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PUBLIC HEARING
MARCH 8, 2016
TOWN OF AUGUSTA, MAINE

1 MR. POIRIER: Good evening and welcome to the Augusta
2 Planning Board. The format of tonight's meeting is a public
3 hearing. Before we get started though if I could please ask
4 some of the audience to please silence or turn off your cell
5 phone so we could avoid any interruptions during the meeting.
6 Again, the format is a public hearing. First we will hear from
7 city staff. Then we will hear from the applicant. Then we
8 will hear from those that are in favor of the project and those
9 that are opposed, then those that are neither for nor against
10 but would like to speak.

11 The applicant will have the final say and at that point we
12 will close the public hearing. And we will only ask for
13 further comments if the Board requests them. The first item on
14 the agenda, Matt.

15 TRANSCRIPTION BEGINS AT REQUESTED AGENDA ITEM

16 MR. POIRIER: The next item on the agenda, Matt.

17 MR. NAZAR: Next item on the Board's agenda is a public
18 hearing. It's a major subdivision. It's an application of
19 Linda S. Roderick to create a six-lot subdivision, which
20 includes one existing lot, four house lots and one vacant lot
21 along Mount Vernon Road. It's Assessor's Map 5, Lot 185A and
22 185. It's located in the vicinity of 313 Mount Vernon Road in
23 the Rural River District or (RR) Zoning District with a Stream
24 Protection or (SP-50) Shoreland Overlay Zone. Thank you very
25 much. Okay.

1 For some clarity as to what we're talking about here, this
2 is Mount Vernon Road right here [indicates on map]. So for
3 those of you who are familiar it's- if you're headed out- if
4 you're headed in the direction that my mouse, my cursor is
5 currently going you would be heading in town. So headed this
6 direction would be headed out of town on Mount Vernon Road.
7 And what we've got here is a proposed subdivision that has one
8 existing lot already that was divided off within the last five
9 years; so it automatically becomes part of the subdivision.
10 It's one of the oddities of the State Subdivision Law that a
11 division that occurred previously becomes part of a subdivision
12 if, in fact, the rest of the lot is divided within five years
13 of that division.

14 This triangular piece is a piece of land that already
15 exists. I believe that's the right piece. It's labeled on
16 your map. So I'm going to have to turn mine -- pull mine out
17 to read it. It's labeled Parcel 5 on your maps and is owned by
18 John Mulholland. So that is an existing divided lot and a
19 legally existing lot today that was pulled into this
20 subdivision review because the rest of the parcel that it was
21 cut out of within the last five years is now being proposed to
22 be subdivided.

23 So what we have are one, two, three, four proposed house
24 lots here and then a remaining larger lot that wraps around in
25 behind those house lots. The -- all of the lots will have

1 frontage along Mount Vernon Road and they all meet the required
2 road frontage, the required lot size. There's no new road that
3 is being proposed as a result of this subdivision. It's
4 relatively straightforward. We do have a phone call that we
5 received from John Fairfield. And I'm not sure if Mr.
6 Fairfield is -- he is in the audience. So I'll let him express
7 his concerns rather than repeating what they are.

8 But we're going to turn to the staff review. The Board
9 did receive a staff review. Of course, and like I say this is
10 for a six-lot subdivision, including the existing lot. And
11 with respect to the waivers that are requested, there are a
12 number of waivers that the applicant has requested because
13 they're not building anything. They're simply putting lines
14 onto, essentially onto the face of the Earth and subdividing
15 the property.

16 There are some things that may be necessary with- as a
17 result of any houses that get built on these of course. Any of
18 the ditch line or any streams that need to be crossed or any
19 wet areas would have to be dealt with or steep areas, steep
20 slope areas would have to be dealt with my home buyers. So as
21 a home buyer purchases one of these lots they would need to
22 determine where on the lot they could build and what would be
23 necessary in order to build on those lots. It does appear,
24 based on what we know about the lots at this point, that there
25 is buildable area on each of the parcels. So it's not that

1 there is no buildable area. There is buildable area, although
2 they may present some challenges that you would get pretty much
3 on many lots here in the City of Augusta if you were to divide
4 them up.

5 So there are four waiver requests and they are all related
6 to the fact that this is a subdivision that does not include
7 the construction of anything on the ground. It doesn't include
8 the construction of a road. It doesn't include the
9 construction of homes or any other facilities; and so staff's
10 recommendation on each of those waivers is that they would be
11 adequate or appropriate to be granted by the Planning Board if
12 the Planning Board so wishes.

13 With respect to the rest of the staff review, you've had
14 an opportunity to take a look at it; so I won't go over it in
15 any, in great detail. But the conclusion is, essentially from
16 the staff's perspective, that this meets the standards of the
17 ordinance. It is a relatively straightforward subdivision
18 request. And we don't really have any significant comments.

19 MR. POIRIER: Any questions for Matt? Allison.

20 MS. NICHOLS: Matt, I do, just for clarification, have one
21 question. Should we approve this tonight with the six lots as
22 it is, and should they then decide that they want to further
23 subdivide the back, big lot, they will have to come back to us
24 again to increase that number of lots. Right?

25 MR. NAZAR: If it gets- it depends on how that subdivision

1 occurs. Again, we're dealing with the way the state law works.
2 And if it is left the way it is for five years, and no changes
3 are made within the next five years and they simply divide that
4 parcel into two pieces, they would not need to come before you.
5 If they were to divide it into three, four or five, yes, they
6 would have to come before you.

7 MS. NICHOLS: Okay. Thank you.

8 MS. NYE: Okay. Allison asked my first question. So
9 following up though on Allison's question, so if they wanted to
10 subdivide further and not come before us they would have to
11 wait five years --

12 MR. NAZAR: Correct.

13 MS. NYE: -- and then they could create two more lots.

14 MR. NAZAR: They could split -- again it depends. It's
15 the oddities of the state subdivision law. If the individual
16 -- if an individual purchases that larger lot and builds their
17 home on it this year, waits five years, they could then divide
18 off two parcels, keep their own. So there could be three that
19 would be- three parcels that would be created on that one
20 larger lot if the division is being done by a person who lives
21 on that lot.

22 If it's not, if it's being done on a vacant lot -- in
23 other words there's no one living on the lot; it's just an
24 empty piece of land, then you could only divide it into two
25 pieces before you created a subdivision with a third. The

1 third would create the subdivision. Again, it's the oddity of
2 the state subdivision law.

3 MS. NYE: Okay. So in taking all of that into account, in
4 five years there could be three additional driveways along that
5 space.

6 MR. NAZAR: In five years, if, it would- the only way you
7 could divide it into three is if there was already a house
8 there and it was being further divided by the individual who
9 lives in that home. And so you would probably have two
10 additional driveways.

11 MS. NYE: I see. Okay. My other question is reading the
12 staff review, it says that all areas have steep slopes, over 15
13 percent.

14 MR. NAZAR: Each one of the individual parcels, the one-
15 acre lots, the smaller lots along the frontage have steeper
16 slopes towards the back of the parcels. They can -- those
17 steeper slopes can be built on.

18 MS. NYE: Okay.

19 MR. NAZAR: It just requires a greater degree of work on
20 the part of the individual whose building. You have to get an
21 engineered plan.

22 MS. NYE: Okay. The comprehensive plan says that Maine
23 State plumbing code does not allow new septic systems on slopes
24 steeper than 20 percent.

25 MR. NAZAR: Um-hum.

1 MS. NYE: So -- but the soil tester, soil engineer or
2 whatever, didn't comment on that. I take that to mean that it
3 would be possible in your opinion to put -- or in Lionel's
4 opinion to put septic systems there if they did some
5 bulldozing, earth movement to reduce the steepness of the
6 slopes?

7 MR. NAZAR: It was the opinion of the septic site designer
8 that looked at each of these parcels that there was room on
9 each of these parcels for a septic system. It was a licensed
10 designer.

11 MS. NYE: And does that take consideration of the distance
12 from the wells and --

13 MR. NAZAR: They're licensed to do those inspections and
14 then make those determinations. So my assumption is that yes
15 they took all of things into consideration.

16 MS. NYE: Okay. I'm all set.

17 MR. POIRIER: Okay.

18 MS. NYE: Thank you, Matt.

19 MR. POIRIER: Any other questions for Matt?

20 MS. NYE: No.

21 MR. POIRIER: Go ahead.

22 MS. NYE: I do for Lionel, though, if we could--

23 MR. POIRIER: Lionel, you're going to ask--

24 MS. NYE: Yes.

25 MR. POIRIER: Okay. Thank you. Lionel, if you could come

1 up. Thank you.

2 MR. CAYER: Good evening again, Lionel Cayer. Those were
3 some very good questions, especially as it relates to driveways
4 and septic system development, et cetera. As you look at the
5 screen, and you at the topography, basically, you know, you're
6 looking at a number of multiple lines close together. And
7 obviously that's what depicts the steep slopes. That larger
8 lot would be, and in my opinion, very difficult to further
9 subdivide without putting in --

10 UNKNOWN SPEAKER: A road.

11 MR. CAYER: You know, basically one single driveway to try
12 to gain access to the area of the lot that has a plateau that's
13 flatter to be able to develop something on. So -- and there
14 may be areas up there that could be tested for septic systems.
15 I don't know. But if there was a septic system -- was there a
16 septic system test done on the large lot? Matt, do you know?

17 MR. NAZAR: I don't know that one was done on the larger
18 lot.

19 MR. CAYER: That might be a question for the applicant;
20 but there is a -- as you can see on the map that you have, in
21 the very corner of the Lot number, Parcel Number 4, there is a
22 flat section of ground there.

23 MS. NYE: Um-hum.

24 MR. CAYER: And that may be where the soils were tested
25 for that lot. So as far as multiple driveways, I don't see

1 that happening on that larger lot if it was ever further
2 subdivided without really putting in a single point of access
3 for lots toward the back.

4 MS. NICHOLS: Okay.

5 MR. POIRIER: Any additional questions, Delaine, Allison?

6 MS. NICHOLS: I actually was astonished, Lionel, when I
7 went out there at how fast the traffic was going by and how
8 much of it there was. I had no idea that that was sort of a
9 thruway from Summerhaven maybe out to Route 27 or something.
10 It was surprising to me. We went further in there, but my
11 concern I guess is that people coming out of driveways here
12 have a tough time when they're looking toward the City of
13 Augusta I think because there's quite a hill there that impedes
14 the view. And I'm wondering if you were at all concerned about
15 site distances from these driveways?

16 MR. CAYER: Each driveway will have to obviously meet the
17 sight distance standard. And we did ask the applicant to
18 locate driveways on the plan that would in fact meet our sight
19 distance standards. So I believe those driveways have been
20 placed with that. And when individuals come in for driveway
21 permits, I'll be going out there personally and measuring sight
22 distances to be sure they meet our technical standards.

23 MS. NICHOLS: Okay. Thank you.

24 MR. POIRIER: Delaine.

25 MS. NYE: It's been my observation over the years that

1 when people have visitors or if they have more than one
2 vehicle, if they can't -- if there isn't room to park in their
3 own driveway they are then going to park on the street.
4 Correct? So if we have four driveways on this road and they
5 have people parking along the road with the curbs and the dump
6 truck traffic that goes through there, and there are more lots,
7 whether with this parcel or another property owner, I- it just
8 seems to me that that would create a hazardous, potentially
9 hazardous situation. I wouldn't want to be parking.

10 Well, when I was out there I parked alongside the road.
11 And I didn't like the way it felt with the --

12 MR. CAYER: Sure.

13 MS. NYE: -- the dump trucks coming and going. Can you
14 comment on that?

15 MR. CAYER: Yeah. Typically what we see in these more
16 rural areas with these larger lots, they're very unlike, you
17 know, your in-town lots where your lot size is very small.
18 Your driveways are very limited in length to be able to park
19 multiple vehicles. But what we find in this type of
20 subdivision is typically people will develop enough area on
21 their own lot so they're not having to park on the road. And
22 obviously it would not be in -- to their advantage to try to
23 park anything out into Mount Vernon Road because number one,
24 like it was said, there's quite a lot of traffic out there.
25 And number two, there's an awful lot of dump trucks and --

1 MS. NYE: Yes.

2 MR. CAYER: -- and dust and --

3 MS. NYE: And it is the road. Looking at the Gazetteer --
4 well, I did drive all the way out through. And it does meet
5 with the Sanford Road; and it looks like a road where traffic
6 from Mount Vernon and Manchester and West Belgrade, you know,
7 it's an obvious shortcut into Augusta rather than driving some
8 of these crooked roads all the way over to Route 27 or over to
9 the Prescott Road.

10 So it seems to me that that is a road that is destined to
11 have a lot more traffic in the future. And so I was just
12 concerned about driveways emptying onto that road.

13 MR. CAYER: Um-hum.

14 MS. NYE: Could you comment on that?

15 MR. CAYER: Well, I mean basically as long as each
16 driveway has adequate sight distance for the speed limit, then
17 it's considered a safe driveway. And, you know, people, you
18 know, I deal with people that have over the years- have gotten
19 permits, you know, even before my time, well before my time,
20 that are considered blind driveways. You know, you come up
21 over a crest of a hill and there's a driveway right there.
22 And- but people who live in and at these new locations, you
23 know, get used to --

24 MS. NYE: Right.

25 MR. CAYER: --taking the precautions they need to take to,

1 you know, enters the roadway. In this case the minimum sight
2 distance will be met on each driveway; otherwise they won't be
3 permitted. And that's certainly a line of questioning you
4 should ask the applicant --

5 MS. NYE: Okay.

6 MR. CAYER: -- to make sure that they're satisfied that all
7 of these driveways are going to be able to number one, meet
8 sight distance standards; and two, you know, are going to be
9 safe.

10 MS. NYE: Okay. Well one final question if I may. And
11 that is when you review a plan like this and are considering
12 safety and site distance and all of those kinds of issues, do
13 you look to the growth management plan, the comprehensive plan
14 to guide you or are you guided strictly by city ordinances and
15 engineering details?

16 MR. CAYER: Yeah. It would be the latter primarily for
17 something --

18 MS. NYE: Right.

19 MR. CAYER: -- of this size.

20 MS. NYE: Okay.

21 MR. CAYER: Yeah.

22 MS. NYE: I thought so. Thank you.

23 MR. POIRIER: Matt, did you have something or --

24 MR. NAZAR: The only thing that I'd like to add to that is
25 just to make sure that we're all on the same page with respect

1 to the size of each of these parcels is that they're each a
2 little bit over an acre. And an acre of land is a fair amount
3 to be able to create enough parking, despite the fact that
4 there is -- there are some limitations with each of these
5 parcels with respect to steep slopes and those sorts of things.
6 There -- I anticipate, as Lionel has said, that there would be
7 adequate room on each of the parcels to be able to have parking
8 that was -- would be typical to a more rural or a suburban
9 setting for a home rather than an in-town setting. So a fair
10 amount, but not, you know, obviously if somebody's having a
11 party or something like that it's certainly possible that there
12 may be more people and more vehicles than would typically be on
13 the site.

14 But -- and with respect to traffic, you are a hundred
15 percent right. This is an area that is a surprising cut --
16 through for a lot of folks in the Manchester area in particular
17 who are trying to get from a section of Manchester that's
18 fairly well populated over towards the Marketplace rather than
19 going all the way around down by Charlie's and coming back up.

20 MR. POIRIER: Delaine.

21 MS. NYE: Just a follow-up on that if I may.

22 MR. POIRIER: Go ahead. Um-hum.

23 MS. NYE: The reason why -- a major reason why I was
24 concerned about the parking is because even though these lots
25 are an acre or so, they would be very challenging lots in my

1 opinion to put a driveway on, you know, to place a house on and
2 a septic and a well. And I -- it's hard for me to picture
3 there being wide enough driveways for very much parking. I
4 think they're going to be real challenges to develop because
5 they're so sloping and so wet along the road. So that was
6 where my question came from.

7 MR. POIRIER: And Tom?

8 MR. CONNORS: Yeah. I have on occasion reason to travel
9 this particular road myself. And just by serving by memory
10 only is that I've always noticed there's a lot of wetlands
11 along this road; although I don't see any marked on this
12 particular four-house plot. So the assumption would be there
13 are no wetlands on any of these buildable lots?

14 MR. NAZAR: None of the state wetland maps or map
15 resources that are available and typically used for a
16 subdivision show any wetlands. There -- it's possible there
17 are some small, unmapped wetlands on these parcels; but they
18 wouldn't be of any significant size.

19 MR. CONNORS: Okay. And that would not hinder building if
20 there's unmarked wetlands?

21 MR. NAZAR: No. If there's going to be filling of
22 wetlands, that is as a result of construction, then there is a
23 DEP process that's necessary in order to meet those
24 requirements. You can fill up to 4,300, I think it's 4,300
25 square feet of wetlands without a DEP permit. So that's -- and

1 that's typically for a crossing or that sort of thing. So --

2 MR. CONNORS: Okay. Thank you.

3 MR. NAZAR: It may end up pushing development towards the
4 back side of these parcels, which would then simply require
5 more engineered plans because you're starting to get into some
6 of the steeper slopes.

7 MR. CONNORS: I was also wondering about road construction
8 and- similar to the new fire station for instance. Would you
9 need culverts? Would you need --

10 MR. NAZAR: For certainly any driveways that go in, yeah,
11 absolutely. Culverts will have to be sized that are adequate.
12 And our city engineer will be taking a look at any proposed
13 driveways that would have certainly -- if you're going to cross
14 the ditch line there, making sure that the water continues to
15 run through that ditch line. And with respect to a driveway
16 itself, and it would have to meet a typical driveway standard
17 rather than standard as we would have to meet for a fire truck.

18 MR. CONNORS: And so the purpose of tonight, which is to
19 approve the subdivision, if somebody was to purchase a lot it
20 would be up to them --

21 MR. NAZAR: That's right.

22 MR. CONNORS: -- to then get it approved by the code
23 enforcement and meet all the guidelines associated with that --

24 MR. NAZAR: Yep. They'd come in to get a --

25 MR. CONNORS: -- to ensure that it's buildable?

1 MR. NAZAR: That's exactly right. They'd come in to get a
2 building permit and septic system permit, and would move
3 forward to build on the parcel; and have to deal with whatever
4 issues they run into on that parcel. Based on what we know of
5 -- regarding the plan and the survey that's been done, the
6 septic system designer that has looked at the property and the
7 mapping that's been done with respect to steep slopes and
8 wetlands, they're likely to be not the easiest sites to build
9 on, but buildable.

10 MR. POIRIER: Thank you. Any other questions? City
11 Staff? Thank you, Lionel.

12 MR. CAYER: You're welcome.

13 MR. POIRIER: If we could invite up the applicant, please.
14 Please state your name.

15 MR. BOYNTON: Thank you to the Board for allowing us to
16 ask for a subdivision and thank you to the Chair. My name is
17 Willie Boynton. I'm the Operation Manager at Boynton and
18 Pickett LLC. This is John Pickett. He's my partner. John's
19 been in the surveying business since 1960, eight years before
20 they needed a license. And John's done surveying all over the
21 country and still and actively since 1960.

22 Just a couple of things on the plan, keep in mind that it
23 was already mentioned, but we were after four lots. That's all
24 he was really interested in; but because of the Mulholland lot
25 was divided off in December of 2014, of course that brought in

1 what would be the sixth lot and changed it from a minor to a
2 major subdivision.

3 There are no plans to further divide the property; and, of
4 course, the smaller lots, the four lots there, they cannot be
5 divided because they would be less than the minimum. So we've
6 -- there's another concern too about the distances whether or
7 not you can see up and down that road enough. We were careful
8 to shoot that and make sure we located on the plan where the
9 driveways were. And for Lot Number 1, up in the northwest
10 corner, to the north there's 468 feet, to the south 467 and
11 again the minimum is 400. Parcel 2, 499 and 551; Parcel 3, 701
12 feet and 407, and Parcel 4, 915 and 920; so it really meets all
13 the requirements for visual up and down the road where we've
14 showed the driveways located on the map.

15 The- woops- Everett Drake is our soil scientist. He went
16 out and checked the lot. He did not do a soil test on Lot
17 Number 5. I mean everything else was no problem. We simply
18 didn't ask him to do that. As you know they charge by the lot.
19 So it could have been very simple to do that. But he assured
20 me that there's no wetlands on any of those four lots. And, of
21 course, as mentioned by the Chair too, Maine GIS doesn't show
22 any wetlands, and the National Sub Plain Map shows no wetlands.

23 If you notice, I mean it is low. We know what it's like
24 there; but I mean if you look down in there there's apple trees
25 and pine trees growing right down next to the brook. And so he

1 assured me there's no wetlands on that -- on those lots. And
2 the thing too, Linda Roderick owns the property; but Charlie
3 Roderick is her husband. Charlie Roderick is in the concrete
4 business. He's the one that put the slab in for the tomato
5 factory up in Madison. He layed over 40 acres of concrete up
6 there. So pretty, I feel pretty comfortable that if he feels
7 like he can put something in that land I would bet my money on
8 him because I'm sure that he can do that.

9 And as far as the grade, it's a note on the plan that if
10 there's any house built in an area where there was a 15 percent
11 grade or more, then it has to be signed off by an architect to
12 make sure that that meets all the code. I don't think there
13 will be any problem with the 20 percent for the septic systems.
14 That all, whole area in there is fairly smooth. And if there
15 was any issue then the soil scientist, that's his
16 responsibility to make sure that he can draw a design that will
17 work. So he's confident that that would be no problem. Is
18 there any further question or --

19 MR. POIRIER: Questions for the applicant? Seeing none,
20 thank you.

21 MR. BOYNTON: Okay. Thank you.

22 MR. POIRIER: At this point we'd like to open this up to
23 anybody in the audience that would like to speak in favor of
24 the project. Seeing none, anybody that's opposed?

25 MR. FAIRFIELD: Yes, sir, me.

1 MR. POIRIER: Okay. Could you just come up and state your
2 name, please.

3 MR. FAIRFIELD: All right. My name is John Fairfield I am
4 the abutting owner to the development property. The only
5 problem I have with it, I've got a -- that is a runoff on my
6 property. And it's a substantial runoff that runs through this
7 property right in the center of it. And it's probably running
8 right now and right on my- our property line. There's a
9 bridge, there's a wooden bridge right there they use as a
10 culvert so the water can run underneath. So I'm just kind of
11 wondering how without damming me off how they can do this.

12 MR. POIRIER: Can I ask you a couple -- can I ask you a
13 follow-up question to that?

14 MR. FAIRFIELD: Yeah.

15 MR. NAZAR: Does it run through one of the proposed
16 development sites, the stream or the --

17 MR. FAIRFIELD: It runs through all four --

18 MR. POIRIER: Does it run the large parcel that is not
19 being-

20 MR. FAIRFIELD: Oh, the latter one.

21 MR. POIRIER: Okay.

22 MR. FAIRFIELD: Three hundred feet from the property pin
23 in the southeast it runs onto that lot right there.

24 MR. NAZAR: Because I- if Lionel can confirm I'm looking
25 at this map correctly, there's a big lull in the large parcel

1 that's not being -- that's not one of the lots they're
2 describing, you know, the remainder. That's a low point,
3 right, that's running to Mr. Fairfield's --

4 MR. CAYER: Yes.

5 MR. POIRIER: -- property.

6 MR. CAYER: Off of Parcel 1 -

7 MR. POIRIER: Right.

8 MR. CAYER: -- triangular piece at the very end.

9 MR. NAZAR: Yeah.

10 MR. CAYER: Oh, that's what he's referring to?

11 MR. NAZAR: Oh, that's what he's referring to. Okay.

12 MR. FAIRFIELD: Yeah.

13 MR. POIRIER: I see. Okay. Thank you. I just wanted to
14 know what we were discussing.

15 MR. FAIRFIELD: And it does run pretty much center to-
16 through the other two lots. There's a fairly obvious water
17 trench through them. So I would say, you know, they can't dam
18 me off. You know, you'd flood my property. So how would you
19 be able to develop it without damming my property?

20 MR. POIRIER: Okay. We can ask the applicant that at the
21 end if you'd like to get an answer from them. Delaine, did you
22 have questions?

23 MS. NYE: I have a question and that is it's all been
24 clear cut back there. And when property is clear cut obviously
25 it can result in more erosion and can change the flow of water.

1 Has that changed any of the runoff onto your property?

2 MR. FAIRFIELD: No. It's coming off and me onto this
3 property.

4 MS. NYE: It's come-, it's going from you onto this
5 property.

6 MR. FAIRFIELD: That's right. Yeah.

7 MS. NYE: I see.

8 MR. FAIRFIELD: Yeah.

9 MS. NYE: Okay.

10 MR. FAIRFIELD: And it's a fairly, it's like a 25 percent
11 grade up each side of my property in that gully.

12 MS. NYE: So you're concerned that the water that is
13 currently now draining away from your property will be blocked.

14 MR. FAIRFIELD: That's right.

15 MS. NYE: I see.

16 MR. FAIRFIELD: Yeah. Because looking at the lots you'd
17 think they'd have to build them up quite a ways to make them
18 level with the road. So how they'd be able to do it unless
19 they dug a ditch along the back, I don't know; but I'd like to
20 see that happen if they did, you know.

21 MR. POIRIER: Okay. Okay. We'll ask the applicant for an
22 answer to that.

23 MR. FAIRFIELD: All right.

24 MR. POIRIER: Thank you.

25 MR. FAIRFIELD: Yeah

1 MR. POIRIER: Anybody else in the audience like to speak
2 against the project?

3 MS. FAIRFIELD: I'd like to.

4 MR. POIRIER: Please come to the microphone and state your
5 name, please.

6 MS. FAIRFIELD: I'm Donna Fairfield, Jonathan's wife. I'd
7 like to know what they're going to do about the road. That
8 road is heavily traveled now with dump trucks constantly during
9 the summer season, sometimes even during the night. It's a
10 dirt road. They've paved up until about a thousand feet from
11 us. And then Manchester has paved thereon. So there's
12 pavement, a thousand feet of dirt and then pavement again. Now
13 when you start having more traffic coming through there and
14 more homes, you're talking a lot more traffic. What do they
15 plan on doing about the road then? It's not being taken care
16 of now. That's the worst road I have- during the spring they
17 have made it a little bit better; but during the spring honest
18 to God it is like the mud runs.

19 I have torn the exhaust off of my car. I have a new car
20 that you can hear every creak in it now because the road is
21 ridiculous. And we're talking more traffic. I'd like to know
22 what you're going to do about that. Are you going to come, dig
23 the ditches, pave, do the responsible thing instead of us
24 driving through mud and ruts and- I mean you said you had been
25 out there. Did you go up any further towards Manchester to see

1 what the drive was like?

2 MS. NYE: Oh, yes I did. Oh, yes.

3 MS. FAIRFIELD: Wasn't that lovely? I drive that every
4 single day. It's just beautiful. I've been there for 38 years
5 and nothing has been done. Manchester has done their part; but
6 Augusta has not. We pay our taxes. It's not fair. And now
7 we're going to have more houses coming in, more traffic and
8 something is going to have to be done about that. You need to
9 consider this. It's not fair. That's all I have to say.

10 MR. POIRIER: Thank you.

11 MS. NICHOLS: Thank you.

12 MR. POIRIER: Just to clarify that point, Matt, there is
13 nothing in the Land Use Ordinance that would require that with
14 this project. Correct?

15 MR. NAZAR: No. With the volume of traffic that's being
16 proposed or that would be as a result of a four-lot subdivision
17 is quite small for this particular proposal. And so there's
18 nothing that the Planning Board would have to do with respect
19 to that.

20 MR. POIRIER: Right. So I'll -- so I just want to make
21 that point. It's a little out of our jurisdiction. So really
22 that's something that you want to talk to your city counselor
23 about because it's really up to them to decide about what roads
24 are paved or how they're maintained. Okay. I just wanted to
25 make that, just wanted to make that clear. Are there anybody

1 else in the audience that would like to speak against the
2 project?

3 MR. DOSTIE: Good evening. This microphone is a little
4 lazy. My name is Kevin Dostie. I live across the street from
5 this development or this proposed development. And I didn't
6 know if I should come for the -- for or against it, or neither,
7 or I almost came up to the last one. I just -- I didn't know
8 where I stand because I'll be honest with you, how much time do
9 I have? Can I have five minutes?

10 MR. POIRIER: Absolutely. Yeah.

11 MR. DOSTIE: Okay. Thank you. To be honest with you,
12 when my grandfather passed he owned this land just three years
13 ago. And he was very big on conservation. I mean you- some of
14 you may remember Joe Dostie; and he was here at this microphone
15 for many years speaking about his piece. So part of the reason
16 why I'm here is to kind of represent him one final time for his
17 land that he had.

18 Now to be honest with you, I wanted to develop this two
19 and a half years ago, much differently than the applicant. I
20 was looking at it for future use for my family. I paid
21 contractors. I consulted many professional people. And they
22 spent a lot of time with me. We walked this whole piece of
23 property; and they basically said this land junk. It's not
24 worth putting a house on. If you can get deep enough pockets
25 you may be able to find a few house lots. And I said, you

1 know, it's -- I guess it's not worth it.

2 So it got sold off by an outside developer. They clear
3 cut the land. This land used to be in tree growth. Just a
4 couple of years ago they had to pay a penalty of a couple
5 thousand dollars to get it out of tree growth because this used
6 to be just general land. I have been living on this land for
7 39 years. I was born just down the street here. I'm going to
8 probably stay here for the rest of my life. I'm probably going
9 to be buried some place close to here. My grandfather owned
10 this land for 50 years. And this area is a nice little
11 community.

12 When people do build houses in this area they don't just
13 look at the letter of the law and try to sneak in anything they
14 can, they build a nice, respectable home that's on four to five
15 acres. Some people have hundred-acre lots. Some people have a
16 couple acre lots. But they're not stacked on top of each other
17 like this. I personally think that the applicant, Mrs.
18 Roderick, purchased this land thinking that she could get it
19 cheap with luck, clear cut it and then thought she could
20 subdivide it; but now she's run into all sorts of problems with
21 subdividing.

22 I have been up on that ridge with contractors; and
23 unfortunately, back in the day when people didn't know what
24 they were doing, they stripped the topsoil off from all that
25 flat surface. It will not pass a septic design properly. So

1 any flat area on this land has been stripped. And one of the
2 gentlemen basically said the good ole- those guys that didn't
3 know what they were doing, unfortunately, they ruined the land
4 for the next generation. So it doesn't have the 12 inches of
5 molten or whatever they require for a private sewer system on
6 page like 15.

7 I think Mrs. Roderick bought this land. She's not even
8 here tonight. She doesn't care about our community. And she
9 just wants to get out of this somehow because she overpaid for
10 a wood lot and then she wanted to subdivide it. And now we're
11 looking at doing whatever it can, whatever the letter of the
12 law will allow us to do. And we're all talking tonight about
13 well what about this? What about that? This just doesn't make
14 sense. And I'd like to just show you a couple of things that
15 really concern me.

16 And I'm not really for or against this. I'm not- this
17 land would have been nice to have been developed. There's a
18 nice hill up high. It would have really been a nice setting
19 for a nice home. There could have been three or four good
20 homes built here. To be honest with you, that's what I was
21 going to do with it down the road with my children. I have a
22 bunch of children and I was going to do that.

23 I find it interesting though that Mr. Drake, Everett Drake
24 is the site septic person. I don't know your industry as well
25 as I should. It's on page 15 of your packet if you know it. I

1 find it interesting that- to be honest with you, I live across
2 the street. He was there for about 20 minutes. My wife said
3 hey look there's somebody down there digging holes. He went
4 bang, bang, bang, bang. He was in his car. He was gone. He
5 did it- what I don't understand, and this photo isn't very
6 well.

7 If you go to your page there's these little dots. And I
8 guess those represent where he tested. And what I don't
9 understand when I'm looking at those test sites is that they're
10 within- like they're basically in the ditch. Or I don't mean
11 they're- like that blue line is the offset I understand or the
12 setback. And why would you test for septic design in a spot
13 that's not even allowed to be? I don't think you can put a
14 septic field in a ditch or within the 20 foot setback that's
15 noted on this paper.

16 So that's a concern to me that there may be- I don't want
17 to think ill of anybody, but some dishonesty with how these
18 perc tests were done. I also understand, you know, I know a
19 little bit because I built my own house right there across the
20 street. And I put my septic field in actually with my neighbor
21 John; he helped me out. And I remember being- going through it
22 and the person was super strict. And I was way up on that hill
23 and there was like no water. But he was like oh you can't do
24 it here. You can't do it there. You have to do it here. Oh,
25 I don't really want it there; too bad.

1 And what I'm finding is I thought it was 75 feet you had
2 to be from wetlands and water with a septic field. I may be
3 wrong about this. I don't know your industry. But I measured
4 it tonight. The first lot, Lot 1, is 46 feet from running
5 water from where he tested the water, tested the hole for
6 molten whatever. He's the septic person. It would be nice if
7 he was here tonight so he could describe but he's not. So
8 that's within 46 feet of water that's falling. I'm -- if I was
9 to guess, probably about a hundred gallons a minute is running
10 through that little ditch that John was trying to describe.

11 The second is within 60. That lot isn't quite as bad; but
12 I don't think it's going to work there either. And then what I
13 found very interesting, on Lot 3 it was literally within hands
14 reach of that hole. I took a picture. I should have made some
15 copies. There was a Cat o'nine tail growing all around that
16 hole; and that means it's a wetland. And all -- there's within
17 easy toss of -- and all those grow in wetlands.

18 On Lot 4 my feet were getting wet tonight when I went and
19 looked at it. Within 12 feet there was an Alder growing of Lot
20 4. It's- that lot is almost all water on Lot 4. Uh, what else
21 I have to mention? I don't know these gentlemen. They're from
22 away. They're not from our town. I don't know their heart. I
23 don't know if they're- I don't get it because if you look
24 really closely at the references that they used, because they
25 didn't actually do the surveying themselves they used the

1 previous surveyor, which was Coffin Engineering, which we're
2 all familiar with and we've used them before. They use the
3 plan that's right here in my hand because I got a copy too
4 because I was, you know, I got a piece of this estate that my
5 grandfather had. And I'd like to pass this around if I can. I
6 don't know if I can do that or not? But I'm just going to pass
7 it to Matt here.

8 And I want to know that -- I don't know why the applicant
9 did not put wetlands on his plan because if you use this as a
10 reference, it's the exact same paper, at the top where Mr.
11 Fairfield was talking about there is a stream entering. And at
12 the bottom you'll see wetland indication that water is flowing
13 -- sorry. I'll pass this.

14 MR. POIRIER: All right.

15 MR. DOSTIE: And those are not on that actual plan
16 description maybe I'll call it. So I don't know why that- the
17 water literally flows through all four of these lots. The
18 first lot is basically a ravine where two hills meet together.
19 And to be honest with you, I thought it was comical. I didn't
20 do it; but I know who did. Somebody called in the logger that
21 was logging that area. If you look it's like the landing area,
22 if you're familiar with logging that's where you bring all the
23 logs, it was like a mud run there. And someone called them in
24 and they had to be shut down for a while because they weren't
25 even coming close to meeting the DEP standards. The logging,

1 if you notice, there's all kinds of trees that they did not
2 take in that spot because that is a wetland that they had to
3 stay away from. So the logging industry is saying this isn't
4 good.

5 I wanted to show one more thing. I won't take you guys
6 all night. I won't ramble on. I guess if you look at page
7 three, this is what concerns me the most. If you could open up
8 your little pamphlet to page three, what I find interesting is
9 that the applicant did not disclose wetland; but our own tax
10 pap shows wetland. And that's- the flow is right across the
11 street from my house. It's all wet right there. All right.
12 You can see where I live. And if you, if -- it's kind of hard
13 to see because this isn't colored; but you'll see if you went
14 to the actual tax map where that water runs.

15 And John is absolutely right. The water runs through his
16 property right through all four of these lots in the center.
17 And to be honest with you, I don't even know if these people
18 got out of their car and looked. I did see a Volvo show up
19 about a month or two ago. And I saw a bunch of scrolls in the
20 back of their car; but they didn't even look. They don't even
21 know what this property looks like. The man that came and did
22 the septic perc test or whatever you call it, jumped out of the
23 car, in the ditch, bang, bang, bang, all four of these.

24 There's just too many flags going on for me to -- I
25 wouldn't recommend approving this; but the lots may -- that

1 land may be inhabitable, maybe be able to be built, but let's
2 do it in a proper way. I don't think this is anywhere near
3 proper. And us people in our community that care about our own
4 community want to make sure we do it right so that future
5 generations can enjoy this.

6 One thing that Donna didn't bring up that I thought was
7 interesting is that the trucking is heavy. I mean everybody's
8 against these pits and the trucking; but this building wasn't
9 built with Volvos, you know. It was built with -- well maybe
10 Volvo heavy trucks and equipment. But it's built with stuff
11 from our community. Okay. And we have to be able to haul this
12 stuff down these roads. And it's perfectly legal to do it; but
13 this section of road, if anybody in their right mind actually
14 moves in down here, is going to get covered in dust. The
15 vegetation in this area is- you can't even tell the leaves are
16 green in the summertime because that area is dust. We were all
17 smart enough to build far enough away from this because we knew
18 it. All you're going to have is four new angry people coming
19 to meetings like this complaining about the road because they
20 weren't aware. Does anybody have any questions? I'm sorry to
21 rant and rave.

22 MR. POIRIER: No. That's perfectly fine. Thank you.

23 Anybody have any questions?

24 MR. NAZAR: Do the Board members want me to pass the plan
25 around?

1 MS. NYE: Yes.

2 MS. POIRIER: Please.

3 MR. NAZAR: Pass that up.

4 MS. NYE: Thank you.

5 MR. POIRIER: We'll make sure you get it back. Thank you.

6 MR. DOSTIE: I don't need it.

7 MR. POIRIER: Anybody else who would like to speak against
8 the project? Anybody neither for nor against but would like to
9 speak? I'd like to bring up the applicant if you want to
10 respond to any of the questions, comments.

11 MR. BOYNTON: I'm going to kind of go in reverse order
12 here these concerns. First off, "from away," I mean what does
13 that mean? They don't have a right to own this town because
14 they're from Norridgewock? That's offensive. And for him to
15 suggest that Linda Roderick is dishonest doesn't know Linda
16 Roderick and doesn't know Charlie Roderick. Charlie Roderick
17 owns over 30 pieces of property that he has homes on. I mean
18 the man has done a lot of work. He's got a great reputation.
19 He is not a crook by any means.

20 And this land, we've -- we referenced the plan. We've got
21 the plan right here that he's talking about. And if you look
22 at this plan, I mean we reference these plans; but as land
23 surveyors we don't assume anything. We go out -- we shot every
24 point, every shot. On here we probably had in excess of 800
25 shots on this property. The property lines were not run.

1 They're just pins set out there on the corners. And on this
2 plan it shows wetlands way up in the northeast corner and way
3 down in the southeast corner just like we show. There's no
4 wetlands shown by this plan by Coffin Engineering. It's just
5 not on there.

6 And as far as that road, the land was for sale; and if he
7 thinks that Everett Drake, which Everett Drake, if you look at
8 the letter, it's typed. And some people are offended by that.
9 Everett Drake's been doing this for many, many years. And if
10 you've worked with these older people you know they have a lot
11 of experience and expertise, even though they may not be
12 computer literate. But he knows what's out there; and to say
13 that he did all that in 20 minutes, my men were there with him.
14 They located the pits. It was a lot more than 20 minutes; and
15 plus he'd already been there several weeks before locating
16 information on the first lot.

17 So- and to say that we're going to go out there and put
18 some squalor for homes on there, that's just not the case.
19 That's not going to be the case. There's going to be some fine
20 homes out there. It's land. You know, it's going to be
21 expensive to build and buy on. We're not going to go out there
22 and ruin that land. And it's one-acre lots. It's going to be
23 plenty of room to park on. There will be some nice homes out
24 there. If Mr. Dostie has got concerns about developing it he
25 should have developed it. He's saying we can't. We've got

1 expertise in there; and I'm not saying myself. I'm talking
2 about people that know what they're doing, say they can develop
3 that land.

4 And going back on the road, the road if you've been out
5 there recently, on the west side it has been very well ditched.
6 I mean that road is rough a little bit now but it's the time of
7 year. But that road is built up very well; and it's very well
8 taken care of on the west side. It's well-ditched all the way
9 up through there. So I don't see any negligence on part of the
10 town for anything there. It goes from hard top to gravel. Up
11 on the corner there's a pretty sharp turn. If this was a one
12 -- mile straightaway I would worry more about, you know, the
13 traffic. But you're coming around a sharp corner there.
14 There's not going to be any problem with the sight distances we
15 have from people in the driveways.

16 And as far as the first concern by Mr. Fairchild, is it
17 Fairchild?

18 MR. FAIRFIELD: Field.

19 MR. BOYNTON: Fairfield. I understand that he's to the
20 north. The water drains from the north to the south. And --

21 MR. FAIRFIELD: And the other ways

22 MR. BOYNTON: If we dammed you up the land that we got
23 would be worthless. There's no way we would ever think of
24 damming that up. That's a natural drain. I've been in the
25 landscape design business for over 40 years and I can tell you

1 that nobody ever messes --

2 MR. POIRIER: Excuse me, sir, we have to -- they have to
3 speak to the Board, please. Please keep your comments. You'll
4 have your chance also.

5 MR. BOYNTON: There's no way anybody's going to go in
6 there and back up natural drain. I mean why would anybody do
7 that? You're going to flood your land. And just to think that
8 we ever would do anything. If you've been out there it goes
9 just like this (indicates). I mean we'd be ruining everything
10 south of any place you put a dam before you ever- water would
11 be across the road before it could ever get up to his property.
12 So there's no concern on that. And there's nobody in the world
13 that had any insight on land construction and maintenance would
14 back up a natural drain.

15 MR. POIRIER: Are there any questions? Okay. Seeing
16 none, thank you.

17 MR. BOYNTON: Thank you.

18 MR. POIRIER: At this point I will close the public
19 hearing and we'll open it up to floor discussion. Anybody have
20 any questions for anybody or comments?

21 MS. NYE: I --

22 MR. POIRIER: Delaine, yes.

23 MS. NYE: I have some comments. I did go out as I said
24 and I looked at the lots. I didn't walk onto the land, but I
25 did get out of my car. And I drove all the way up to the

1 Manchester, well the intersection of the- what's the road up
2 there? The --

3 MR. NAZAR: Sanford?

4 MS. NYE: Sanford Road, thank you. And I had some
5 concerns about the traffic and the fact that this appears to be
6 a road that in the future we can expect, in my opinion, to be
7 much more heavily traveled. I've already said that once so
8 I'll let that go; but the topography there with the curves on
9 the road, together with the fact that on the other side of the
10 road where the Dostie property is there are some steep banks
11 that do impede the distance as you're going down the road. So
12 I have some concerns based on what I saw while up there.

13 And then I went to our comprehensive plan because as a
14 member of the Planning Board, part of my responsibility is to
15 not only consider the ordinances and that kind of thing but
16 also to look at what the comprehensive plan says about
17 development in the City of Augusta.

18 So that is my responsibility to do that. And referring to
19 the comprehensive plan, on page 51, Future Land Use, when it
20 talks about the rural northwest, which is where this property
21 is located, it says "the smaller of the two rural areas is in
22 the northwest section of the city. It includes the Sidney Bog,
23 Fawn Brook, Sanford Road and the border with Manchester. The
24 natural resources in the area, and particularly Fawn Brook, are
25 documented Atlantic salmon spawning habitat are important

1 assets for the community to protect. Development in the area
2 should be rural in character and make use of clustering. Storm
3 water management limited vegetative clearing and limited
4 impervious surface creation."

5 I'd like to say that the subdivision plan in front of us
6 is not an example of clustering. And the fact that it's clear
7 cut is in direct opposition to the language that said there
8 should be limited vegetative clearing. Okay. "Total
9 impervious surface in this northwest section of the city should
10 not exceed 10 percent in order to maintain the health of the
11 watershed. Great care regarding both the quantity and quality
12 of runoff from growth areas into these rural areas is necessary
13 to insure a healthy ecosystem. To the extent possible,
14 underground detention that limits the warming effect on water
15 of above detention should be considered." But it also goes on
16 to say that in this area curb cuts will be limited. It does
17 say particularly on Route 27, which is, this is not obviously;
18 but for this area curb cuts will be limited.

19 On page 53, again they're talking about the general
20 standards for land use. It says that, "Permits for the
21 creation of new lots and driveways shall be required to ensure
22 adequate access for emergency vehicles to maintain safe access
23 to public roads, and to maintain orderly development patterns.
24 Excess management standards will be enforced along gateway
25 roads in order to continue to limit curb cuts and enhance

1 safety." And I know this is not a gateway road, but it seems
2 to me that when you look at the map of Augusta and the
3 Gazetteer that this road could very easily become a gateway in
4 the not to distance future.

5 "The city will continue to regulate earth removal
6 enclothed in gravel pits. The city will continue to require
7 adequate off-street parking and loading, tempered with
8 reductions. And those requirements were on-site solutions that
9 are generally not possible or where off-site arrangements are
10 made." And to me that says that if we're -- in the matter of
11 allowing subdivisions, we ought to be thinking about where --
12 if the people are going to be building homes, where else, where
13 might they be parking in close proximity to their property?

14 And I think with some of the obstacles with this site that
15 it's going- people will naturally at times be parking along the
16 road. And I see that as a hazardous situation. Page 54, under
17 Section 3, Site Plan Review, Subdivisions, Impact Fees and
18 Mobile Home Parks, it says: "Continue to provide a higher level
19 of scrutiny for multiplexes, mobile home parks, subdivisions,
20 commercial and industrial uses and institutional uses.
21 Continue the two-tiered approach with major and minor
22 subdivision levels of review and requirements." It talks about
23 sidewalk and other pedestrian amenities. Snow removal, travel
24 impacts, excuse me, traffic impacts, site access and road
25 designs and other criterias deemed necessary.

1 These -- when houses are built along there it's natural
2 for people to want to neighbor and walk from one house to the
3 other. These people will be walking, in my opinion, along that
4 busy road. The comprehensive plan goes on to say: "Include
5 provisions for conservation development or clustered
6 residential, commercial development."

7 So I think that it's important that we take great care in
8 approving subdivisions so that we listen to the comprehensive
9 plan. We are supposed to take our direction from that. And I
10 agree with many of the comments made by both the Fairfields and
11 Mr. Dostie. And I think that as subdivisions go in Augusta, I
12 think instead of following the bare minimum standards allowed
13 by law, I think we owe it, as members of this Planning Board,
14 to set the bar a little higher than that as outlined in the
15 comprehensive plan. So I do not plan to vote for this
16 subdivision.

17 If in the plans they had shown one access road going into
18 the property so there were not four separate curb cuts; but I
19 think that at some point there will be more divisions of the
20 remaining land, which will only compound the problem if we
21 approve this tonight. Thank you.

22 MR. POIRIER: Matt, I have a question about a definition.
23 Is there a definition for what clustering means? Is that
24 defined or is that a --

25 MR. NAZAR: Our ordinance has a standard in it for what we

1 -- what's called conservation subdivision in our ordinance.
2 That it was a cluster subdivision; essentially it's a
3 performance subdivision. That is essentially a cluster
4 subdivision. It would pull all the lots together, allows the
5 lots actually to be smaller than the standard in the ordinance.
6 And -- but requires conservation land be set aside. There's
7 nothing in the standard or in our ordinances that requires
8 that. And while the guidance in the comprehensive plan
9 recommends it, there's nothing -- there's no regulatory
10 requirement for it.

11 MR. POIRIER: So is clustering -- could that be applied to
12 like the Cony Village?

13 MR. NAZAR: Yeah. That would be an example of a
14 performance subdivision. It's what we call it in Augusta; but
15 it's a cluster development.

16 MR. POIRIER: Okay. Thank you. I just wanted to make
17 sure I understood what that meant. Is there any -- oh, Tom,
18 sorry.

19 MR. CONNORS: Lionel, I'm just curious. After Mr.
20 Dostie's presentation and viewing the map, do you have any
21 concerns regarding wetlands? There seem to be very opposing
22 views of whether there are or aren't.

23 MR. CAYER: Yes. I believe that, you know, the gentleman
24 here representing Mrs. Roderick spoke very well about the fact
25 that they did take the time to survey this property. And I

1 think you can take them at their word from what they've said
2 about what they found out there. Is the property wet?
3 Certainly, but I don't think we're dealing with wetlands in my
4 opinion.

5 MR. POIRIER: Any additional Board comment, discussion,
6 questions?

7 MR. DUMONT: Oh, I agree with Delaine.

8 MS. NICHOLS: Use your microphone, Steve.

9 MR. DUMONT: I disagree with Delaine. That's all. I --
10 she's a hundred percent right. And I'm concerned about the
11 drainage on the first couple lots too.

12 MR. POIRIER: I'm sorry. I didn't quite follow that.

13 MR. DUMONT: I'm concerned about the drainage on the first
14 couple lots from the neighboring property. I mean it looks
15 like it goes right through the middle of that first lot. Where
16 are you going to put a house?

17 MR. POIRIER: Generally, Tom, you indicated that you
18 agreed with Delaine's position.

19 UNKNOWN SPEAKER: I'm concerned about the fact that on our
20 tax map we have a wetland there. And on the map that we saw
21 from Mr. Dostie there's a wetland there as well; but it isn't
22 on the map that we saw from the applicant tonight.

23 UNKNOWN SPEAKER: Question, Matt.

24 MR. NAZAR: Sure.

25 UNKNOWN SPEAKER: Now applicants, you know, we have a

1 certain amount of leeway with neighborhood compatibility. You
2 know, those are kind of subjective if, if you will. That's
3 generally our subjective area.

4 MR. NAVAR: Yeah.

5 UNKNOWN SPEAKER: And I do appreciate what Delaine is
6 saying about, you know, setting the bar higher; but the bar is
7 basically set by the counsel and what they decide our land use
8 ordinance is going to say. Do we really have the authority to
9 determine that on our own on the other areas which are more
10 black and white, like minimum standards about driveway
11 distances and-

12 MR. NAVAR: In my opinion there really isn't room for
13 leeway with respect to lot size and those sorts of things. And
14 from a neighborhood compatibility perspective, these are lines
15 on a map. So I'm not -- I don't believe there's a great deal
16 of leeway that the Board has with a proposal like this with
17 respect to neighborhood compatibility. If there are questions
18 with regard to wetlands, and remaining concerns with respect to
19 that, you certainly have the right to ask the applicant to
20 bring an expert in to provide you with details on that issue.
21 At this point they have a surveyor here who can answer survey
22 questions. If there's -- I don't believe the person who did
23 the wetland mapping is here this evening or took a look at
24 wetlands or, or looked at -- did the site evaluation for septic
25 system isn't here this evening. Okay. So if you want some

1 additional information with respect to that, you certainly have
2 the right to request that to make sure that these are buildable
3 lots. And you could ask the applicant's agents here to provide
4 you with greater evidence with respect to that with respect to
5 showing you where on these lots there is buildable area based
6 on the concerns you've heard this evening.

7 MR. POIRIER: Okay. Thank you for that clarification.

8 MR. NAZAR: Take a vote?

9 MS. NYE: Go ahead.

10 MR. POIRIER: Yes, Delaine.

11 MS. NYE: I'd like to make a motion --

12 MR. POIRIER: Okay.

13 MS. NYE: -- unless there are more comments?

14 MR. POIRIER: Are there any more comments?

15 MR. NAVAR: No.

16 MR. POIRIER: Okay.

17 MS. NYE: I move in the matter of application of Linda S.
18 Roderick's Springbrook Estates for a major subdivision on Mount
19 Vernon Road, so Rural River identified on Tax Map 5, Lot 185A
20 and Map 5, Lot 185 existing. In the matter of the application
21 to grade a subdivision there, I move that we deny the
22 application based on the conclusion of law as identified as
23 4.4.1.9, as relates to conformity with city ordinance and plans
24 that says that the proposal complies with the 2007
25 comprehensive plan and land use ordinance because in my opinion

1 it does not comply based on the items that I mentioned earlier.

2 MR. POIRIER: Is there a second?

3 MR. DUMONT: I'll second.

4 MR. POIRIER: Seconded by Steve. Any other discussion?

5 MS. NICHOLS: Are you sure you don't want to table it to
6 get some more information about the wetlands and whether or not
7 that's --

8 MS. NYE: No. I will not move to table it because I feel
9 that the wetlands is only one of several issues. My main
10 issues are creating four driveways on that road in that areas
11 that I feel that are just as not complied with the
12 comprehensive plan. I have lots of issues; but that is the
13 major one. And that doesn't mean that they cannot come back in
14 the future with a new application. I think it would be very
15 nice if they did that; but resolving any wetland questions
16 won't do it for me.

17 MR. POIRIER: Any other discussion?

18 MS. NYE: So we would vote in the affirmative to --

19 MR. POIRIER: Would be to deny the application. If you
20 vote yes it's a deny.

21 MR. NAZAR: Correct.

22 MR. POIRIER: I can't at this point, sir. Okay. Please
23 vote. Four in favor of denial, two against, denial at the
24 subdivision is denied. Okay. Thank you. Next item on the
25 agenda, Matt. If you have any questions you can talk to Matt

1 about process moving forward.

2 END OF REQUESTED TRANSCRIPTION

3 MS. NICHOLS: Do we know if we have a meeting at the end
4 of the month, Matt?

5 MR. NAZAR: There's nothing on the agenda right now for
6 the end of the month. No.

7 MS. NICHOLS: Okay.

8 MR. POIRIER: Motion by Steve, seconded by Delaine.
9 Please vote. All in favor of adjournment. Thank you.

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(END OF AUDIO)

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I hereby certify that this is a true and accurate transcript of the proceedings, which have been electronically recorded in this matter on the aforementioned date.



Leslie Hester, Transcriber