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**Town of Pownal
Planning Board Minutes**

**Wednesday, March 16, 2022
6:00 PM – Mallett Hall**

Members Present: Matt Altieri, Jesse Peters, Secretary Christine Watson, Todd Mellin, Brian Stornelli, Alternates: Orion Breen, Marcia Bowen, Ben Smith and Keith McBride with North Star Planning and Recording Secretary: Alison Purinton

Guests: Alan Hill, CEO, Jim Fisher and Bill Gerrish with Northeast Civil Solutions, Members of the public; Paul Schumann, Jamie Lynn Bice,

Call to Order at: 6:00 pm by Matt Altieri

Matt gave a brief introduction of what to expect. We will go over the Secretary's report first and approval of meeting minutes. We then we discuss an application for a minor subdivision by 264 Merrill Road, LLC. This has been advertised based on what I have seen in the submission as a public hearing. There will be a limited opportunity for public comment, if the board determines this we will then consider the application complete. There will be another opportunity for public hearing at the next meeting this is considered.

Secretary's Report:

Regular Meeting minutes of February 16, 2022 on a motion by Jesse Peters to accept minutes as amended and corrected, seconded by Christine Watson. Discussion: None, Vote: Yes (5) No-0 Approved with word change from predacious to prejudicious on the Dec 15, 2021 minutes. On Page 1. Eliminate "The process is called a Recodification" in Article 4, Old Business, Add "was" approved by "our" attorney.

Under New Business, under Article 5 add the following phrase "Except that such signage shall be allowed on property owned by the Town or by the RSU#5, provided that such signs are used exclusively for the purpose of promoting municipal, public-school events and emergency communication."

Page 2 2022-2023 Budget omit "clarifying situations that are being brought forward from the planning board" and should read "the recodification of the land use ordinance. Change responses to responded. In Other Business add "Novel Energy Solutions are looking to acquire NBD Solar project. They asked if the project has an expiration date and also if the project will adjust to a single axis tracker" omit "Is now under new ownership" bottom of the paragraph add after email "to Britney Kresbsbar @Novel Energy Solutions".

Page 3 strike the whole thing and add Special Town Meeting- Article 8 Public and Private Road Ordinance, Appendices D, E, F, and G diagrams were amended to match the wording of the ordinance was passed at the special town meeting held on February 14, 2022.

Page 3 Please change responses to responded.

Christine has received word the Novel Energy company solar is no longer pursuing this. In addition, we received notice last week that Estabrook Farm Greenhouse is seeking to file a site location act application with the Maine Department of Environmental Protection.

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Matt- We should probably anticipate a site plan review upcoming in the next several months. Is there anything else specific to discuss?

Christine – No just letting you know.

Matt- Explains that our next agenda item is a change in subdivision applications. I will give Northeast Civil Solutions time to give a summary and description of what is being proposed. As we have never heard anything before. For those who have heard anything about this what has changed. After that I will open the meeting to the public and ask that you keep your comments to 5 minutes. The board will then ask questions.

Old Business: Spruce Hollow Minor Subdivision replaces Narrow Swath Steading.

Jim Fisher and Bill Gerrish with Northeast Civil Solutions opens with Spruce Hollow Minor Subdivision will replace Narrow Swath Steading by 264 Merrill Road. The last time we were here the road was considerably longer in length with 8 homes. Today this project is more conventional in nature with 600 feet of road and 4 units. Location of the road will be the same and the open space component no longer is there. Other than those highlights not much has changed.

Matt-Opens to the board for clarification questions.

Jesse-How do you get road frontage for all 4 lots?

Jim- The right of way is 600 feet the actual creation of the road is 597 linear feet.

Alan- What about septic system(s)not being on their property.

Matt- Asks Jim to respond to Alan's question directly if he does not mind.

Jim- The septic system will have 2 separate systems for each property and the latter two lots will share a system.

Matt- How is the septic maintained? What controls how it will be maintained?

Jim- Each lot will have an easement. Bill adds that the test pits were good in these areas, and this will be in more detail the next meeting

Christine- What happens if something goes wrong? Will the road need to be dug up?

Jim- The septic field placement is nowhere near the road

Matt- When we have roads approved, we require the applicant to provide language in the homeowner's agreement and I think we would require the same for this instance. We certainly don't want a system to fail and neither party indicate it is not their responsibility.

Jim- We can supply language; you can't write an easement to yourself, but we can provide the language.

Ben Smith- We have noted in the staff memo that this is something the board should get more detail on. I think what I hear the applicant say is that they are going to be doing that. The plans for this meeting showed a single field. That may change between now and the next meeting. Either way it should need easements for each lot created. I agree with the comment along with road association, stormwater, and common field should also be included as lots 2 and 3 is there are going to be separate

Matt- I am anxious about an easement to control the maintenance of a structure. A subsequent sale not having been notified. Of course, the easement needs to be recorded. In your opinion have you seen this off-site septic system before?

Christine- Or is it deeded?

Ben- Has seen it before in other communities. Generally, you try to arrange lots so this isn't a concern. There is nothing that I know of that would prohibit that with Pownal's ordinances or

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State law. It should also be deeded so that any owner will know and understand the responsibilities. The owner of the remaining land also must be comfortable with this as he will also be burdened by the easement on the property.

Christine- In lot 3 Circle is that a building?

Bill Gerrish – It is a potential well.

Christine- Is there is a stream that goes thru there?

Bill- It is around the back.

Marcia- Is there a reason why there is no setback around wetlands?

Ben- Shoreland zoning requires buffers from streams and water bodies but there are no requirements for wetlands.

Marcia- I thought that every wetland needed something.

Jim – That is only in Shoreline Zoning.

Matt- Will the 50ft setbacks for vegetation management for buffering, also be subject to the homeowner's agreement? What assurance do we have this will be done?

Jim- That depends on the condition of approval. All easements and conditional of approval should grant building permits.

Matt- Our past requirement is something included in the homeowner's agreement so years down the line homeowners will be clear.

Jim- Very easy to do with a homeowner's association. We have also found that also including it in the deeds for the property is often much more adequate.

Matt- I would like to see it in both.

Marcia- Can you tell me about the buffering along Merrill Road?

Jim- From what I understand it is well forested.

Matt- Steve will hold onto the remainder of the lot and his plan is to build and have access separate from this?

Jim- Yes.

Matt- I see in the application a few spots where you have the old subdivision name?

Jim-We did correct that.

Christine- I have a question about culverts? Are you using 15 inch?

Bill Gerrish- Yes, I believe that's correct.

Jim- One if for Merrill Road and the other underneath the turn out will be 8 inch in diameter.

Christine- And you think that will be big enough?

Bill- The site is very flat and there should not be much run off at all.

Brian- Is there a reason why the lots would not be larger to avoid the issue of septic easements?

Jim- Steve is an organic farmer and he would like to maintain the property for farming.

Jesse- He will not be able to do any farming on top of leech fields, therefore it would be no use to him other that retention of the land.

Jim-He wants to keep it forested right now.

Jesse-To put a leach field in you will need to cut trees down.

Jim- Yes but the piping is essentially the width of a bucket.

Jesse- You are adamant that there is not enough room here?

Jim- We don't want to limit a potential builders.

Todd- The piece that is left natural. Someone will have to maintain that area for growth. That will be on Steve's land.

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Jim-It is similar to anyone that has a septic system. It is their system to understand it and it's need to maintain it. To obtain occupancy, the septic must be working. If a person decides that they are not going to maintain it that is their problem.

Todd- What kind of maintenance will they have to do to make sure this is maintained?

Jim-Essentially what you or I would do. If they chose not to, that would be foolish. It would stipulate that in their condition of approval.

Matt- Make sure the language address not only access but maintenance and the liability if something goes wrong.

Matt- Anything else by the board?

Christine- Have you received lot numbers from Donna the Assessor?

Ben- I think you're talking about the assessor approved tax map and lot numbers. That needs to be coordinated with the assessor and be part of the final plan.

Jim-We can work with her if she wants to assign numbers before it has been approved.

Ben- I have seen it in other communities the advantage the recorded plan aligns correctly. The down fall is what happens if the project never takes off?

Matt-The advantage the recorded plan lots align correctly.

Ben- Correct, It is not something I have communicated to the applicant.

Christine- Please notify all the abutters even the ones across the street as they all need to be on the plan. My second question is about the road name. True Lane?

Jim-True Lane has been approved by the Board of Selectman

Christine- Okay, If you can provide a written approval for the file.

Matt- I don't think there is a reason to push too hard for the assessor issued numbers at this time.

Christine- Road has been chip sealed two years ago there may be a performance bond to cover the repairs needed. You should talk with the selectboard about that.

Matt- Ben you think the application is complete, do you have any comments or reasons for doubt?

Ben- I did second guess myself with regard to tax maps and lot number. When reviewing for completeness on the checklist. The board always can ask for information to clarify any issues. There is a suggested motion when we get to that page for completeness. There was a discussion the last time this was discussed for the potential for a site walk. I wasn't aware this was a public hearing.

Matt- The application included a notice of a public hearing. I would like to give anybody here the opportunity to talk however I don't see the harm in another public meeting later on.

In terms of completeness as I understand it your application for sufficient water is because the lots are bigger however there is no report stating this.

Jim-When people drill wells, they drill wells. Whether that be 40 feet or 400 hundred feet.

Matt- The concern in this area is the drawn down as it will affect many homeowners.

Jim- I did speak with a couple of hydro geologists and it is very seldom that a huge piece of property has much of this as an issue. You usually don't have a well drilled and go 100 hundred feet and drill another one.

Bill- The water is drawn from the ground and with the leech field so they water is essentially being put back in.

Matt- Anyone have comments with respect to the completeness of the application?

Christine- Did we get a soils report for the test pits?

Jim- Usually that is done in conjunction with the issue of building permits because people may choose to relocate the home.

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Matt- Have you had test pits done with the offsite location of septic?

Jim- Yes.

Matt- So have you abandon the idea of a common septic system? It is certainly going to be two separate systems?

Jim- Yes.

Matt- Entertain a motion with respect to the completeness of the application

Christine- I make a motion to find the final subdivision plan application for the Spruce Hollow Subdivision complete in regard to submission requirements.

Jesse seconded- All in Favor Yes (5), No (0) motion carries at 6:52pm

Matt- Invites members of the public that wish to speak to the applicant and ask questions.

Christine: Are we going to do a site walk?

Matt- I would like to have a site walk before the next meeting?

Christine: In order to advertise in the Forecaster, it needs to be done two weeks prior for publication. I am looking at the first week in April.

Matt- I would like to have a separate workshop about the comprehensive plan that was approved.

Moving forward with ordinance review which this board is going to be doing a lot of spearheading. Therefore, I would like to have the site walk at 5pm and then immediately following a workshop. I heard an April 6th date. May I suggest a 5pm site walk and then a workshop meeting immediately following at 6. Christine will get it posted to web site, posted around town and submitted to the Forecaster along with letters to the abutters.

Jamie Lynn- Asks if this site walk will have a public comment period.

Matt- It will not however the site walk will be public.

Ben- The board has made a determination on completeness, scheduled a site walk and has an understanding when this comes back it will be for public hearing. Given some of the info with regards to septic and easements, road names determinations there is no other action by the board at this time.

Jim- To the next meeting I will bring back information with the clarity of buffering for Merrill Road, Maintenance, and accessibility language for septic systems. Is there anything else the board can think of?

Marica – Are you positive the aquifer doesn't extend?

Jim- That is correct according to the plan.

Ben- Submission with some kind of notice from the Selectboard about the road name.

Christine- I have asked the town administrator to submit the name in writing so the select board can sign.

Ben- A performance guarantee with regards to the pavement damage to Merrill Road will be needed.

Matt- That's a really good point, It doesn't include the potential damage from construction.

Jim- Performance guarantee?

Matt- I think this will be a condition of approval.

Marcia- I know you have surveyed the wetlands what about the potential of vernal pools?

Jim- Vernal pools typically don't happen with a flow. They need stagnant water to survive.

New Business: None

Discussion:

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PB Procedures revision

Christine has made changes that were discussed at the last meeting. They were attached for your review.

Matt- Is there anything different from last meeting?

Christine- No just giving us the final copies.

Matt- Expresses his immense gratitude to Chris for making the changes.

Submission Deadline revision hard/copy/electronic

Ben introduces Keith McBride for those that have not met him yet. He will be working closely regarding the recodification process. I do want to bring to the board that we do get phone calls for information, where individuals have reached out. It is not uncommon to be asked what do you think is planned? We do work to minimize the time that we spend with folks, but it is a natural part of the process. I can think of a few times where conversations have not turned into applications yet.

Christine- I think the Select board has figured this out. What you are doing now will give the selectboard a better grip on what is happening for backlogs.

Matt- Please keep the lines of communication open.

Keith- Comments on the 28 day submission as it fits nicely within that time frame. 14 days make things feel hurried, especially with a new application.

Christine-Ask what do you suggest?

Ben - 28 days. For everything. 4 weeks is best, 3 weeks is doable, and 2 weeks doesn't leave much time.

A discussion was held with the board with regard best suitable days and the potential discuss to backlogs.

Orion- Why don't we move the column?

Christine: So the 1st column we rename?

Matt- I move to remove the third column and rename the 1st column to read Submission deadline for all new applications. Jesse to second. All in Favor Yes (5), No (0) motion carries at 7:30pm.

Matt- I think it would benefit us to understand that I read a memo today. It may appear that we are rubbing stamping projects when we have the proposed finding and fact with the first application. Do others have that same concern? I want to open the floor to see if others feel the same. Ben do you have strong thoughts on this?

Ben-The memo is a tool for the board. To understand procedure and important questions and concerns. There are findings and then there are conclusions the board needs to make I had an earlier version of the memo under a different name. For example "The proposed subdivision will/willnot". As we go thru the process, we suggest conclusions so there are occasions where we go thru 1, 2, or 3 meetings and more discussion has to happen amongst themselves. Happy to handle how you want.

Matt- I find it helpful to be reminded this is the criteria.

Todd- I read this as advice. There are somethings I don't understand but I ask questions and will develop my own thoughts. I appreciate the fact that he is saying things like a proposed subdivision will not create unreasonable burden however I will make my own assessment.

Matt- That's helpful Todd, it sounds as everyone understands this is a proposal.

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Todd- From a public standpoint they may look at it as more of a rubber stamp. We need to make it clear it is a guide not a decision.

Keith- In order to make that decision you need to have those finds. It doesn't mean you have to find and agree with us. By proposing it you have created a record.

Ben- Findings and facts are copied directly out of the memo. It goes in the Codes Enforcement officer and is part of the file for project.

Marcia- If it is suggested motion, are these posted on the website?

Christine- It goes from the planning board it highlights old vs new and it is funky how to get there.

Matt- It is certainly part of our record.

Christine- I have a file and I have it numbered by deed and authorization and then put it in the vault. If it is not on the website, there are copies for review.

Marcia- I have done some research about the aquifer plan there are total of three in Pownal. The largest one extends into Freeport. This provides public water to residents of Freeport thru Maine Water, formally Aqua Maine. Very extensive studies have been done by as this is a public water supply. We hear those individuals on Merrill Road have complaints with wells being dry. Those are most likely from drought conditions. Typically, when you take water from an aquifer you are reducing water levels from streams. I have been in touch with a geologist, and I am waiting for a return call for answers to other questions I have.

Matt- I appreciate the research as that is something that has come up for the board. People will speak out and it sounds as if the wells are running dry because of these new developments. It sounds like the concerns is resulting from drought.

Ben- Gives a brief description between bedrock vs sand and gravel wells.

Other Business:

Public Comment -My name is Paul Schumann, and I live on the Hodsdon Road. I want to speak about the comprehensive plan. It is the same conversation I had a few weeks ago with the Select Board. I heard tonight that you are planning a workshop to discuss the comprehensive plan which I applaud. I don't want to talk about content of the plan or advocate for or against it. I have a personal concern that the comprehensive plan that was ruled last month is an updated plan from 2006. My perception from living in the town is that we don't really pay that much attention to the comprehensive plan. I am not aware that we are living up to the inspiration of the current plan.

Matt- Our role in the comprehensive plan is to ensure the broad command from the state is that any applications are in line with the comprehensive plan. We consider applications of all kinds in our ordinance. If there is any ambiguity at any time, then we refer to the comprehensive plan. We have also been charged by the Selectboard with North Star assistance to update our ordinances that process is taking place now. The first phase is underway and it just clarification as there is a lot of spaces where we need to reorganize. The next phase is to make proposals for much larger changes.

The comprehensive plan will be our guiding document throughout those next several phases.

The beginning of which we scheduled tonight for our next workshop.

I have heard your very helpful comments to the selectboard and our public meeting. I could not be in greater agreement. I want to make sure you are aware that is what we have been charged to do. We will keep the public addressed of our scheduled meetings and process as we move forward.

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Paul- I appreciate your comments and I appreciate this board being proactive in aligning with comprehensive plan and maybe you have always been. I am one citizen giving my observation. I realize that I don't go to all the town meetings maybe I am missing something. I went home and read the town annual reports from 2006 -2021. My conclusion from reading the reports is I can't tell what they are working on. It may be entirely in line with the comprehensive plan and that would be great that we are reaching for that aspiration. We should let people know what we have in our annual report. What are the things done in alignment with the comprehensive plan? Three key reports since 2006 have identified a need for the replacement of the Elmwood Fire station. One in 2006 comprehensive plan, 2010 needs assessment committee, that I was a part of, and the latest one in 2021 comprehensive plan. There have been no public discussions about that since 2006. I advocate for a public discussion. Things need to change.

Matt- Thank you for sharing, however we don't have any say. We are a board of limited jurisdiction to hear applications for proposals that people bring to us. We have no control over the fire station. We are active participants in town. This board is probably not the board to bring this concern to.

Paul- I am pointing out my perception in town. I am here as one citizen we either mean it or don't. You are having a workshop you mean it. If we are hoping for the rural character that we want but can't explain than we must focus on something. The comprehensive plan is what we have.

Matt- Thank you for sharing. You are welcome to attend the workshops.

Next Month Agenda:

Chipman- New Business

Spruce Hollow Subdivision- Old Business

Adjourn: Matt motioned to adjourn Christine to second. All in favor. Meeting adjourned at 8:15PM

Respectively submitted,

Alison Purinton Planning Board Recording Secretary