Town of Carrabassett Valley
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Carrabassett Valley Planning Board

Thursday, October 10, 2019 at 5:00 P.M.

Meeting at the **TOWN OFFICE**

Agenda

1. Review the Minutes of the September 26, 2019 Planning Board Meeting.
2. Don Fowler to provide proposed amendment to Four Seasons Estates Subdivision to correct property line/structure setback violation at 1023 Carrabassett Drive - Tax Map 1D, Lots 7 & 8
3. Chad Strater as applicant to present plans to renovate the existing 1960's camp located at 3005 Carrabassett Drive - Tax Map 8, Lot 19A.
4. Execute recording Mylar for Final Subdivision Amendment at Androscoggin Drive as approved on 9/26/2019.
5. Other discussion as the Board wishes-
    a. Ongoing Signage Discussion
    b. Requirement for Site Walk (unless waived by the Board)
6. Adjourn

TOWN OF CARRABASSETT VALLEY
MINUTES OF THE PLANNING BOARD MEETING
September 26, 2019

Members Present:	Brian Demshar	Tim Flight
	Roddie Ehrlenbach	Deirdre Frey
	Alan Sleight	Jim McCormack
	Dave Corrow	
Others Present:	Chris Parks	Jeremy Benn
	Karen Campbell	Dennis Stevens
	Annie Twitchell	Travis Roderick
	John McCormack	Scott Ducharme

Brian Demshar opened the meeting at 5:00 p.m. and welcomed those present.

The first order of business was to review the minutes of the August 29, 2019 Planning Board Meeting. Jim McCormack made a motion to approve the minutes as written, with the adjustment noted in the spelling of Deirdre's name need the first 'r'. Dave Corrow seconded the motion. Motion approved.

Dennis Stevens Forester for the Penobscot Indian Nation (PIN) was in attendance to seek approval for a forest harvesting permits on Map 1C, Lot 14. The first was for reapproval of the current permit near Crommett's Overlook, and the second for a new permit on land west of Route 27 near Valley Crossing. Dennis explained that last year's permit work is about half completed, this winter's cut is scheduled such to work on frozen soils to protect the ground and they plan to finish by March of 2020 and clear out of the Huston Brook Area for the near future; the Crommett Connector is currently closed, but Dennis hopes cutting in that area will be complete in the near future and it can be reopened for the fall and winter. The second area is 450 acres southwest of Route 27 from the south end of Spring Farm up toward behind Ayottes, and they plan to take out mature wood as a cultivation harvest. This will be a summer and winter job, and they plan to use the landing just below the condos. He will not impact the existing snowmobile trail along Route 27 in keeping a buffer off the highway. They will work with the Snowmobile Club with other areas – they'll put up signage and barricades as necessary. He also said the ATV Club can use the roads. They will need to install two bridges, which will be advantageous to the Snowmobile Club. The slash from the cuttings are being chipped, and some of the limb are being left on the ground to rot. Any bike trail interruptions created by either cutting region is expected to be short-term. Dave Corrow made a motion to approve the application as presented. Jim McCormack seconded the motion. Motion approved and the Permit was sign by Brian and PB Chair.

Karen Campbell was in attendance to discuss activities with the Dog Park Development Committee. Karen has been working with a committee and would like to see what

concerns the Planning Board might have with regard to a potential park. She has spoken with Cole Harrison with regard to insurance liability, as well as a rep of the DOT, if the park were to go close to Route 27 and in need of the driveway entrance. Karen has also received information concerning a dog park that's being closed in Hallowell due to conflicting reports of how the city and the neighbors have managed the park. With regard to the location, they'll need parking, shade, benches, as well as a consideration for surrounding neighbors. Karen initially looked at the section of land on the other side of the river along the Carriage Road, next to Route 27. This is on the Scenic Corridor, so a setback needs to be maintained, and it's a concerning intersection. The curb cut on Route 27 may also need to be closer to the north end of that property. Areas on the end of the runway were also considered, but noise tends to echo in that area, so it may not be ideal. Fencing would need to be at least 8' high if the park was a 4-season use, which has not be settled upon, which may not be adequate in a heavy snow year. For that reason, Karen is leaning toward a three-season concept. She also recognizes that it will need to go to a town vote. Cleaning may need to be hired out. Roddie Ehrlenbach asked how this came about; Karen said that a few constituents requested that the Town look at this. Scott Ducharme said that Kennebunk has a nice park, which has multiple fence areas for large dogs/small dogs, and this is located next to the old town dump, which is a good area for them. Brian Demshar expressed concern about the number of dogs that roam unaccounted on the mountain, and the enforcement piece may be challenging even with the focus of a park area; he would prefer to see a remote location, if anything. Karen said she has the same problem in her back yard after the snow melts, and she needed to request dog bags be supplied. Deirdre asked if there was an area near the transfer station; there may be a potential area, but the Transfer Station is closed on Tuesdays and Wednesdays. Roddie Ehrlenbach expressed that he's surprised since there are so many places to take dogs in town. Deirdre said that some dogs can't handle being allowed to run free, and it fosters a social setting for the community and is worth considering.

The next item was continued discussion concerning the preliminary application for the Lumberjack Property (Map 10, Lot 93). Scott Ducharme said that his surveyor came back to the property this week to delineate wetlands, show stormwater management and driveways. Scott acknowledged that there are some errors on the newest version of the map, particularly concerning the labeling of the phases. The leachfield location was changed due to wetlands. The boundary for clearing is also shown. Scott did not like the location of the proposed shared driveway with Mountain Valley Property, so they have shown the new location on this newest map. Scott will need a variance from DHHS for the wastewater disposal field, due to the required distance from the well (300' for public drinking supply). He will also need to get an Army Corps permit for clearing/filling the wetlands area for the private home (Phase IV). Chris Parks is checking to see when the Zoning Board of Appeals (ZBA) can meet but this is territory that in unfamiliar and he is working to ensure all requirements are met, and he will advise as soon as he knows. Scott feels this is a doable plan for Phase II and Phase III. The shared driveway will be part of Phase II, also. If the ZBA does not approve his request for Variance from the Ordinance Performance Standard requiring Offsite Sewerage for Mixed Use Developments, he will go back to the plan for just condos. He would rather have commercial units in this area, however. The footprint of the large building will not get

any larger, but it might get moved or built as a smaller building. Scott would like to seek permission for clearing of the land. Deirdre confirmed that the clearing would still be the same in Phase II regardless of whether the mixed use is approved. Chris Parks noted that, in the ordinance, timber harvesting for commercial needs to be 25' from boundary lines, but doesn't stipulate a certain clearing setback from development projects. Structures need to be setback 50', but the waste disposal does not count as a structure. The surveyors show clearing close to the southern boundary of the property. Chris Parks would like to see the septic design for further consideration of how much vegetation would need to be cleared for the side slope of the septic field toward the Shippers. Scott said he could have the Army Corps provide for a septic in wetlands, if he needed to. Chris Parks said that, prior to notifying abutters, the Planning Board would need to determine that the application is complete. Roddie Ehrlenbach said that where there's a structure that hinges on approval of the Zoning Board of Appeals, the Planning Board needs to understand if the big building is going to be residential or commercial, since that dictates whether there needs to be off-site sewerage. If Scott is not going to have commercial, there's no need for the septic field, which changes the nature of the clearing. Deirdre expressed concern that the abutters haven't had a chance to weigh in on the proposal for the cutting. Chris Parks said the Planning Board could issue a timber harvesting permit, if deemed appropriate. Roddie Ehrlenbach asked if the variance from the Zoning Board of Appeals would allow cutting to the boundary line, Chris responded that the ZBA would only be addressing the offsite sewerage criteria. Chris Parks said he also does not know if DHHS has been contacted to date regarding expansion of use for the currently State-varianced Public Water Supply well and potential for additional septic disposal fields within the protection range; Scott said he would put another well toward the northerly line, if he is required to do so. Chris Parks said that a timber harvesting permit would need to be approved based on the Planning Board's comfort level. Jim McCormack suggested that Scott go to the Zoning Board of Appeals first to find out what he will/will not be able to do with this property, and then the Planning Board would have a better idea of what's going to be asked of them. Scott still wants to seek approval for clearing. Chris Parks said he recommends that the abutter be contacted for the PB to understand where a clearing permit might deemed approrpiate, and if approved for clearing, it would be up to 25' from the boundary at this time. Chris also noted that if planned to occur, any stumping would require erosion control measures for any disturbed soils. Additionally, for a septic system, the soils should not be disturbed until such time that the septic system is going to be installed. Scott suggested clearing for all except the wetlands areas where the proposed septic field might be installed in the future, as well as approval from the abutter and approval from DHHS. Brian Demshar recommended that the criteria for a complete application be reviewed again, since he is not comfortable that the Planning Board knows what will ultimately happen on this property. Jim McCormack noted that there are two plans, and the rules apply differently depending on which plan is being proposed. All members, considering three potential uses for the land, express that the amount of necessary land clearing would change. Chris Parks suggested that abutters should state in writing their consent for clearing to the boundary with the Schippers and Mountain Valley Property. Chris Parks said Scott can apply for a commercial timber harvesting permit, which if approved by the Planning Board, would allow cutting allowable under that ordinance. Chris has notified Maine Municipal

Association, and he is looking into transacting a variance request. As soon as he can gather the Zoning Board of Appeals, he will do so. Scott requested that meeting prior to the next Planning Board meeting. Chris Parks noted that DHHS may also make a determination with respect to the placement of the septic system in relation to the public drinking water. He suggested that Scott consult further with his engineer on the well as that will also play into what may be allowable onsite beyond the Town's Zoning Standards. The parking and stormwater management plan will need to be provided for further Planning Board consideration, as well as other potential items, to be determined pending the outcoming of the Zoning Board of Appeals review. Scott asked if Main Land followed Carrabassett Valley's codes in order to draft the plan that was presented to the Planning Board. Chris noted that parking is not shown on the new plan, as it would fall into wetland, as it was originally planned. Deirdre suggested that Scott review the zoning standard for the checklist of items he will need to provide if he is able to get an approval from the Zoning Board of Appeals, and he can refer to the August Planning Board Meeting Minutes for the detail of items that the Planning Board wanted to see for a complete application, so that the Board could determine the application complete and move forward with the process.. Scott will contact abutters for proper notification.

The Board recessed briefly for pizza, given the anticipated length of tonight's meeting. The Board then re-convened for the next application. Jeremy Benn, representing Andro Development Group, LLC, was present to present revised plans for the Final Subdivision Plan for remaining land originally planned for West Mountain Village in Map 17 and Map 148. He is proposing 3 single family dwellings and 4 duplex buildings for a total of 11 dwellings. Jeremy explained that this was actually approved back in 2005. In 2013, the prior owner of the property was approved for five single family homes. Jeremy is back to request the condo plan. The DEP permit has been transferred. The application for the DEP amendment is pending, as they require some additional information. The other concern was the location of the propane tanks, which was originally proposed as two tank farms, but Dead River is okay with one tank farm at the very end of the road. Courtney Knapp's comments were provided in writing for Planning Board reference, and his biggest concern was to have the tanks at the far end of a road to support safe evacuation if there were a tank farm emergency. Chris Parks noted that there was some DEP labeling that was supposed to have been done for stormwater run-off. Androscoggin Drive was roughed in for single family homes and duplexs, and sewer and water are available. Jeremy is currently building on Allagash Drive, working with Kurt Rolbecki as builder and expects to continue forward. In 2013, Dave Muphy, who was an original partner for West Mountain Village, bought out the interests of his partners and pulled this property out of the condo association to convert the property to single family lots. Dave got approval but never recorded the amended plan. So, at this time, the amended subdivision plan for 4 lots appears to be null and void, with the exception that this is the information that the DEP is currently working with. In reviewing Section 6 of the subdivision ordinance, final approval and filing, there's language indicating no substantial changes. Chris recommended reviewing the application criteria to determine that it meets the standard. Chris asked the Planning Board if the per lot fee should be accepted from Jeremy, but other than that, he feels there is likely a complete application. Chris Parks did provide a letter from Ed Gervais,

president of the Riverside Homeowners' Association, requesting that the approval be tabled at this time. Ed had question as to whether this property is part of Riverside Association. Jeremy explained that this property was released from West Mountain Village Association in a revised condo declaration, so it is no longer part of that association, but there is mixed understanding whether the lots were to become part of the Riverside Association. The Riverside Association's board of directors had objections to the design that was proposed for these condominiums, and they wanted time to determine whether or not the parcel is actually part of the Riverside Association. Jeremy reviewed this with his attorney, and the deed chain of custody does not show any restrictions that would indicate Riverside's authority for design review. Chris Parks noted that the subdivision ordinance does not require the Planning Board to review for design review, unless it's in the Scenic Corridor. Chris said that he understands Jeremy is looking at a re-design of what was originally planned, since it was a contemporary design. This property will be its own separate association, and they will be required to go through Sugarloaf Design Review for approval on the design. Jeremy acknowledged that the property deed requires this property to share in costs for the road association. Chris Parks referenced Plan 4398, which includes handwritten notations. These notations reference conversion of garages to living space, performance guarantees, propane tank locations and third-party inspection of all DEP requirements, and also that the land will participate in the annual maintenance costs with the Riverside Road system. Chris noted that these notes still stand. Chris asked that the new Mylar plan drafted by Plymouth Engineering include reference to the chain of plans previously recorded, as well as DEP requirement references. Chris asked the Planning Board to determine whether they have a complete amended application, as well as to determine whether a public hearing should be held. Chris Parks stated that he believes the application to be complete. Jim McCormack made a motion to accept the application as complete, Roddy Ehrlenbach seconded the motion. Deirdre asked if it matters to the Planning Board whether they need to enforce the Riverside Association's by-laws and discussion circled around that this was not an enforcement matter for the Board. Jeremy acknowledged that he still needs to go through Sugarloaf Design Review. Chris Parks asked if Plymouth Engineering's plan is a condominium lot, which is one lot versus several lots, to ensure that appropriate space and bulk is met for the amended development. Jeremy said it is one lot with all common element land. Motion approved. At this time, the Planning Board conducted a Finding of Fact:

The proposed subdivision:

- Will not result in undue water or air pollution
- Has sufficient water available
- Will not cause unreasonable burden on an existing municipal water supply
- Will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water to a dangerous or unhealthy condition results
- Will not cause unreasonable congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed
- Will provide for adequate sewage waste disposal without undue burden on municipal facilities
- Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste

- Will not have an undue adverse effect on scenic or natural beauty, aesthetics, historic sites, significant wildlife habitat, rare and irreplaceable natural areas or public access to the shoreline
- Conforms with requirements of the Carrabassett Valley Subdivision Ordinance
- Subdivider display adequate financial and technical capacity
- Whenever situated within the watershed of any pond or lake or within 250 feet of a wetland, great pond or river, will not adversely affect water quality or shoreline.
- Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater
- If in a flood-prone area, will ensure that the lowest floor, including basements, of principal structures be constructed at least one foot above the 100-year flood elevation
- Will identify all freshwater wetlands, regardless of size, within the proposed subdivision on any submitted maps and plans
- Will identify any river, stream or brook within or abutting the proposed subdivision on any maps submitted
- Will provide for adequate storm water management.
- If any shore frontage exists on a river, stream, brook, great pond, lots will have a depth to shore frontage ratio of not more than 5 to 2
- Will not greatly increase a great pond's phosphorus concentration during construction or during the life of the proposed subdivision
- Will not cause unreasonable traffic congestion or unsafe conditions in this or any adjoining municipalities

Upon reviewing all of the above criteria, the Planning Board agreed that all items were met with the exception of the final DEP approval. Roddie Ehrlenbach made a motion to approve the application, contingent upon final DEP permit approval. Jim McCormack seconded the motion. Chris Parks noted that the final Mylar will be brought in to include the location of the propane tanks and dumpster, in addition to the 4 plans recorded at the Franklin Registry. Motion approved.

The next item on the agenda was the proposed driveway relocation on Map 5, Lot 6, which is in the shoreland zone. Chris Parks noted that he had noticed a number of trees down, and he spoke with the contractor who was cutting the trees. Chris noted that these driveways have always been challenging due to their location in the S curves. The owner, Nancy Soule, would like to move the driveway further uphill to make a safer situation. DOT issued a conditional permit. In the shoreland ordinance, this requires approval of the Planning Board. The existing driveway is to be removed permanently, and the ordinance requires that there only be one driveway, and this is required in the DOT permit as a condition. Chris Parks noted that the fact that the work was done without approval was unfortunate. Roddie Ehrlenbach notes that there's a good vegetated area in the buffer between the driveway and river, but he agrees that the existing driveway should be revegetated. Chris Parks noted that he explained the expectations to the contractor for future reference, particularly concerning activities in shoreland zone. For the sake of approving the "after the fact" permit application, the Planning Board conducted a findings of fact. Chris Parks made notations for each criteria. The Planning Board agreed with the criteria noted that each would be agreed to

"per the DOT permit conditions" and using best management practices for any applicable items:

- Will maintain safe and healthful conditions
- Will not result in water pollution, erosion, or sedimentation to surface waters
- Will adequately provide for the disposal of all wastewater
- Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat
- Will conserve shore cover and visual, as well as actual, points of access to inland waters
- Will provide for adequate sewage waste disposal without undue burden on municipal facilities
- Will protect archaeological and historic resources as designated in the comprehensive plan
- Will avoid problems associated with floodplain development and use
- Is in conformance with the provisions of Section 15, Land Use Standards in the Shoreland Zoning Ordinance

Upon completion of the findings of fact, noting that this is an existing grandfathered structure in a non-conforming area, Roddie Ehrlenbach made a motion to approve the application. Jim McCormack seconded the motion. Motion approved. It was noted that, since this is an after-the-fact permit, all corrective work should be completed no later than October 31st.

Chris Parks noted that there's some changes coming with regard to driveway plowing, since Randy Clukey has retired. There was a question as to whether a driveway marking program should be implemented. Chris provided photos of the proposed markers. He does not want to see anything reflective. Alan Sleight noted that driveways have been plowed for many years without any kind of "signage". Jim McCormack made a motion to not allow snowplowing markers. Alan Sleight seconded the motion. Knowing that some owners may want to mark their own driveway, the motion was questioned as originally made. Motion approved.

Chris Parks met with Chad Strater (Map 8, Lot 19A) with regard to a camp with an addition that needs to be torn off, which is the bathroom. There's a shoreland zoning application that Chris presented to the Planning Board. This would be an expansion and modernization of the existing dwelling, which may or may not involve removing the entire camp and building something new. With regard to a nonconforming existing structure, there's a provision to an expansion in volume, but this structure is beyond 75' from the river and should be outside the expansion limit. It was decided to request that the owner come to a future meeting with a plan.

Next meeting: October 10th (tentative)

Meeting adjourned.

Respectfully submitted,
Lynn M. Schnorr