

Vassalboro Planning Board Minutes

August 2, 2022

Vassalboro Town Office

7:00 P.M.

Board Members Present: Ginny Bracket, Chair, Doug Phillips, Marianne Stevens and Paul Mitnik
 Staff: Ryan Page, CEO, LPI, BI, AO
 Public: Rosalind Waldron, Kimberly Leblanc, Ransford Bubar, Andrew Cousins, Jenna Pigney, Ryan Nored and Mike Poulin

1) July 12, 2022 Minutes

<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny	Motion by: D. Phillips	Seconded By: M. Stevens	<input checked="" type="checkbox"/> Approved; 4-0
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Minutes were approved after 2 corrections were made.

2) Applicants

a) Rosalind Waldron

Minor Site Plan Review

991 Main St

Map 23 Lot 5-1

Single Provider Medical Office – New Business

Completeness

<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny	Motion by: P. Mitnik	Seconded By: D. Phillips	<input checked="" type="checkbox"/> Approved; 4-0
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Discussion: Ms. Bracket open the conversation with some clarifying questions. First she ask about the location of the proposed structure and the driveway dimensions. Next, Ms. Bracket questioned the length of the parking spaces. She then asked what the distance from the proposed structure to the proposed parking lot. Ms. Waldron explained that the current paved area would be extended to the new paved area which would be the parking. She further explained that the changes would create a separate entrance and exit to the property. Ms. Bracket asked the overall length of the parking area and Ms. Waldron stated, the parking area would be 75’ x 17’. Mrs. Stevens added map 2 showed the details of the parking. Ms. Bracket then questioned the sign locations, in which Ms. Waldron stated there would small entrance and exit signs with low voltage lighting and a business sign will be 24” x 30” with low voltage ground mounted lights. Mr. Mitnik asked what the proposed hour of operation and Ms. Waldron replied that she tries to accommodate her patient’s schedules and the hours could be as early as 8:00 am and as late as 6:00 pm. Mr. Mitnik asked about the vegetation on the backside of the property. Ms. Waldron replied that it used to be a horse pasture and that it would remain the same being mowed once maybe twice a year. Ms. Bracket began reviewing the requirements of the maps. The Board confirmed that all the required items were identified on the maps.

Performance Standards

Standard 1	The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create no hazards to safety. Finding: Existing circular will be used. New paving will be added away from the street to provide more access. The parking lot will consist of 7 parking spaces. Maine DOT driveway entrance permit must be obtained for this project.			
	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: D. Phillips	Seconded by: M. Stevens	<input checked="" type="checkbox"/> Approved; 4-0
Standard 2	The location or height of proposed structures and the proposed uses thereof will not be detrimental to other public or private development in the neighborhood. Finding: A 60’ x 14’ single story structure will be added. The structure will provide handicap access.			
	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: M. Stevens	Seconded by: P. Mitnik	<input checked="" type="checkbox"/> Approved; 4-0

Standard 3	<p>The provision for on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development.</p> <p>Finding: The site near the road will be maintained as a lawn with various flowers. The field on the backside will be mowed seasonally.</p>				
	<table border="1"> <tr> <td data-bbox="354 237 630 310"><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</td> <td data-bbox="630 237 857 310">Motion by: D. Phillips</td> <td data-bbox="857 237 1092 310">Seconded by: M. Stevens</td> <td data-bbox="1092 237 1416 310"><input checked="" type="checkbox"/> Approved; 4-0</td> </tr> </table>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: D. Phillips	Seconded by: M. Stevens	<input checked="" type="checkbox"/> Approved; 4-0
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Standard 4	<p>The proposed use will not impose undue burdens so as to exceed the capacity of the sewers, sanitary and storm drains, water, solid waste, fire protection, or other public facilities.</p> <p>Finding: Not expected to exceed 6-8 visits a day, 5 days a week and 3 part-time employees. Water used would be for toilets and hygiene, with no food prep on-site. Structure will be connected to Town water and sewage.</p>				
	<table border="1"> <tr> <td data-bbox="354 527 630 600"><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</td> <td data-bbox="630 527 857 600">Motion by: P. Mitnik</td> <td data-bbox="857 527 1092 600">Seconded by: M. Stevens</td> <td data-bbox="1092 527 1416 600"><input checked="" type="checkbox"/> Approved; 4-0</td> </tr> </table>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: P. Mitnik	Seconded by: M. Stevens	<input checked="" type="checkbox"/> Approved; 4-0
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Standard 5	<p>The Site Plan provides sufficient information to show that storm water will be adequately drained from the site with no adverse impact on other property or publicly-owned drainage systems.</p> <p>Finding: The property runoff will go to the street and not on to abutting properties.</p>				
	<table border="1"> <tr> <td data-bbox="354 743 630 816"><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</td> <td data-bbox="630 743 857 816">Motion by: P. Mitnik</td> <td data-bbox="857 743 1092 816">Seconded by: D. Phillips</td> <td data-bbox="1092 743 1416 816"><input checked="" type="checkbox"/> Approved; 4-0</td> </tr> </table>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: P. Mitnik	Seconded by: D. Phillips	<input checked="" type="checkbox"/> Approved; 4-0
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Standard 6	<p>Soil erosion and all other adverse impacts on the soil ground water and surface water shall be prevented. Ground water shall not be adversely impacted in quality or quantity.</p> <p>Finding: Project will have minimal earth work. Soil erosion is not anticipated.</p>				
	<table border="1"> <tr> <td data-bbox="354 959 630 1033"><input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met</td> <td data-bbox="630 959 857 1033">Motion by: M. Stevens</td> <td data-bbox="857 959 1092 1033">Seconded by: D. Phillips</td> <td data-bbox="1092 959 1416 1033"><input checked="" type="checkbox"/> Approved; 4-0</td> </tr> </table>	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: M. Stevens	Seconded by: D. Phillips	<input checked="" type="checkbox"/> Approved; 4-0
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Standard 7	<p>The provisions for exterior lighting do not create hazards to motorists traveling on adjacent public streets and are adequate for the safety of occupants or users of the site and such provisions will not damage the value and diminish the usability of adjacent properties.</p> <p>Finding: Sign illumination will be directed at signs and will not affect motorist. Structure and sign lighting will be turned off by 9:00 pm. Structure location will provide adequate cover for abutting properties. Light will be facing downward.</p>				
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Standard 8	<p>An applicant for Site Plan approval has provided evidence of his financial capability to complete the development as planned.</p> <p>Finding: Adequate financial capabilities provided.</p>				
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Standard 9	<p>The proposed development will not create safety hazards and will provide adequate access for emergency vehicles to the site, and to all buildings on the site.</p> <p>Finding: Adequate access will be provided.</p>				
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Standard 10	<p>The proposed development will not adversely affect the use and enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause.</p> <p>Finding: Proposed development will no produce noise, fumes, etc... No more than 2 individual patients with families will be at the site, resulting in minimal traffic. No prescription drugs will be stored on the property.</p>				
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	<input type="checkbox"/> Not Met	P. Mitnik	M. Stevens	
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Project Approval

<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny	Motion by: M. Stevens	Seconded By: P. Mitnik	<input checked="" type="checkbox"/> Approved; 4-0
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- b)** Kimberly LeBlanc
 Minor Site Plan Review
 17 Main St
 Map 11 Lot 74
 Doggy Daycare – New Business

Completeness

<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny	Motion by: D. Phillips	Seconded By: P. Mitnik	<input checked="" type="checkbox"/> Approved; 4-0
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Discussion: Ms. Bracket started the conversation by asking if she is the property owner. Ms. Leblanc stated that she does not own the property. She does have an agreement to with her mother to start the development. Ms. Bracket confirmed the location of the mobile home, garage and septic field as shown on the map. There will be no new structures added to the property. One half of the garage will be converted into housing for the dogs with individual kennels. The dog will be leashed while be transported from the garage location to the fenced in play area. Mr. Mitnik asked if there is any State licensing requirements for this particular daycare. Ms. Leblanc informed the Board that she is currently under the limit for licensed boarding but does have the State application if she where to expand. Ms. Bracket confirmed the fenced in area consisted of 150’ around and the smaller area is 40’ around. Ms. Bracket continued to ask the pick-up and drop-off procedures. Ms. Leblanc explained that vehicles will enter in one side of the u-shaped driveway and exit through the other. Mrs. Stevens asked how close the road was to the fenced in areas and Ms. LeBlanc responded 15’. Ms. Bracket also confirmed that Ms. LeBlanc will use a black-out fencing along the road to provide comfort for the dogs and screening from abutters. Ms. Bracket wrapped up the opening discussion by identifying all required items on the site plan map.

Performance Standards

Standard 1	The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create no hazards to safety. Finding: The driveway is circular with an entrance and exit. Maximum of 10 cars to be expected. Driveway will adequately handle the traffic flow.			
	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: D. Phillips	Seconded by: M. Stevens	<input checked="" type="checkbox"/> Approved; 4-0
Standard 2	The location or height of proposed structures and the proposed uses thereof will not be detrimental to other public or private development in the neighborhood. Finding: The existing structure currently has no impact.			
	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: M. Stevens	Seconded by: D. Phillips	<input checked="" type="checkbox"/> Approved; 4-0
Standard 3	The provision for on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development. Finding: The property is currently screened adequately.			
	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: P. Mitnik	Seconded by: M. Stevens	<input checked="" type="checkbox"/> Approved; 4-0
Standard 4	The proposed use will not impose undue burdens so as to exceed the capacity of the sewers, sanitary and storm drains, water, solid waste, fire protection, or other public facilities. Finding: Dog feces will be properly store while on site and properly disposed of at the Town’s Transfer Station.			
	<input checked="" type="checkbox"/> Met	Motion by:	Seconded by:	<input checked="" type="checkbox"/> Approved; 4-0

	<input type="checkbox"/> Not Met	M. Stevens	P. Mitnik	
Standard 5	The Site Plan provides sufficient information to show that storm water will be adequately drained from the site with no adverse impact on other property or publicly-owned drainage systems. Finding: Proposed existing property has no adverse impact on other properties.			
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Standard 6	Soil erosion and all other adverse impacts on the soil ground water and surface water shall be prevented. Ground water shall not be adversely impacted in quality or quantity. Finding: Project will have no earth work accomplished.			
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Standard 7	The provisions for exterior lighting do not create hazards to motorists traveling on adjacent public streets and are adequate for the safety of occupants or users of the site and such provisions will not damage the value and diminish the usability of adjacent properties. Finding: Existing lighting will not create a safety hazard.			
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Standard 8	An applicant for Site Plan approval has provided evidence of his financial capability to complete the development as planned. Finding: Use of existing structure, minimal financial development.			
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Standard 9	The proposed development will not create safety hazards and will provide adequate access for emergency vehicles to the site, and to all buildings on the site. Finding: Adequate access will be provided.			
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Standard 10	The proposed development will not adversely affect the use and enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare, or other cause. Finding: The Board mentioned the risk of having barking dogs and creating a noise complaint. Applicant said if this situation arises, the dog will be place inside in a kennel. Amended motion to include hours of operation will be 7:00 am to 7:00 pm.			
	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met	Motion by: D. Phillips	Seconded by: M. Stevens	<input checked="" type="checkbox"/> Approved; 4-0

Project Approval

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c) Andrew Cousins and Jenna Pigney

Shoreland Zoning Application

11 Cote Rd.

Map 5 Lot 122-1

Install Foundation Under Existing Structure

Discussion: Ms. Bracket started the conversation by asking applicants to explain the project. Ms. Pigney stated that the plan was to remove the current wooden post foundation and replace with a concrete foundation. She explained the current location of the structure is on a slope and a more permanent foundation would eliminate the camp from moving again. Ms. Bracket commented that proper drainage around the foundation would also aid in removing runoff around the structure. Mr. Mitnik added that they may have a drainage problem and proper land contour would be critical in

successfully maintaining the integrity of the foundation. He also stated moving the camp back is not possible due to land contours and a heavily wood area behind the camp. Mr. Cousins, added the existing deck would be removed and replaced with the same square footage. Mr. Mitnik added his concerns about the framing. He advised the applicants that they may have a bigger project if the framing is not adequate. Mr. Page clarified the applicants are removing the deck and Mr. Mitnik added that they have 18 months from when it is removed to replace it. Mrs. Stevens voiced her concern with the structure being 44' from the high water mark. Ms. Bracket stated the holding tank would prevent moving the structure back to 100' mark. Mr. Mitnik also stated the contour of the land prevents moving the structure. Mr. Mitnik also identified the property was heavily wood and it would create a negative environmental impact. Ms. Pigney stated that they were willing to plant new vegetation to help reduce the impact.

Project Approval

<input checked="" type="checkbox"/> Approve	Motion by:	Seconded By:	<input checked="" type="checkbox"/> Approved;
<input type="checkbox"/> Deny	P. Mitnik	D. Phillips	4-0

Discussion: Mrs. Stevens stated the deck has to be replaced within 18 months with no dimensional changes or they would have to return to the Planning Board.

- 3) CEO Report** –Mr. Phillips had request time to discuss a Site Review Application revision. He stated that with recent applications and frequently asked questions that are not addressed in the performance standards, it was time to revise the Site Review Application. He specifically mentioned answering “N/A” (Non-Applicable) on a performance standard question and applicants requiring State licensing to accomplish their job. Mr. Phillips stated that his purpose was not to make immediate changes but to take some time to and make necessary changes that would be best for the Town and less confusing to future applicants. The Board collective agreed that site plans need to be more accurate and have greater detail. Mr. Mitnik stated that bigger projects may require engineered drawings for better accuracy. Ms. Bracket questioned how to determine the price point at which they require engineered drawings. She further explained that they could establish that between a minor or major project. Mr. Phillips closed this topic by tabling for next meeting in order for the Board Members to compile a list of possible changes. Ms. Bracket opened the next conversation asking if the Town needed to have an ordinance for solar arrays or could it be addressed in an updated Site Review Ordinance. She stated that solar arrays are based on land use and do not necessarily need a specific ordinance. Mr. Phillips added that the residents have requested through the Select Board that the Town have a solar ordinance. Next, Mr Phillips provided the Board Members a copy of the Planning Board Rules. Mr. Phillips stated that between 1957 and 1971 if a Planning Board was created it would be governed by MSRA 30 Section 4952. In 1971 the Legislator repelled the planning and zoning sections of that title. Giving the Towns the option of home rule and author their own Rules of Order. Mr. Phillips also stated that they also allowed a town to continue under those guidelines of the original title. Mr. Phillips was not able to discover when the Vassalboro Planning Board was established, however he did find a document showing Nikki Shad, the Town Clerk had certified a letter stating the Planning Board was created in 1958. Mr. Phillips was unable to find any documentation changing the Planning Board from a 5 member board, 2 alternates and 5 year term to its current 5 member, 1 alternate and 2 year term. The question Mr. Phillips presented to the other members was that if they do have rules in place, why they are not being followed. Ms. Stevens and Mr. Mitnik stated they were unaware the rules existed. The Board agreed that more research was necessary to see when the changes may have occurred. Mr. Phillips ended the conversation with the suggestion to the Board that they purchase the Planning Board manual from Maine Municipal Association (MMA). Ms. Bracket recapped a list of follow-up items that she wanted the Board members to consider between meetings. She stated, wording in the Site Review Application such as, a more detailed narrative about the new business, i.e., business hours, licensing and specific work being performed on a daily basis.

Meeting adjourn at 9:26 pm

Respectfully submitted,

Ryan Page, CEO, LPI, BI, AO