

**Town of Otisfield  
Planning Board Minutes  
Town Office Annex  
June 22, 2021  
7:00 PM**

1. The meeting was called to order at 7:05 PM by Chair – Karen Turino.
2. **Attendance:** Members present were Chair – Karen Turino, Vice Chair – Rick Jackson, Stan Brett & Otis Brown. (Absent: Pauline Flagg - Alternate & Recording Secretary & Herb Olsen:).

Secretary: Tanya Snow

Code Enforcement Officer: Fred Collins

3. **Announcement of Quorum:** Board has a quorum.
4. **Approve Secretary's Report:**
  - A. Regular Meeting Minutes from June 1, 2021. \*Motion to accept minutes. SB/OB – Unanimous.
5. **Discussion & Comments from public:**
  - A. None.
6. **Residence - Based Business Applications:**
  - A. None.
7. **Shoreland Zoning Applications:**
  - A. None.
8. **Miscellaneous Applications:**
  - A. Leesa Cox, Map R6, Lot 031A: 75 Bow Street: Applicant would like to split a 9.76 Acre lot. One lot will be 2.56 acres with 206.63' feet of road frontage. The rear lot will be 7.20 acres with 41.04 feet of road frontage causing it to be a "Non-Conforming Right of Way" on a recorded plan. Applicant paid the \$250 fee. PB has reviewed the 1986 Recorded Deed which states that "no less than 25 years from the date of approval can property be subdivided". Enough time has passed where it can now be subdivided. Property is currently a single-family residence. The PB requested this go before Town Attorney at last meeting for clarification on whether or not the PB had the right to grant a waiver. CEO and KT discussed with Phil Saucier, of Bernstein & Shur and found that this does allow for PB to grant a waiver. Site Plan review states applicant has the right to divide the lot into 2 lots. In the SPR there is a provision for the PB to waive any submissions or standards of review, based on hardship for certain conditions.

*Definition of a NON-CONFORMING RIGHT OF WAY – A right-of way, other than those on which a public way maintained by the Town of Otisfield or the State of Maine is located or a private way shown on a recorded plan and approved by the Planning Board that is less than sixty (60) feet in width.*

The Planning Board started to go through the review process of the Site Plan Review Ordinance

## SITE PLAN REVIEW ORDINANCE (PAGE 3)

The Site Plan of Development Application shall include as a minimum:

1. A map or maps prepared at a scale of not less than one (1) inch to 50 (fifty) feet and shall include:
  - a. name and address of the applicant or his authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest;

**Discussion:** All agree this has been met and is included in her application.

- b. soil types and location of soil boundaries certified by a soil scientist, geologist, engineer or Soil Conservation Service medium intensity soil surveys;

**Discussion:** All agree this is N/A.

- c. municipal tax maps and lot numbers and names of abutting landowners;

**Discussion:** RJ: I believe this can be waived. All agree to waive this.

- d. perimeter survey of the parcel made and certified by a Professional Land Surveyor relating to reference points, showing magnetic north point, graphic scale, corners of parcel and date of survey and total acreage;

**Discussion:** All agree this has been met and is included in her application and referenced by JKL Land Surveying.

- e. existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways or public or private rights-of-way;

**Discussion:** All agree this has been met and is included in her application.

- f. location of test pits, and proposed location and design of the best practical subsurface disposal system for the site;

**Discussion:** All agree that we need to waive this, because it's not a building site.

- g. location, dimensions, design and exterior materials of proposed structures, on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exists of vehicles to and from the site on to public streets and curb and sidewalk lines;

**Discussion:** It is on the survey map. And it does show the 41.04 feet on Bow Street., if we approve this application to subdivide the lot, it would be non-conforming at 41.04. we have the ability to waive that requirement and approve the 41.04. width.

\*Motion that we approve the 41.04' frontal boundary which is the Right of Way at Bow Street and we are waiving the 60'conforming requirement to no less than 35' adjacent from lot 3 of the original subdivision. OB/SB – Unanimous.

DISCUSSION: Maurice Martini – I believe the PB has ruled wrong on this. The abutters have seen the proposal, one of the conditions that is in the original plan and the proposal is that a 75' buffer strip is to remain in its natural state and that is not how it is. The Ordinance reads that a 30' strip may be cut for driveway access on each lot. That is singular, not plural and you can't overrule a restricted covenant.

SB: When the lots were designed, you're supposed to keep natural tree cover, but that's been opened up. RJ; this sounds like a legal matter and that is not for us to decide. We are only looking at this as a Right of Way (ROW) Maurice Martini: Read from the Building Ordinance. KT: We are following the Site Plan Review and the application is for the ROW. Maurice Martini: A backlot has a 50' ROW that can't be waived by the PB. KT: we voted on the waived requirement. Maurice Martini: So the next step would be a building permit? KT: I assume so, but that's not before us right now. SB: I don't want to proceed. I don't think the lawyer gave us good advice. Did he see everything? Including information about the 30-foot strip? CEO: The Attorney has seen everything. Applicant's daughter: I just want to add this is a beautiful place to live, I don't see what's wrong with everyone seeing the beauty of this location. This is where my mom has a farm and she's just looking for another opportunity for one other lot to be added and for someone else to experience the beauty of this.

\*Motion to reverse the last motion approving the 41.04 frontal boundary and waiving the 60' conforming requirement to no less than 35'. SB/OB – Unanimous.

DISCUSSION: SB: My feeling is that the lawyer hasn't looked at this completely to help us with this. So it would appear that after 25 years you can do what you want? I don't think that was the intent. CEO Why would they put that under #5 and why wouldn't they limit it forever if that wasn't the intent? To me it seems why wouldn't they put it in there indefinitely if they didn't want it to expire. It does clearly say after 25 years you can divide it and that's what the applicant is requesting. In theory she could come off Bow Street and go around her house. Maurice Martini: Based on the notes from last meeting., the attorney didn't answer about it being a back lot and if it is a back lot it has to have a ROW. My original question was "is it a back lot". KT: If we approve the division of lots, where they put the ROW is up to them. In terms of this meeting.... We have two options 1) Go with the application, which is to divide the property or 2) table this again and get further legal advice. SB: The application is to split the lot, but the applicant would need to adjust the application so that it merges to the existing driveway. Applicant has agreed she will adjust the application and the proposed plan and relocate the back lot driveway so it merges to the existing driveway. All agree that under the definition of common driveway this can be done.

*Definition of a Common Driveway – a vehicular access-way serving two (2) single family dwellings that provide access to a street.*

\*Tabled until next meeting to allow applicant the chance to adjust application accordingly. RJ/OB – Unanimous.

## **9. Subdivision Application:**

- A. Stuart Davis, Davis Land Surveying, LLC representing Steve Coombs, Map U6, Lot 9. Preliminary Subdivision Application for a Major (5) lot Subdivision. (submitted into public record) This property is an 18-acre parcel on Cobb Hill Road. The (5) proposed lots meet or exceed the required minimum lot size and road frontages. Test Pit analysis by Erik Lema LSE # 419 of Basswood Environmental has been provided for each lot. The wetlands and streams as shown have been delineated across the entire property. Phosphorous Control Plan will be provided by company Principal Engineer. Ross A. Cudlitz, PE. will be sent a copy of the Plan by applicant to review for the PB at the applicant's expense. Hoping to have that by next meeting. Looking for a waiver on traffic study and the high intensity soil survey. Ohuivo road can be used for the road frontage requirement for Lot 5. Several camps use the 200' of road frontage from that location. CEO: Using Ohuivo Road is not an issue. SB: On one map it shows lot 5 it on Cobb Hill Road. Stuart: We had to revise that information based on the brooks.

\*Major Subdivision Fees: (5 or more) \$450/per lot or unit + \$125/per lot escrow (professional services that may be needed). The applicant has paid the application fee of \$450 per lot, totaling \$2,250.00. The escrow has not been paid as of yet. KT: We will request that when the time comes.

## Subdivision Ordinance (page 10)

### 7.2. Submissions, The Preliminary Plan Application shall consist of the following items.

A. Application Form.

**\*PB agrees that we have this.**

B. Location Map.

**\*PB agrees that we have this.** The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map Page 11 of 44 shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.

**\*PB agrees that we have this in the application.**

2. Locations and names of existing and proposed streets.

**\*PB agrees that we have this in the application.**

3. Boundaries and designations of zoning districts.

**\*PB agrees that we do not have zoning districts. N/A.**

4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

**\*PB agrees that we have this in the application and this has been met. And it subdivides the entire lot.**

C. Preliminary Plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) reduced to a size of 8½ x 11 inches or 11 x 17 inches, shall also be provided.

**\*PB agrees that we have this in the application and this has been met.**

D. Application Requirements. The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30- A, MRSA, §4404 are met.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.

**\*LakeView subdivision is on the first page of the application. All agree we have this.**

2. Verification of right, title or interest in the property.

**\*Copy of the deed in our package. All agree this has been met.**

3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.

**\*This is shown on the plan. \*PB agrees that we have this in the application and this has been met.**

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

**\*PB agrees that we have this in the application and this has been met.**

5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

**\*There are no deed restrictions, so all agree this is N/A.**

6. Test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

**\*Test pit data is submitted in the package and the cover letter from Basswood Environmental is in the package. All agree this has been met.**

7. An indication of the type of water supply system(s) to be used in the subdivision. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.

**\*Individual wells to be drilled by the buyer of each lot. All agree this has been met. Note # 8 on the survey refers to this.**

8. The date the plan was prepared, north point, and graphic map scale.

**\*Provided to scale. All agrees this has been met.**

9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners within 1000 feet (including across any roads).  
**\*The abutters were provided on page 2 of the application and the owner / applicant are listed on the cover page. all agree this was met.**
10. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.  
**\*Applicant is looking for a waiver. SB, suggest we leave that up to Ross Cudlitz. All agree. This will be at the property owner's expense. \*To be determined.**
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast Page 12 of 44 height shall be shown on the plan.  
**\*It is all wooded, except for lot 3. All agree everything is submitted in the application & that this has been met.**
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.  
**\*Lots 2 and lots 4, have small brooks drawn on the Plan. Thompson lake watershed. All agree this has been met.**
13. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.  
**\*These are 2-foot contour lines shown in application. All agree this has been met.**
14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.  
~~**\*Engineer will take care of Phosphorous Control Plan that will be needed. House lots only. Lot 5 will be the only one using Ohuivo Road. All agree this is N/A**~~
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways, and other underground utilities on or adjacent to the property to be subdivided.  
**\*This will be determined by the home owner. Lot 2 and lot 4 drainage ways shown on the plan. Underground utilities will be determined by lot owner. Currently what is on Lot 3 is above ground. All agree this has been met and the information has been provided.**
16. The location, names, and widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.  
**\*Cobb Hill road is listed in note 5 on the survey map, and we have Ohuivo Road, which is 25' and discussed in all the deeds provided. All agree this is met.**
17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.  
**\*There are no streets within. All agree this is N/A.**
18. A copy of an approved driveway or entrance permit issued by the Maine Department of Transportation, if required.  
**\*This is N/A for the subdivision. Owners of lots will obtain from Town Road Commissioner. All agree.**
19. The estimated cost of infrastructure improvements.  
**\*This is N/A for the subdivision. All agree.**
20. The proposed lot lines with approximate dimensions and lot areas.  
**\*This is provided on the map. All agree this has been met.**
21. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.  
**\*This is N/A. All agree.**
22. The location of any open space to be preserved and a description of proposed ownership, improvement and management.  
**\*This is N/A. All agree.**
23. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.  
**\*That is all going to be part of the Phosphorous Control Plan and covenants. All agree this is not met and TBD.**
24. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan. **\*Discussed on note # 4 in the flood zone. This is N/A. All agree.**

25. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when
- Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985, Map Nos. 12 & 15.  
**\*There is no aquifer involved on this property. Looking for a waiver. All agree that Ross can make that determination if a waiver is needed. Phosphorous Control plan can make a note that it is not in an aquifer if it isn't or that it is, if it is. The aquifer data is provided in the back of the plan. All agree.**
  - The subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems. The hydrogeologic Page 13 of 44 assessment shall be conducted in accordance with the provisions of Section 11.12.A.I.  
**\*All agree this has been met.**
26. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from Trip Generation Manual, most recent edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.  
**\*In the cover letter to the application, paragraph 3, talks about this. Expected 47.6 daily trips at peak hours. All agree this has been submitted. And has been met.**
27. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Licensed Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.  
**\*All agree this is N/A.**
28. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.  
**\*In the back of the book, 2 pages after aquifer map, the habitat map, comes off of IFW. All agree this has been submitted. Nothing associated with this property. All agree this is N/A.**
29. If the proposed subdivision qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures. If the proposed subdivision does not qualify for the simplified review procedure, the following shall be submitted.  
**\*We will be doing a full Phosphorous Control Plan reviewed by Ross Cudlitz to be submitted. All agree 29; a-d, are not met and TBD.**
- A phosphorus impact analysis and control plan conducted using the procedures set forth in the Maine Stormwater Best Management Practices Manual Volume II. Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, March 2016 revision or newer.
  - The contour lines shown on the plan shall be at an interval of no less than five feet.
  - Areas with sustained slopes greater than 20% covering more than one acre shall be delineated.
  - Test pits indicating hydrogeologic soil groups need to be placed in areas to be developed and used for phosphorous controls
30. Location of farm Land.  
**\*All agree this is N/A.**

31. Liquidation harvesting.

**\*RJ: Are you cutting all the trees down before you sell? Stuart, The Phosphorous Control Plan will determine what can be cut. Applicant has no plans to do any liquidation harvesting before selling the lots. All agree the phosphorous control plan will determine this.**

32. Delivery mode and location for mail and approval from the local postmaster of the same.

**\*Individual lot owners will determine their mail delivery with the local Post Office. This is N/A.**

\*Still need these items to be submitted; Section 7.2D #'s 10, 23, 25, 29, 31

\*Still awaiting Phosphorous Control Plan with Ross's review for items; Section 7.2D #'s 10, 23, 25, 29 & 31.

\* Items that were deemed not applicable from Section 7.2D #'s 5, 14, 17, 18, 19, 21, 22, 24, 27, 28, 30, 32

\* Motion that we accept this application as presented with the understanding that items from Section 7.2D #'s 10, 23, 25, 29, 31 still need to be submitted and Section 7.2D #'s 10, 23, 25, 29 & 31 will be provided when we get the Phosphorous Control Plan information from Ross A. Cudlitz. SB/ OB – Unanimous.

\* Determinations as to whether #'s 10, 23, 25, 29, 31 have been met, are N/A, or can be waived will be made once provided and reviewed by Ross Cudlitz.

\*Tabled until next meeting when Stuart will be back with submissions. SB/OB – Unanimous.

**PB Discussion:** Next meeting if Preliminary Application deemed complete, we will set a Public Hearing, notify abutters of both Public Hearing and a completed Preliminary Plan Application and post in the Newspaper. TS will notify Fire Chief, Road Commissioner and Superintendent SAD 17 to get their comments.

#### **10. Upcoming Dates:**

A. Planning Board Meeting July 13 at 7:00 PM.

#### **11. Discussion & comments from Code Enforcement Officer:**

A. None.

#### **12. Discussion & comments from Board:**

A. Rick Jackson's term expires 06/2021. \*RJ, it was very nice working with all of you but this is officially my last meeting. I am going to fill out an application for the BOA. All agreed it was a pleasure working with him and thanked him for his service and contributions. SB discussed having him finish with this application rather than June 30<sup>th</sup> so that a new person is not thrown into the middle of it. RJ said he would call BOS, Rick Micklon to discuss.


B. Herb Olson's term expires 06/2021. \*He has requested to be renewed.

#### **13. Unfinished Business:**

**14. Adjournment:** With no further business, the meeting was adjourned at 9:35 PM. RJ/OB -Unanimous.

Respectfully submitted,

Tanya Snow, Secretary



Approved by: Karen Turino, Chair

Otisfield Planning Board

Approved on: July 13th, 2021