

**Poland Planning Board Meeting
October 23rd, 2012 – 7:00 PM
Town Office Conference Room**

MINUTES

CALL TO ORDER

Chairman Carl Duchette called the meeting to order at 7:00 pm. Members present are Alternate William Foster, Chairman Carl Duchette, Vice Chairman George Greenwood, and Member James Porter. Members William Willett and Bob Brown are absent with notification. Alternate Dawn Dyer will be late.

MINUTES

September 25th, 2012

- Vice Chairman George Greenwood makes a motion to approve the minutes for September 25th, 2012 as presented, seconded by Member Jim Porter. No Discussion.
Vote: YES – 3 NO – 0

October 9th, 2012

- Member Jim Porter makes a motion to approve the minutes for October 9th 2012 as presented, Seconded by Vice Chairman George Greenwood. No Discussion.
VOTE YES – 4 NO – 0

COMMUNICATIONS

None.

OLD BUSINESS

None.

NEW BUSINESS

Town of Poland – Formal Site Plan: Map 10 Lot 28

- Steve Doe of Sebago Technics is representing the Town of Poland. Also present are Chief Mark Bosse of the Poland Fire Department, architect Mike Hayes, and Laura Blanchette of PM Construction.
- They are in front of the board presenting a 7,236, square foot expansion to the existing Poland Fire station.
- They have filed a permit with DEP, and it is well underway. DEP did require a minor amendment to the original plan.
- The existing metal roof will be removed and replaced with a shingle roof.
- Vice Chairman George Greenwood questions what amendment DEP required.
 - Steve Doe informs him that the existing permit was for improvements to the public works garage and storage tanks at the fire station. The new fire station required its own

permit. Their primary focus is storm water. A storm water filtration basin will be installed that will treat 100 percent of the storm water.

- Vice Chairman George Greenwood asks what the distance from the stream to the leech field.
 - Steve Doe thinks it is over 150 feet. He doesn't know exact distance, but he does know it meets the requirement.
- Vice Chairman George Greenwood asks Chief Bosse what equipment is going to require three phase power.
 - Chief Mark Bosse informs him that it is something that the electrical contractor is requiring for the existing systems, as well as the new generator.
- Member Jim Porter questions if they are in stream protection or resource protection.
 - Steve Doe believes that the 250 foot resource protection set back is being measured from the larger body of water across the road, and the 75 foot stream protection set back is the stream along the side the lot.
 - Jim Porter wants to know if the water going up to the dam is being considered a pond, or a stream.
 - Chairman Carl Duchette believes that in most cases, the pond continues to the dam.
 - CEO Nick Adams does not have a definitive answer yet. There is some confusion of where the resource protection zone ends. He believes that the Resource Protection zone ends at the dam, and then the setback continues 250 feet after that. The town attorney has looked into it, and has not yet responded.
- According to DEP they are in Resource Protection.
 - CEO Nick Adams reminds the board they do have the option to rezone.
- The board reads the ordinance in question.
 - Should the lot fall into the resource protection zone, Member Jim Porter believes that the town needs to adhere to the same standards as any other land owner in town. If the board does not allow land owners to build in resource protection, they should not allow the town to do it either.
 - Member William Foster agrees, and feels as though the board has been placed in a very difficult situation.
- Rosemary Roy spoke with the town attorney and she believes that everything is correct as presented, and all of the required setbacks have been met. She also said that zoning maps can be wrong. There have been several errors in the past. The warrant article is what will stand.
 - Chairman Carl Duchette agrees.
- Chief Mark Bosse reminds the board that the town has already approved of the project, and it is their wish to see it happen.
- Member Jim Porter asks why the phosphorous control plan is not applicable.
 - Steve Doe informs him that it is because they are not actually draining into the water.
- Chairman Carl Duchette notes that there is a waiver request for the parking.
 - The parking ordinance is based on a commercial use. Since it is a fire station it does not require that many spaces.

- Vice Chairman George Greenwood makes a motion that the checklist for the formal site plan: map 10 lot 28 is complete, seconded by Member Jim Porter. No discussion.
Vote: YES – 5 NO – 0
 - Member William Foster asks if it is possible to get a legal opinion in writing to ensure that they are in fact making the right decision.
 - Vice Chairman George Greenwood suggests making final DEP approval a condition of Planning Board approval.
- Vice Chairman George Greenwood makes a motion to approve the Town of Poland's formal site plan: map 10 lot 28 with the condition that the site receives final approval from DEP. The parking waiver is included. The motion is seconded by Member Jim Porter. No Discussion.
Vote: YES – 2 NO – 3
- Member William Foster makes a motion to reconsider the Town of Poland's formal site plan: map 10 lot 28, seconded by Member Dawn Dyer.
 - Member Jim Porter would like the town attorney asked where the resource protection zone ends, and where the setbacks are.
Vote: YES – 5 NO – 0
- Member Jim Porter makes a motion to approve the Town of Poland's formal site plan: map 10 lot 28 upon hearing from the town attorney regarding zoning. If the lot is not in resource protection, it will be approved with the condition that the site also received final approval from DEP. The parking waiver is included. The motion is seconded by Member Dawn Dyer. No Discussion.
Vote: YES – 5 NO – 0

Affordable Homes – Major Subdivision Revision: Map 14 Lot3.

- Mike Deyling of Summit Environmental Consultants is representing Affordable Homes. They are in front of the board to receive approval for a site plan dating back to 1999. They believe there was a clerical omission made in the original site plan. In 1972 the original Maple View Circle mobile home park was approved. In 1999 an expansion was approved by the Poland Planning Board. The owner recently discovered a concrete pad, which had never been built on. It is believed that this pad was approved in the 1972 plan. The applicant is now coming before the board to have the two additional lots shown in the 1972 plan, but omitted in the 1999 plan, added to the park.
- Claire Walker, the original owner of the park informs the board they were approved for 20 lots, but only developed eight. The lots in question were not developed because they did not believe the existing septic could handle the addition.
- Abutter Byron Strout believes that there is a trailer that is either on or over the property line. It is not disturbing him, but he would like it recorded that it is in the wrong place.
- Member Jim Porter asks if there are plans to accommodate the need for additional septic.
 - Representative Mike Deyling informs him that they plan to put in an additional septic for both added lots.

- CEO Nick Adams informs the board that there was supposed to be a fire pond with a dry hydrant installed with the 1999 approval, and the hydrant was never put in.
 - Representative Mike Deyling believes this is outside the scope of the application in question.
 - Applicant Orrin Welch doesn't remember ever being told he needed a dry hydrant for the fire pond which he refers to as a sediment pond.
 - Vice Chairman George Greenwood reminds the board that the applicant is here to amend the 1972 site plan, not the 1999 site plan which included a dry hydrant.
 - Member Dawn Dyer points out that the 1999 site plan was not an amendment; it was a site plan for the entire existing park with lots added, so they are indeed amending the 1999 plan, not 1972.
 - CEO Nick Adams agrees.
 - Chairman Carl Duchette believes the board is responsible for a decision regarding the two lot expansion, and the existing dry hydrant will be an enforcement issue for the Code Enforcement office.
 - Representative Mike Deyling reminds the board that they are not here to add two new lots; they are in front of the board because there was a clerical omission which left those two existing lots out of the 1999 map.
 - Recording Secretary Nikki Pratt reads the minutes from the 1999 approval which states that it was a 12 lot expansion and that the original eight lots were not included in the application.
 - Previous owner Claire Walker reminds the board that the lots in question were approved of in 1972.
 - CEO Nick Adams states that the new lots will need to meet all current standards.
 - The board agrees that it was a not an error, and that they should decide whether or not to approve an expansion based off of the 1999 site plan.
 - Vice Chairman George Greenwood makes a motion to approve Affordable Homes Major Subdivision Revision: Map 14 Lot 3, with the provisions that the two lots and mobile homes be built to standards, that the septic designs must be approved by code enforcement, and that the concerns of the fire pond be resolved. Seconded by Member James Porter. No Discussion.
- VOTE YES – 5 NO – 0

Bill Gabriel – Sketch Plan: Map 39 Lot 23

- Mike Gotto of Stonybrook Consultants is representing Bill Gabriel, and he is seeking approval for moving his renewable energy business to 6 White Oak Hill Road in Poland. It appears to be a non-conforming lot, because of size, road frontage, and the existing building currently does not meet set back requirements. The building is in the right of way of White Oak Hill Road. There is a suitable location for a new septic system. The applicant plans to replace the roof and siding.
- The board questions whether or not there will be room to adequately back a truck into the rear of the building.
- Chairman Carl Duchette questions if the board has authority to allow development when the building is encroaching the right of way.

- Representative Mike Gotto points out that according to 504.3A Non-Conforming Structures in the town's ordinances, they are allowed an expansion as long as they do not intensify the non-conformity.
 - Chairman Carl Duchette is unsure about the use of large trucks on White Oak Hill Road.
 - Applicant Bill Gabriel informs the board that the truck he will be using is smaller, and more maneuverable.
 - Chairman Carl Duchette is concerned about parking oil trucks on the site, and the possibility of an oil spill.
 - Bill Gabriel informs the board that in order for a spill from a truck to take place, many things would need to go wrong and that under his current company plan he ensures it would never happen.
 - CEO Nick Adams informs the board that this is an approved use for the zone, and they are meeting the necessary requirements.
 - Member Dawn Dyer asks if the applicant needs to own the property in order to get approval.
 - Representative Mike Grotto informs her that they don't need to own it in order to get approval.
 - Vice Chairman George Greenwood makes a motion to accept Bill Gabriel's Sketch Plan: Map 39 Lot 23, seconded by Member Jim Porter. No Discussion.
- VOTE YES – 5 NO – 0

RECOGNITION OF VISITORS NOT ON THE AGENDA

None.

OTHER BUSINESS

CLUC amendment work shop 7:00, November 13th 2012.

- Chairman Carl Duchette would like to add the issue regarding the resource protection/stream protection to this workshop.

Planning Day, October 31st, 2012.

CEO Nick Adams informs the board of an upcoming project that would have someone operating an auto sales business in Mechanic Falls, which has an entrance and some property in Poland.

- Chairman Carl Duchette would like to see it come in front of the board.
- All of the buildings are located in Mechanic Falls.

A member from the Planning Board is needed to sit on the Walker Property Use Committee. This committee will discuss potential uses for this property.

- Member William Willett has volunteered.

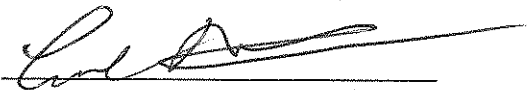
ADJOURNEMENT

Member William Foster makes a motion to adjourn at 9:10 pm, seconded by Member Jim Porter. No Discussion.

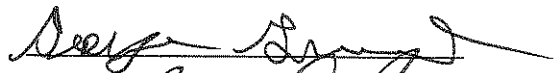
Vote: 5 – YES 0 – NO

Recorded by Alex Sirois

Date Approved:
PLANNING BOARD



Carl Duchette, Chairman

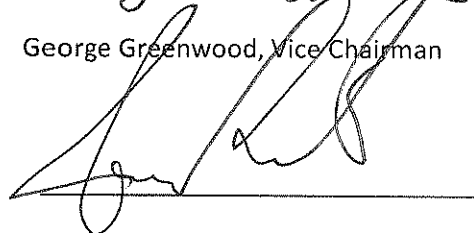


George Greenwood, Vice Chairman

ABSENT WITH NOTIFICATION



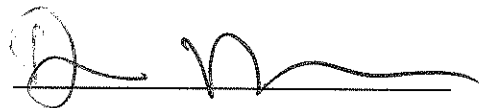
William Willett



James Porter



William Foster



Dawn Dyer, Alternate