

Town of Newfield Planning Board
23 South Effingham Road
West Newfield, ME 04095
Minutes of September 7, 2022

The Newfield Planning Board meeting for September 7, 2022 was called to order by Chairman Gloria Dyer at 7:00 PM followed by the Pledge of Allegiance. A Quorum in attendance was as follows: Gloria Dyer, Anthony Garrity, Dan Phelan and Skip Tonge. Ben Buzzell and Emily Foss were excused from this meeting. Also in attendance were Matthew Pepin, Dylan Langone, Sarah, CEO Norman Hutchins and Administrative Assistant, Maria Marchant.

PUBLIC COMMENT: Matthew Pepin spoke regarding the cancellation of the Newfield Sand & Gravel Conditional Use Permit from the Agenda this evening. Mr. Pepin stated that Engineer Crag Burgess is still addressing a few things with Lee Jay Feldman to include a bit more narrative descriptions regarding the Performance Standards in Articles IX and X. Mr. Pepin left this meeting at 7:03 PM.

MEETING MINUTES: The Draft Meeting Minutes of August 3rd 2022 were reviewed. Gloria D mentioned that a couple of hash marks were corrected and removed by the Administrative Assistant. Anthony G motioned with a second by Skip T to accept the August 3, 2022 Minutes. Dan P will receive a hard copy of the Draft Minutes via USPS as he is unable to print from his home. Emily will be contacted on her preference and all members will continue to receive the electronic Draft Minutes one week prior to the scheduled meeting. Dan P suggested, and the Board agreed, that the Administrative Assistant will include page numbers at the bottom of each page of the Meeting Minutes. No further discussion.

VOTE 4-0-0 ACCEPTANCE OF AUGUST 3, 2022 MEETING MINUTES.

OLD BUSINESS: Chair Gloria D announced that the Newfield Sand and Gravel CUP been taken off this evenings Agenda as Lee Jay Feldman, Engineer for the Town, sent an email stating that he will be meeting with the Pepin Engineer, Craig Burgess, on Thursday, September 9, 2022, as the applicants must provide further information regarding the Performance Standards required. The Board members agreed to hold the next meeting on Wednesday, October 12, 2022, which is the second Wednesday of the month, as Lee Jay is unable to attend on October 5. There will be postings around Town and on the Town website.

NEW BUSINESS: Sketch Plan for Langone Minor Subdivision. Chair Gloria D explained that the Town has a Subdivision Ordinance to follow. She further stated that there was a lot of confusion because the applicant submitted a subdivision plan in the past and timelines must be adhered to. According to the Ordinance, the past application had no action by the applicant within the 6-month time frame, so the application submitted at this time is a new application starting forward. The Sketch Plan will be reviewed this evening and the Board may ask

questions and/or make suggestions as to criteria needed for the applicant's final plan. Gloria D asked Dylan Langone and Sean Pierce, Engineer, via speaker cell phone, to present the proposed use of this Sketch Plan. (Mr. Langone repeats orally on behalf of Mr. Pierce since not all in attendance are able to hear the speaker cell phone.)

Mr. Langone explained that the plan is the same as last time which is to subdivide so his Father can move here. The plan is to subdivide three (3) lots (one of the lots was sold in 2020.) A private driveway will serve two lots. Lot 2 has a current metal building on it and currently a house is being built and has its own entrance. The easement is only being shared by Lots three and four, the far-left lot plan and the back lot plan. Lot 2 is not a part of this discussion as this will be running as a private right-of-way. He noted an email discussion between himself and SMPDC, regarding their opinion on that right-of-way. He believes this only serves Lot 4.11.3 and Lot 4.11.4. Mr. Langone stated that the entrance would have to be named for 9-1-1 purposes and they're thinking perhaps Rocky Ridge Road. Mr. Langone already has a DOT permit as he currently lives at Lot 2 with its own driveway. Mr. Langone mentioned DOT approval for up to five (5) single family dwellings.

The Board noted that there isn't any mention of Storage Units on the Sketch Plan or Application. If this is the applicant's intent, then this will be a Major Subdivision and the criteria must be provided to the Board before any further review. Subdivision considerations must include all dimensions. Please be sure you have enough dimensions and that boundary lines are correct, to include this current need and any future plans, before you finalize this because if we approve this one and you come back, and the dimensions and boundaries are not correct it will be denied. Mr. Langone stated that Sean has a separate plan for this if needed and that the Storage Units will be self-storage units with the garage doors where people rent as a place to store items and that this maytake place at a later date with a re-submission.

The definition of a private right-of-way was discussed by the Board and CEO Norman Hutchins. According to the Subdivision Ordinance, the existing private right-of-way is a driveway and is accepted as it is currently serving two (2) dwellings; a street would serve between three (3) and eight (8) dwelling units. There was discussion regarding a technicality as the entrance from Wakefield Rd (Route 110) is the same entrance for all lots and this results in serving three (3) dwellings. Pertaining to the construction standards of the driveway, there is an existing hammerhead for the purpose of emergency and large vehicles to be able to turn around and exit according to regulations. CEO Norman H stated the requirement for a private right-of-way width is a minimum of a 50' easement. Mr. Langone stated that there is a 100' opening at the entrance and this will be seen by all attending the site walk. He further mentioned that on the site walk all will see that it is a completely separate driveway, branching off, parallel to the road, and has gates. It was noted that DOT only states 18' and Mr. Langone will rectify this to the existing 100' and submit it to the Board for the final plan. CEO Norman H believes the aggregate base is 15" and this will be confirmed by the October 12, 2022 meeting.

Gloria D mentioned that the DOT permit says 18' but on Lot 1 the DOT permit says 20' and that it's a single-family home. She asked CEO Norman H what he normally would do. Mr. Langone offered 18' is the DOT permit for their approved minimum. CEO Norman H replied, "They can say 18' but the town can have it more restrictive." Gloria D noted it's technically serving three homes coming in. CEO Norman stated that it should be 20' at the entrance that's perpendicular off of Wakefield Road (Route 110.) CEO Norman H will be inspecting that, and the Board needs to decide if that's wide enough for the entrance. CEO Norman H offered that another thing to consider is, coming off of Wakefield Road (Route 110), if later, the storage area is added, then the entrance should be wider to 24'. Gloria D reminded Mr. Langone, "That's why I was telling you that you wanna make sure that you're making things large enough to suit any future needs. There must be, for up to two homes, 50' right-of-way and 15' travel-way."

Dan P asked CEO Norman H his recollection, regarding in years past, an 800' regulation somewhere that came into this. You made a comment that there's something wrong because it couldn't be longer than 800'. Mr. Langone responded, "I think I remember something about that." Dan P noted, "I'd like to hear from Norm. Do you remember anything about 800'? That they couldn't have a private road over that far in or something like that?" CEO Norman H, "No. Well, see State has regulations that if you are more than 100 feet off the main road then emergency vehicles can't see the house. Supposedly you're supposed to have that entrance named, with a name on it, to have all 9-1-1 numbers along that road. No matter how long the road is, it's immaterial how long that road is, it could be 1000' in there. I have to number it all the way through even if there will not be another house spurred off from it. Within every 100' there's four numbers assigned." Mr. Pierce stated that it is approximately 850' back where it enters Lot 4.

Dan P commented, "I know it's premature as I've never been there for site walk and we're gonna go for a site walk. If this gets approved, I'd like to see the plan that's recorded at the registry. That this will never be the burden of the town taxpayers. If someone else were to take this over, for any reason whatsoever, unless it's built to town standards, in all the regulations that we have, and it needs to be in the plan, that it will not be taken over by the town. That includes utilities even if utilities have to be underground. Whatever the regulations are, in the plan, so we have a copy at the town office and that's recorded at the registry. Put it right in the notes, black and white, crystal clear."

Gloria D responded, "When we get to the final plan, or next time when they update their final plan, we're gonna check and make sure that's in there or we will bring it up again. Dan P stated, "That's subterfuge to have a private garage that eventually it's gonna become a burden to the Newfield taxpayers for support."

Gloria D mentioned that determination of this application being a minor or major subdivision cannot be made until the site walk. No discussion now but the Board will need to be thinking

about it; reading the definitions, because if this is actually a street then it becomes a major subdivision, and the statement might be different. If it's a minor subdivision it looks like we have all the information we need. Submission requirements for a minor subdivision. We'll go with that for now assuming it's probably that. Submission requirements, it's on page eight of our subdivision ordinance. We need the name of the subdivision on the final plan so this is for you (Mr. Langone) to do for the future when you know if you wanna keep this rolling. We need the name of the subdivision, I think you already have the name of the town on there, map and lot number, I believe I read on there, a field survey, looks like that's on there, you have places where the boundary pins are gonna go in so if this is approved those will have to be put in by Norm to be sure they're installed which will indicate the monuments and then copy the Deed, which survey was based. I believe that's in here and then copy of any Deed restrictions. Now on the application I had a question, let's see so in this packet we have tonight if you go in 2 pages it says Town of Newfield Subdivision Application on the second page it says 44 on at the top #14 it says indicate the nature of any restrictive covenants to be placed in the deeds. It says lot 4.11.2 no access via shared private driveway right-of-way so we go to that map and 4.11.2 is the one where you live right now. Can you just explain that a little bit what that means; where is that gonna show up as restrictive covenant? Is that gonna go in your Deed? Are you gonna revise your Deed?

Mr. Pierce via speaker cell phone replied, "Lot 4.11.2 is not using that private right-of-way. It's just a Deed restriction that's going to be included in that Deed." Mr. Langone relayed, "We're just clarifying that the road that's accessing lot 3 and lot 4 will not be serving lot 2 over here and I'm pretty sure that's what the, whoever he was speaking to, SMPDC said."

Gloria D, "But my question is where is that document? Are you gonna have your Deed changed if this is approved?"

Mr. Langone, "Yes. All the deeds are gonna be redrafted I'm pretty sure by Sean because of the lot size and everything." Gloria D, "We just want a copy of that Deed that states that particular covenant. That is in our ordinance here. It'll be like a condition of approval or something when you turn it in." Mr. Langone replied, "Absolutely once we get to there, I don't mind turning it in. I just have another question. What determines if it's a minor or a major subdivision?"

Gloria D, "Can we get back to you on that? It's just we wanna finish the submission requirements to see if there's something we need to bring the next time. The next one is number 5 Test Pit Analysis. We need test pits on three and four."

Mr. Langone and Mr. Pierce confirmed test pits are complete for lots 2 and 3 but we didn't do one on lot 4 yet because it's a huge lot."

Gloria D, "The only test pits turned in is TP1 and TP2 which is lot one and two so I don't know where three is I couldn't find it in here."

Mr. Langone, "That is a whole set."

Gloria D, "Well it's not in the application and this is the problem we're having, not only with you, but with every single applicant that comes here. We need the information if you want a decision or we're gonna just put it off."

(Determination of lot 3 test pit is shown on the map.) "We can study that more and then you can just make sure and double check it and make sure it's correct when you come back so we are all

agreeing and then we just need the test pit on what you're calling lot 4. #6 the date of the plan. We got that we got the North Point and all that, the copy of the portion of the county soil survey I believe that was in there, contour lines at the interval. If any portion of the subdivision is in a flood plain area the boundaries of any flood hazard areas and 100-year flood elevation shall be delineated on the plan. (Mr. Langone and CEO Norman H confirmed that this is not in a flood zone.) No need to worry about it. Hydrogeologic assessment prepared by a certified geologist or registered professional engineer experienced in hydrogeology if the subdivision is not served by public sewer which it's not. Then it gives a criteria. It looks to me like they don't need to do that because the density of the lots is large enough, so they don't need a hydrogeologic assessment. Lot #3 this is 7.82 acres which equals 340,000 square foot so it's well over the 100,000 standard. I was just looking for the plan that has topography on it where all the contours are shown. You already submitted the soil one."

(CEO Norman H confirmed that the soil was suitable for the septic plan design.) "We'll go ahead and schedule a site walk for 5:00 PM October 12, 2022 5:00 PM with the Planning Board Meeting to begin immediately after."

Mr. Langone was asked to flag the opening as to where the public autos will be parking for the site walk. He was further instructed to flag how wide the opening of the driveway is and where they're going to split off.

Dan P and Gloria D requested posts or temporary flags where these lots are proposed to allow the Board to get a visual for map referencing and mark where the hammerhead and right-of-way will be and anything else.

Mr. Langone stated, "Sean actually just said he's gonna come out and stake everything for you guys, so it'll be exact. We'll just be replacing some pins if it gets approved." Mr. Langone was reminded to bring the final plan information submission for the next time.

Gloria D, "It's possible that we'll be able to start looking at the application on October 12th after the site walk. We have another conditional use that night already scheduled so it may be right after that and if not then it will be at our November meeting which is first Wednesday of the month. To determinate it complete you gotta have that stuff turned in. We did get this electronically and thank you for that. I'm a paper person and a couple of other people are as well so that's why we like paper copies. The paper copies got delivered on a day to the clerk's desk I think the note said, and left with the clerk's desk, and the office was not open. The paper files were left in the hallway because somebody was using the building otherwise the building would not have been open. It's not a real good idea to leave them unless somebody from the office is there. Call the office before you drop anything off because maybe that TP (test pit) form is lost out-of-the-box." Mr. Langone agreed.

Norman H and Gloria D, "The way they deliver sometimes at the town office things get lost in the shuffle that's why we don't want it left in the hallway or the library."

Maria M, “And then saying it was left with the clerk’s desk when there's no clerk to be found on that day.”

Mr. Langone, “We will see you on October 12th at 5:00.” Mr. Langone and Sarah left this meeting at 8:01 PM.

ON-GOING: Gloria D asked CEO Norman H to update the Board on four items.

Norman H stated the following:

Woodhaven Acres – Complete.

Tiny Homes: “I got a lot of information on that. If your town, already in my view of thinking, looking at it legally, if the town already has their ordinance, that minimum square footage, they don't have to accept it. If a town has nothing in writing like that then the tiny homes - you can't stop them from coming in. You still could have other things amended in that book. The tiny homes really started out as a good way for these guys that want to go hunting. There was something for them to stick up there and they didn't have to worry about nothing you know. That's how it started out but then the guy manufacturing got the idea well he could make them a year-round home for four seasons. At first, I could not do nothing with it because they didn't meet the minimum standards for the building codes so that kept them from being accepted as year-round dwellings. Since then, they've made improvements and the State has made amendments to that. Because if say for instance that the State says we couldn't do that, that means that rule of 600 square footage would be taken out completely. I'll check with the State on that to see if we have the right 'cause we already had it in the ordinance, and it's been there for years.”

Accessory Dwelling Units: “As long as the lot will hold another septic system on there, they could have accessory dwelling. Now accessory dwelling all depends how they worded it in the ordinance. The words accessory dwelling could be or had to be attached to the main dwelling or it could be a separate unit. The way that Limington had it was it could be a separate unit but not be considered another dwelling unit, just accessory unit. They get taxed on it same thing as regular house but just the way they worded it is that the other structure on that property was not considered a dwelling unit and the part where we'd have to have the extra road frontage and square footage that's what they meant by that. That's what I could understand from it.” Norman H will be completing more research on accessory dwellings.

Discussion was held regarding sewer pipe running through wetlands and the frontage needed for construction of homes on wetlands. CEO Norman H stated it is the same as building near bodies of water.

Lakeridge Drive: “They graded the road; they ditched it out on one side where I told him to. They did that, they fixed the road. Then the guy on the other corner the one way down on the right all way down the cul-de-sac, they put rip rap all down in that ditching area and up above they're putting in a garage in there right now. I had him do control mulch around the edges. They got a leach field in there and after the leach fields have been done now, they're gonna get in there and plant trees and stagger along.”

Gloria D noted that there weren't supposed to be any permits until the road was done so the roads done? They weren't supposed to clear out next to that other little camp road there because of erosion. If you go down and then there's a cul-de-sac, there's another little camp road just below there and in the plan, it said that it was not supposed to be disturbed because of standards. I don't know if the whole thing or some of it, but they didn't want erosion getting into that camp road because obviously that would create another problem. It's on the subdivision plan.

Norman H, “I didn't see anything like that or any problems with that. No erosion going through.”

Gloria D, “The thing is what the subdivision plan says. That's the problem. We passed the plans and then people do what they want anyway. That's the problem. It's kind of pointless to do all that work if they're not gonna follow them.”

Norman H, “I went down there to talk with the new owner that bought that corner lot way down in there and I told him what he had to do and stuff and I also told him because that gully that went down and that ditching came around, I told him he had to put rip rap in there to slow up the water flow and stuff and if need be a catch basin in the bottom. They went ahead and did a lot of that work in there and like I say the erosion control has been put down, the mulch has been put down and once the leach field has been put in. Now, I talked with the owner about putting some trees there and staggering them so it will be covering it in.”

Gloria D, “Subdivision wise what we wanna do is get something into the file that says this is resolved.” Norman H confirmed that as far as the road goes it meets the standards at this point and confirmed that once the last house is built paving is required. It was determined that there are three (3) lots left and that one is a Commercial Lot revealed in the subdivision plan.

Balch Lake Marina Year-Round Boat Storage: Gloria stated the following: “The lawyer was here, and we did the Findings of Fact and some of the conditions of approval. They had to put a fence up on both sides by the neighbors and then a gate out front. We sent them the information; the results of the meeting and all. We had a meeting, and the neighbors were complaining that somebody was camping in there.”

Norman H responded, “No I went down in there and there’s camper parked out back near the boats, but nobody was in it.” It was determined that CEO Norman H will be contacting the Balch Lake Marina Year-Round Boat Storage on the conditions of approval as he had noticed that there has been no improvement to date and are currently in violation of their conditional use permit.

Dan P, “If Mr. Langone's application is approved and he's talking about building these rental storage locker units, sort of metal buildings, he would have to come back through the Planning Board for a conditional use permit for that?”

Gloria D replied, “Yes.” And Norman stated, “That's what we were telling him. To put it all together now.”

Skip T, “This has as to be right because he can't go back and change it if he missed something, and I question how he can use that road if it's the right-of-way up into that commercial unit?”

Dan P, “What I'm afraid of with this commercial storage locker is that all of a sudden there will be a well there with water to it.” Norman H left the meeting.

Gloria D mentioned that a letter of concern came from the Town of Denmark about accessory dwelling units and the State rules and that there's too many unanswered questions of what towns can do. She passed this around to the Board members to sign if they wished. She further stated the Newfield Selectboard did decide to do one. The next topic of discussion was regarding the 2023 Planning Board Budget and a draft was reviewed. Gloria D will confer with Nichole H regarding the transference of funds to cover the Board through January 31, 2023.

Gloria D mentioned that Pepin has not been submitting the proof of insurance on an annual basis to the Town according to the ordinance and the permit. The vegetation plan for the Salt & Sand Facility is being done by an engineer so it's not quite ready. The Permit by Rule from DEP is usually ‘no news is good news’, and they haven't heard anything. Shoreland Amendments must be voted on by the Town because Mr. Kalinich found some oversights. The Selectboard decided to have the Shoreland Amendments voted on in March of 2023. Further discussion regarding the Land Use Ordinance was held. It was determined that a sub-committee consisting of three (3) members will be formed to start reviewing the Land Use Book and making the considered edits to any of these 12 Articles. The goal is to complete all Ordinance proposals and have them voted on in March 2023.

A motion to form a Subcommittee to work on Ordinance Updates was made by Gloria D and seconded by Anthony G. Vote 4-0-0.

Gloria motioned to form the Ordinance Update Committee of three (3) Newfield Planning Board members with a second by Anthony G. Vote 4-0-0.

The next scheduled Newfield Planning Board Meeting will be Wednesday, October 12, 2022. A site walk will be held at 621 Wakefield Road at 5:00 PM.

The Planning Board meeting will convene immediately thereafter.

October 12, 2022 Tentative Agenda

Call Meeting to Order

Quorum Status

Pledge Of Allegiance

Public Comment

Pepin Sand & Gravel (7:10 PM)

Budget Review

Conditional Use Permit Status

Ongoing and any other business

Motion to adjourn by Skip T and seconded by Gloria D at 9:11 PM.

Respectfully submitted,
Maria Marchant
Administrative Assistant

These Minutes are not verbatim