

WISCASSET PLANNING BOARD  
MINUTES, JANUARY 14, 2013

Present: Tony Gatti, Steve House, Jackie Lowell, Peter McRae, Lester Morse, Karl Olson, Deb Pooler, Ray Soule

Absent: Al Cohen

1. Call to Order

Chairman Steve House called the meeting to order at 7:05 p.m.

2. Consideration of November 12, 2012 minutes

Karl Olson moved to accept the minutes as printed. Vote 7-0-1.

3. Veles Investments, LLC – Preliminary Subdivision application, Pooler Pit Road, Map R1, Lot 37-A

Town Planner Misty Parker said the board had reviewed the pre-application sketch plan submitted by James Schmidt, representing Veles Investments, LLC, on November 12 and at that meeting had discussed the plan, particularly the needed improvement of Pooler Pit Road in order to bring it up to standards so that emergency vehicles would have safe access to the subdivision. A preliminary application has now been submitted and after reviewing it, Parker prepared a memo for the board listing missing information required by the Wiscasset ordinance and by the State. She also forwarded to the board a memo from Bob Faunce, Lincoln County Planner, addressing the Pooler Pit Road situation. Both memos are attached and made a part of the minutes.

Mr. Schmidt said plans for improving Pooler Pit Road include straightening the road and bringing it up to town standards. The road will be on John Wagner's property. Schmidt submitted a Road Maintenance Agreement for Pooler Pit Road between Veles Investments and John and Mary Wagner. The agreement states that John Wagner will grant an easement to Veles Investments over and across the Wagner property in exchange for which Veles will pay all costs of construction, improvement, maintenance and repair of Pooler Pit Road for the first 12 months and thereafter they will share in the cost of maintenance and repair of the newly constructed road.

Karl Olson said Schmidt would have to contact owners on Lowelltown Road inasmuch as the easement is only 33 feet wide between the lots and they would have to be included in agreement. He said a profile of the entire road would be necessary.

Karl Olson confirmed that the fee had been paid and said the application lacked ten full-sized sets of plans, a hydrogeologic assessment by a certified geologist or registered professional engineer experienced in hydrogeology, a Secretary of State certificate of incorporation, evidence of right, title or interest or deed, and an expert's statement that there are no wetlands on the property. In addition, the location of lots 1, 6 and possibly 8 on the HHE 200 form are not the same as those on the map submitted by Steve McConnell, and there is no scale on the HHE 200 forms. Culverts are not addressed and a road profile is missing. Olson said the survey is a compilation of maps, not an actual boundary survey, which is required. He said that the contiguous land if not in separate ownership would be part of the subdivision including the land in Woolwich; a joint meeting with Woolwich would be necessary.

Karl Olson moved to find the preliminary application incomplete based on his comments and on the attached memos from the Town Planner and Bob Faunce.

Responding to Olson's requests, Schmidt said that it would be difficult to determine the wetlands because the land is not in its natural state; there has been excavation for gravel. He said he would include the purchase and sale agreement showing right, title and interest and a description of the property, as well as the Secretary of State certification. He will in addition provide a scale on the HHE 200 forms and a corrected map corresponding with the McConnell map. Schmidt said that would separate the Woolwich land from the Wiscasset land and separate the 30 acres adjoining the subdivision from the subdivision land to avoid including all the land in the subdivision.

Parker read her four-page memo listing the required items, which had not been received, and recommended that the board discuss these issues with the applicant and request the missing information.

Schmidt said that it wasn't practical to re-engineer two miles of road when it had been used by people for years without problems; it would cost five times the value of the land to construct the road to the subdivision property.

There were comments from board members about the number of items requested making it difficult for developers of subdivisions; however, Misty Parker said that the majority of items in her memo were not new. Karl Olson said it was necessary to document everything as to what the board did in the event there is a problem in the future. The board had the responsibility to guarantee safe and adequate access to the subdivision. In response to Mr. Schmidt's comment that the road must have been considered safe to the last house on the road, Olson said that the town had no jurisdiction over individual houses. Parker explained that there are no private road standards, only subdivision road standards; most of the private roads were originally driveways that were named only after two houses were built on the road.

In response to Mr. Schmidt's question, Karl Olson said with respect to the road, a maintenance agreement and right, title and interest to the road would be necessary. The road from Lowelltown Road to the end of the subdivision should be 20 feet wide with 3-foot shoulders. Nothing would have to be done to the road if only one house were built on the proposed subdivision land.

Parker said the board needs to determine the safety and mobility of Pooler Pit Road for the additional housing units in the subdivision and will require a maintenance agreement to take care of the road for the long term.

Steve House added that the board cannot approve a ten-lot subdivision without guaranteeing the homeowners that their houses can be reached by emergency vehicles. In addition an insurance company would not write a policy on a house that could not be reached by emergency vehicles.

The motion carried with an 8 to 0 vote.

The list of required items in Parker's memo will be given to Mr. Schmidt. Schmidt said that he had gravel and equipment to construct the road, but to provide a cost estimate for the road and post a cash bond in that amount was not feasible. It was suggested that he get an estimate of the cost to bring the

road up to standard. Instead of a cash bond, the board could require that the road be built to the required standard before a building permit is issued.

#### 4. Other Business

Parker asked Tony Gatti, Ray Soule and Lester Morse to send their bill for the MMA training to the town if it is mistakenly sent to them.

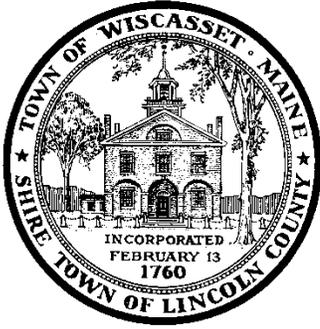
In response to Ray Soule's question, Steve House said that the subcommittee of the selectmen had not discussed term limits of the planning board.

In response to Lester Morse's question about development on Route 1, Parker said that under the new ordinance, structures less than 2,500 feet are improved in house, eliminating the need for applicants to come to the planning board for developments whose approval would be waived under the size limit. Parker said she would inform the board about developments that do not have to come to the board such as the property purchased by Norm Sherman for a garage and office. In the event no meeting is scheduled, a memo will be sent to the board.

Parker said the Grover property line issue was resolved to the satisfaction of the Code Enforcement Officer.

#### 5. Adjournment

Deb Pooler moved to adjourn the meeting at 8:35 p.m.



# Office of Planning & Codes

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Wiscasset Planning Board  
Dorothy Parker, Town Planner  
January 10, 2013

SUBJECT: January 14, 2013 Meeting

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APPLICANT: Veles Investments, LLC  
PROPOSAL: 10 Lot Subdivision  
REQUEST: Pre-Application Conference  
LOCATION: Pooler Pit Rd, Map R1 Lot 37-A

Veles Investments, LLC has submitted their preliminary application for a proposed subdivision off Pooler Pit Road. At the November 12, 2012 Planning Board meeting, the Board reviewed their pre-application sketch plan and discussed the proposed plan. At the pre-application meeting the Planning Board advised the impact on the road leading to the subdivision road must be determined according to state law. Veles was advised that Pooler Pit Road must be brought up to standards so it is safe for emergency vehicles to access the subdivision. The Board acknowledged that a road maintenance agreement for the subdivision and Pooler Pit Road will be needed. Additionally, the Board agreed to postpone scheduling a site walk until the lots are staked on the site. A site walk will need to be scheduled. The preliminary plan submitted for review was modified from the sketch plan to include one additional lot. The developer is now proposing ten house lots.

At the January 14<sup>th</sup> meeting, the Planning Board will review the preliminary subdivision application for completeness. In reviewing the application requirements and subdivision standards in Article VII I have addressed a number of concerns listed below. It is my recommendation that the Board discuss these issues with the applicant and request any missing information needed to make an adequate assessment of the subdivision application and that it meets the requirements of 30-A M.R.S.A §4401-4407 and the Town of Wiscasset Ordinances. In addition to my comments below, I have asked Lincoln County Planner, Bob Faunce, for input on the Board's concern's addressing the road. I have provided his comments as an attachment to this memo.

*Requirements absent or incomplete in the application:*

Article VII, Section 3.B.2.a.2: Adjacent properties are not shown on the location map.

Article VII, Section 3.B.2.b.3: Name, Registration number and seal for the land surveyor or other professional that prepared the plan, will need to be on the final plan.

Article VII, Section 3.B.2.b.6: Dimensions are missing for the proposed lot lines.

Article VII, Section 3.B.2.b.7: Sufficient data to determine readily the location, bearing and length of street line, lot line and boundary line need to be represented on the subdivision plan.

Article VII, Section 3.B.2.b.8: Wetlands on the property are required to be delineated on the plan.

Article VII, Section 3.B.2.b.14: Erosion control procedures to be applied to each lot are absent from the plan.

Article VII, Section 3.B.2.b.15: Preliminary designs of any utilities, bridges or culverts that will be part of the development are not shown.

Article VII, Section 3.B.2.b.16: Location of boundary markers for the Board to locate readily and appraise the basic layout of the field are missing.

Article VII, Section 3.B.2.b.19: Certification of appropriate professionals that all survey and supporting information accurately reflects the true conditions existing on the proposed subdivision shall be noted on the plan.

Article VII, Section 3.B.2.b. 21: No significant resources are represented on the plan.

Article VII, Section 3.B.2.b.28: Demonstration of adequate financial and technical capacity as well as cost estimate for the construction of required improvements was not included in the preliminary application.

Article VII, Section 3.B.3.b.1: A representation of a cross-section of the proposed roadway in the subdivision is displayed on the plan. Information on the road profile, elevations and grades, components of stormwater management were not included as well as information regarding the professional designing the road.

Article VII, Section 3.B.3.b.2: Hydrological Assessment in accordance with Article VII, Section 5.A(14) was not submitted with the application.

Article VII, Section 3.B.3.b.4: A storm water management plan was not submitted with the application. This is necessary for review of the proposed alterations to the land and long term impacts of the development.

Article VII, Section 3.B.3.b.5: The application did not include an erosion and sediment control plan. This is another critical element need for review of the proposed development, especially given the close proximity of the development to the ponds.

Article VII, Section 3.B.3.b.6: The application did not include a landscaping plan.

Article VII, Section 3.B.3.b.7: The application did acknowledge the use of a dry hydrant for fire suppression in the development; however, the application did not include a plan for such fire suppression system, design by a professional, or location of such system.

Article VII, Section 3.B.3.b.8: An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects the proposed road were not provided in the application.

Article VII, Section 3.B.3.b.9: A groundwater impact assessment in accordance with Article VII, Section 5.A.(16) was not included in the application.

Article VII, Section 3.B.3.b.10: A road maintenance plan addressing summer and winter maintenance of the proposed road was absent from the application. The plan shall also include provisions for establishing, approving, and annually funding a road maintenance budget by lot owners sufficient to keep all roads in good repair. At the 11/12/12 pre-application meeting, the Planning Board did request that a maintenance agreement be submitted for the subdivision and Pooler Pit Road. A homeowners association is required to oversee maintenance of private roads. Association documents are required to be submitted as part of the application to the Planning Board.

Article VII, Section 5. A.3: Relationship to Community Services: The Planning Board shall consider whether the subdivision will have an unreasonable effect on existing community services and facilities including, but not limited to schools, including busing, road maintenance and snow removal, police and fire protection, solid waste disposal, recreation facilities,

stormwater disposal, and water and sewer utilities. The Planning Board should ask for comments from appropriate department heads regarding the proposed subdivision in relation to this provision.

Article VII, Section 5. A.4: Retention of Proposed Public Sites and Open Spaces. The applicant is not proposing retaining any specific areas for public use. There are a number of trails on the property that the Planning Board may wish to discuss with the applicant, including the current use of such trails and intended future use.

Article VII, Section 5. A.5: Preservation of Natural and Historic Features. The application does not depict a landscaping plan or preservation of natural and historic features on the property.

Article VII, Section 5. A.6: Traffic Sight Distance. Sight distances and proposed driveways are not noted on the preliminary plan.

Article VII, Section 5. A.8: Easements for Natural Drainage Ways. No easements for natural drainage ways is addressed on the preliminary plan.

Article VII, Section 5. A.10: Lots. Lots appear to meet the minimum lot size specified in Article II of the Town of Wiscasset Ordinances which requires 1 acre per lot. However, without dimensions provided for individual lots or wetlands shown on the preliminary plan it is difficult to conclude if all the provisions of this section are met.

Article VII, Section 5. A.11: Utilities. No plans for utility installation were represented on the preliminary plan.

Article VII, Section 5. A.13: Required Improvements: Monuments, street signs, streets, landscaping, water supply, sewage disposal and storm drainage are all required under this section except where the Board may waive or vary such improvements in accordance with the ordinance. Most of the improvements are addressed in other areas already; however, the monuments are not shown on the preliminary plan. M.R.S.A. 30-A §4406, Section 2, requires permanent markers be set in a subdivision. Additionally, Article VII, Section 5. B.1 requires permanent monuments set.

Article VII, Section 5. A.14: Impact on Ground Water Quality. No hydrogeologic assessment was submitted with the application. Such assessment includes information on soil types, depth of water table, drainage conditions throughout the subdivision, data on existing groundwater quality, an analysis and evaluation of the effect of the subdivision on groundwater resources, and map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision.

Article VII, Section 5. A.16: Impact on Groundwater Quantity. The application did not include a statement of the quantity of groundwater to be extracted, a written report of a hydrogeologic investigation providing information on aquifer characteristics or map, and information on performance standards under this section.

Article VII, Section 5. A.17: Adequate financial and technical capacity. The application did not include information documenting the applicant has financial resources to construct the proposed improvements and meets the criteria of the state subdivision statute (M.R.S.A 30-A §4404) and the standards of this section. A letter from a financial institution indicating interest in or a commitment to finance the subdivision based on a cost estimate provided by the applicant will meet this objective. No information on the technical ability of the applicant or contractors. The Board shall consider the applicant's previous experience, the state licensure or certification of the applicant's consultants and contractors, and the existence of violation of previous approvals granted to the applicant.

Article VII, Section 5. B.1: Monuments. The preliminary plan does not indicate placement of permanent markers.

Article VII, Section 5. B.3: Streets. No information in addition to the cross section of the new road on the preliminary plan has been provided in the application. The Planning Board must consider safety, stability and basic drainage function of the existing private road as well as the proposed new road. The Planning Board will need to review design, construction and maintenance of the road way serving the proposed 10 house lots. All streets in the subdivision shall be so designed that, in the opinion of the Planning Board, they shall provide safe vehicular travel. Additionally, where the existing Pooler Pit Road may cross multiple lots, the Planning Board may seek to clarify rights of the proposed subdivision lots to cross any parcels the road passes over.

Article VII, Section 5. B.4: Driveway Construction. No information was provided in the application regarding driveway location or design. New driveways shall be constructed and maintained to prevent water or runoff from reaching the traveled portion of the street. This standard is not subject to a waiver from the Planning Board or variance from the Board of Appeals.

Article VII, Section 5. B.5: Pedestrian Facilities. No plans for pedestrian facilities have been submitted in the application nor has a request for a waiver.

Article VII, Section 5. B.6: Water Supply. Public water is not available near the proposed subdivision and therefore will be served by private wells. No plans for water storage to meet fire protection needs have been presented. The application did site intention to utilize a dry hydrant for fire protection. A letter to the Planning Board from the Fire Department approving or disapproving the provisions for fire-fighting water supply will be needed.

Article VII, Section 5. B.8: Surface Drainage. No information on surface drainage was included in the application.

Article VII, Section 5. B.10: Performance Guarantee. The Planning Board may request a performance guarantee in an amount adequate to cover the total construction costs of all required improvements. Article VII, Section 4 outlines the Town's authority requiring such a guarantee. The Planning Board should request a cost estimate from the developer outlining the full cost of required improvements and under Article VII, Section 3. B.1.c, the Board should consider making a written finding of fact that professional review of the cost estimate is required and choose a consultant to review the cost estimate. The applicant shall deposit in escrow an additional fee in an amount determined by the Board to cover the cost of such review.

Article VII, Section 8: In order to comply with Wiscasset Subdivision Review, the applicant shall submit adequate information to the Planning Board that the proposed subdivision meets State Subdivision Review Criteria (Title 30-A, Section 4044). The 23 review criteria items have not been addressed in the application.

From: **Robert Faunce** <[rfaunce@lcrpc.org](mailto:rfaunce@lcrpc.org)>  
Date: Wed, Jan 9, 2013 at 12:12 PM  
Subject: Pooler Pit Road and Subdivision Access  
To: Misty Parker <[townplanner@wiscasset.org](mailto:townplanner@wiscasset.org)>

Misty –

I visited the Pooler Pit Road on Tuesday. I assume that the private road exists between Lowelltown Road and the last residence and that the narrow track to the west is a private access to the gravel pit. The private road is narrow with at least one turnout. Since it was frozen and snow covered I could not determine the condition of the road base or surface or whether there was any road ditching. The private access, which is to be converted to a private road for access to the subdivision, is little more than one dump truck wide with no clearing beyond the travelway. It hugs the existing topography, resulting in slopes and curves that will need to be addressed by the applicant's engineer. It does not appear that it has been excavated out and I could see no ditching. It will require full construction.

I would be concerned about the ability of Pooler Pit Road to handle emergency vehicle traffic, especially during inclement weather when the surface may be soggy or the road base saturated. At a minimum, the road should be upgraded in cross-section and in width to meet the minimum requirements of the town's emergency services. With the recent availability of LiDAR topographic data for all of Wiscasset, the applicant's engineer should be able to cost-effectively develop plans acceptable to the Planning Board and the town's emergency services to ensure year-round access for fire trucks and ambulances. In addition, there needs to be an agreement among all existing road users and the applicant (and future lot owners) for summer and winter maintenance of the road (and allocating costs for such maintenance). These comments, of course, extend to the new access road and whatever internal subdivision roads are proposed. Plans for design, construction and maintenance must be acceptable to the Board and to the emergency services.

In reviewing subdivisions in general, the Board is required by Section 1.A "...to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community." The Board must not only consider the desires of the applicant but also the needs of any future residents of the proposed lots, especially their ability to access their homes in all seasons and all types of weather and to call upon emergency services when they are needed. In addition, the Board has several access-related provisions of the subdivision ordinance to consider. In the absence of town road standards, these provisions will drive the design of proposed roads and any improvements to the existing private road.

- Section 5.A.3 states that "The Planning Board shall consider whether the subdivision will have an unreasonable effect on existing community services and facilities including, but not limited to schools, including busing, road maintenance and snow removal, police and fire protection (emphasis added), solid waste disposal, recreation facilities, stormwater disposal and water and sewer utilities."

- Section 5.B.3.b states that “All streets in the subdivision shall be so designed that, in the opinion of the Planning Board, they shall provide safe vehicular travel (emphasis added) while discouraging, when desired, movement of through traffic.”

- Section 5.B.3.c states that “The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, (emphasis added) and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these Standards.”

If you have any questions about any aspect of these comments, please give me a call.

Bob Faunce, Lincoln County Planner