is bringing this up. Chair Doyon asked that they finish up with their meeting and Becky talk to Joelle after the meeting.

Shelley asked if they would like her to attend their next meeting. Chair Doyon stated that the Board will review Shelley's documents and have Kim contact her if they would like her at their next meeting.

Item 6: Admin Issues

- A. Next Meeting – Aug. 16th, 5:30pm – Greenwood Town Office

Item 7: Adjourn - Having no further business, Eva motioned and Becky seconded to adjourn the meeting at 6:45pm. Vote: 5-0.