



Town of Ogunquit  
Planning Board  
Post Office Box 875  
Ogunquit, Maine 03907-0875  
Tel: 207-646-9326

**OGUNQUIT PLANNING BOARD  
REGULAR BUSINESS MEETING  
MINUTES  
SEPTEMBER 14, 2020  
ONLINE VIA ZOOM**

**REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

Members Present: Steve Wilkos (Chair)  
Mark MacLeod (Vice-Chair)  
Bob Whitelaw  
Jackie Bevins (arrived at 6:10 p.m.)  
Elaine Cooper (1<sup>st</sup> Alternate)

Also Present: Scott Heyland, Code Enforcement Officer  
Lee Jay Feldman, SMPDC Town Planner

Mr. Wilkos noted that for each motion voted on during this meeting Board Members would vote yea or nea verbally.

**Mr. MacLeod Moved to Excuse Ms. Bevins.  
MACLEOD/WHITELOW 3:0 UNANIMOUS**

Mr. Wilkos noted that Ms. Cooper would be moved to full voting status for the duration of this meeting.

Mr. Wilkos noted that the Town Attorney's opinion is that it would be a conflict for a Planning Board member to also be a member of the Historic Preservation Commission. He asked Ms. Cooper if she would be stepping down from the OHPC and will remain on the Planning Board.

Ms. Cooper responded that her first priority is the Planning Board.

**B. PLEDGE OF ALLEGIANCE –**

**C. MISSION STATEMENT –** The Mission Statement was read by Mr. MacLeod.

**D. MINUTES – August 24, 2020 Regular Business Meeting.**

**Ms. Cooper Moved to Accept the Minutes of the August 24, 2020 Meeting as Amended.  
COOPER/WHITELAW 4:0 UNANIMOUS**

**E. PUBLIC INPUT –**

Mr. Wilkos asked if there was anyone who wished to be heard on any matter not on this meeting’s agenda. There was no one.

**F. UNFINISHED BUSINESS – None**

**G. NEW BUSINESS –**

**1. SUNSET RIDGE SUBDIVISION – Berwick Road – Map 18 Block 3-1 – RR1 – Subdivision Preliminary Plan Application for three residential lots and private roadway.**

Ms. Cooper noted that Article 6.1.1 of the Subdivision Regulations states that “Within six (6) months after acceptance of the sketch plan by the Planning Board, the developer shall submit an application for a Preliminary Plan to the Land Use Office...”

She noted that this project’s Sketch Plan was accepted on October 28, 2019 and the six month timeframe has expired.

Mr. Feldman responded that this project was delayed for a period of time due to the stoppage of Planning Board review because of the Covid 19 pandemic. This should not be considered against the application’s “ticking clock” and as such this requirement should be waived.

Mr. Wilkos asked if the Board members agreed.

The Board unanimously agreed that due to the extenuating Covid 19 circumstances the Board should extend the submittal deadline and hear the Preliminary Plan Application at this time.

Mr. Whitelaw noted that he was not a sitting Board member when the Board reviewed the Sketch Plan. He has received and reviewed all the material from the Sketch Plan including Planning Board Meeting Minutes; and he feels comfortable moving forward with a review of the Preliminary Plan for this project.

The Board members unanimously agreed that Mr. Whitelaw should participate in hearing and voting on this application.

**Ms. Cooper moved to allow SUNSET RIDGE SUBDIVISION – Berwick Road – Map 18 Block 3-1 – RR1 – to appear before the Board for Subdivision Preliminary Plan Application for three residential lots and private roadway, past the six month deadline because of Covid 19.**

**COOPER/BEVINS 5:0 UNANIMOUS**

Geoffrey Aleva from Civil Consultants addressed the Board as the Applicant’s representative. He noted that Civil Consultants has taken over this project from Anderson Livingston who presented the Sketch Plan.

Mr. Aleva summarized that this project involves a three lot subdivision which includes the paving/upgrading of the existing roadway which currently services an existing single family home. The proposal is to keep the “wooded lot” atmosphere of the existing neighborhood.

Mr. Aleva reviewed Note 3 from the Plan which states that the intersection of Sunset Ridge and Berwick Road is over one mile (5500 feet) from the intersection of Berwick Road and Route One, this was measured by a staff member who walked the distance with a measuring wheel.

Mr. Aleva referred to the Subdivision Plan which includes the lot layouts, well radius, driveway locations, and test pits for on-site septic systems; as well as the locations of “wooded areas” between Berwick Road and Lot 4.

Mr. Aleva reiterated that the goal is to keep the lots wooded, however he agreed that some property owners may want lawns. He noted the location of wetlands and pointed out that there can be no cutting in these areas.

It was noted that culverts will be wildlife friendly.

Vehicle trips per day will be 38 with 3 to 4 peak hour trips. With only four single family homes using Sunset Ridge Lane this project will have a low traffic impact.

Mr. Aleva referred to the past issue regarding the area of land along Berwick Road. He explained that deed researches revealed that when the DOT realigned Berwick Road for the Route 95 overpass they did not make any adjustments to the roadway/property lines as they straightened out Berwick Road.

Mr. Whitelaw pointed out that the well radius from Lot 2 appears to run into an abutting lot.

Mr. Aleva responded that a well radius can overlap a lot line; what they do not want is to have the well radius run into a septic system.

Mr. Whitelaw asked about the wooded areas; he asked about placards on trees to clearly indicate which trees may not be cut either now or by future owners.

Mr. Aleva responded that this is generally done in larger subdivisions where Maine DEP permitting is required. This is done to protect wood buffers.

Ms. Cooper asked if Mr. Aleva would provide a more detailed narrative. She noted that the one submitted with the Sketch Plan was minimal.

Mr. Aleva agreed to do so.

Ms. Cooper asked if Mr. Aleva would provide a topographical map of the property.

Mr. Aleva agreed to incorporate Lidar onto the Subdivision Plan. This will provide a more 3D representation of the property.

Mr. MacLeod pointed out that several items on the application form were left blank.

Mr. Aleva agreed to provide the missing information.

Mr. Feldman reviewed his August 27, 2020 memo (a copy of which will be maintained in the Applicant's Planning Board File).

Patience Sundaresan, Chair of the Ogunquit Conservation Commission (CONCOM) reviewed the Commission's October 10, 2020 memo to the Board (a copy of which will be maintained in the Applicant's Planning Board File).

Mr. Aleva responded that he would have liked to have been able to attend the CONCOM meeting.

He went on to say that the proposed culvert is designed to meet Army Corp standards where a portion of the culvert is buried with a gravel base. It will also allow for wildlife mobility through the culvert. The size of this culvert exceeds requirements for this area. This new culvert will drain down to the east where there is an existing culvert which services a very small wetland area.

Regarding house locations. The homes will be built on the high ground. Mr. Aleva noted that packed gravel driveways are considered to be impervious surfaces.

Regarding past removal of trees. The developer has not removed any trees yet, however the lot was logged by a previous owner. Mr. Aleva was unable to find any signage for environmental or wildlife protection on this property. He suggested it may have been part of the CMP easement.

It was also confirmed that no part of this property is within 250 feet of any high water line of a river or saltwater body.

Mr. Aleva reiterated that the developer is selling these lots as packages for wooded house lots. The intent is to have the new houses tucked away into wooded lots.

Ms. Sundaresan asked for confirmation that packed gravel is similar to paved surfaces.

Mr. Aleva confirmed that it is. They are both considered to be impervious.

Mr. MacLeod asked if a sidewalk would be included.

Mr. Feldman responded that a sidewalk may be waived by the Board if the Applicant requests.

Ms. Cooper asked if the Board follows the Low Impact Development standards for streets. Noting that this is a small development she asked if the Board may waive the street size and follow LID recommendations; or do they have to follow the Subdivision Regulation requirements?

Mr. Feldman responded that the Board has to follow the Subdivision Regulation standards. He has recommended Low Impact Development Standards for stormwater; and agreed that the Board might want to look at amending the Subdivision Regulations to allow for reduced street size in small developments.

Ms. Cooper asked about the septic system designs and the soils on this property. She noted that the soil test pits indicate shallow soil over high bedrock and she asked; when is it not an issue when the bedrock is this high? what will the soils be like when they install septic systems in relation to surrounding wetlands? and what will be the effect on the head of the Leavitt Stream?

Mr. Heyland responded that there are requirements and restrictions to wetland areas and at some point the Board has to depend on the expertise of the soil scientists to confirm that the proposed plan meets the requirements for wastewater standards. This is why there are multiple test pit locations.

Ms. Cooper expressed her concern about where the new septic systems will be placed, how wastewater will be carried away, and how all these new wells and septic systems will effect people who are downstream. She noted that as property is developed further and further north there will be a lot of new septic systems.

Mr. Aleva agreed and noted that even failed test pit locations are noted on the plan so that the placement of wells and septic systems may be located in the best possible locations. Each individual septic system is designed by a professional engineer and is approved by the State and the Town Code Enforcement Officer. He will follow the rules set forth by the State DEP and the Town of Ogunquit.

Mr. Aleva gave a brief overview of septic system design considerations.

Regarding well capacity, Mr. Aleva explained that as a well is dug the engineer will monitor water pressure to determine how deep to dig and how much water will be available. Once the well is dug tests are done to confirm water quality and evaluate the need for water purification systems in the homes.

At this time, the Board reviewed the Applicant's waiver requests as submitted by the Applicant (a copy of the waiver request worksheet will be maintained in the Applicant's Planning Board file):

*Item 6.2.9.1 A letter from the sewer district stating the district has the capacity to collect and treat the waste water.*

The Board unanimously agreed to grant this waiver because this project is not adjacent to municipal services; and because private septic designs will be incorporated into the project.

*Item 6.2.10 A written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure.*

The Board unanimously agreed to grant this waiver because this project is not adjacent to municipal services; and because private drilled wells will be incorporated into the project.

*Item 6.2.11.3 A high intensity soil survey by a Certified Soil Scientist.*

Ms. Cooper asked how the wetlands will be protected in the area where the roadway crosses over them.

Mr. Aleva responded that they will have to fill in a portion of the wetlands, however they will look at what actually flows into that wetland. Based upon the lidar images it appears that this area was formed because there are so many ups and downs in the bedrock. He will select a culvert size and configuration that meets standards for a 100 year flood; as well as the anticipated amount of water which might flow through that area at any given event. If the DEP were to deny the permit for the culvert he would consider a bridge which would have no impact on the wetland.

The Board unanimously agreed to grant this waiver because this is a three lot subdivision with minimal infrastructure and a high intensity soil survey will not provide additional information; and because the under road culvert has been designed to accept worst case 100 year flood flows and to provide wildlife traffic pass through.

*Item 6.2.11.6 Contour lines at the interval specified by the Board.*

The Applicant withdrew this waiver request and agreed to add a 2' lidar overlay to the subdivision plan.

*Item 6.2.11.13 Location of any open space to be preserved and a description of proposed ownership, improvement and management.*

It was noted that wetland areas and the wooded area around them adjacent to Berwick Road will be maintained and left uncut for development; and is not considered to the "open space".

The Board unanimously agreed to grant this waiver because no land is proposed for public use or open space.

*Item 6.2.11.14 Area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.*

The Board unanimously agreed to grant this waiver because no portion of the project is to be preserved as open space.

*Item 6.2.11.15 The boundaries of any flood hazard areas and the 100-year flood elevation.*

Mr. Aleva reiterated that the developer envisions the new lots to be like the existing lot and structure; wooded lots leaving as much of the natural vegetation as possible. They anticipate locating the new structures in such a way that they are nestled into the trees. He acknowledged that individual homeowners may want some lawn however there will be notes on the final plan protecting wetlands and tree buffers.

Mr. Heyland suggested a notation on the final plan that specifies no cutting in wetland areas and a clear delineation of the wetland boundary lines.

Mr. Aleva agreed to additional notations on the Final Plan that indicate no cutting in the wetlands; he will also look into placards to be posted on the trees protecting them from cutting.

He also reiterated that the developer will be selling the lots as packages and he will be building the homes himself.

Mr. Heyland added that the driveway locations have been laid out and these locations determine the building envelope for each lot. The area of the lot will determine how long these driveways may be and how deeply into woods the new houses may be located.

Mr. Aleva again reiterated that it is the goal of the developer to create a neighborhood of wooded lots; and the wetland areas will be protected; however individual property owners will likely want some sort of lawn area around their homes.

Mr. Heyland noted that Article 9.5 of the Subdivision Regulations provides that the Board may require a Landscape Plan which may require retention of specific trees. He agreed with Mr. Aleva that this is difficult then trying to site locations for a house, septic system, wells, driveways, and other things needed to develop a lot. He summarized this project involves a parent parcel of about seven + acres with four houses on it; and probably 40% of it is wetlands. This area will never be pasture lands because the wetlands around each building site are required to be protected.

Ms. Cooper asked about a requirement for revegetation to compensate for the trees and other vegetation which will have to be removed for development of each lot.

Mr. Heyland added that even if this waiver is granted the discussion of landscaping and vegetation does not end. The Applicant still must go through the Final Plan review.

The Board agreed 4:1 (Mr. Wilkos dissenting) to grant this waiver because the project is not proposing restrictions on lot cutting other than zoning required coverage limits.

*Item 6.2.12 Hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer.*

The Board unanimously agreed to grant this waiver because the proposed three single family homes do not create a large demand for septic; and because State published aquifer maps indicate that this area does not have a delineated significant sand or gravel aquifer.

Mr. Wilkos stated that all waivers have been granted.

**Mr. MacLeod moved to find the Preliminary Plan Application complete, with granted waiver requests for SUNSET RIDGE SUBDIVISION – Berwick Road – Map 18 Block 3-1 – RR1 – Subdivision Preliminary Plan Application for three residential lots and private roadway.**

**MACLEOD/BEVINS 5:0 UNANIMOUS**

Mr. Aleva noted that he has a lot to do to prepare for the Public Hearing and he suggested the Public Hearing may have to take place at the Board's first meeting in October (*it was subsequently determined that the Public Hearing would be scheduled for the Board's October 13, 2020 Meeting*).

Mr. Heyland asked if there would be a homeowners' association and / or a road agreement; and if this would be discussed during the Final Plan Review.

Mr. Aleva confirmed that there would be both; and that the documents/agreements will be ready during Final Plan Review.

Mr. Heyland informed Mr. Aleva that the DEP Permit would be required for Final Review.

Mr. Aleva agreed to submit the Permit By Rule Application and to provide the Board with a copy.

Mr. Heyland referred to Ms. Cooper's comments about road width and sidewalks. He agreed that shorter more narrow roads are more environmentally friendly and encourage slower moving vehicle traffic. He noted that Article 12 of the Subdivision Regulations allows for a relaxing of some of these standards.

Mr. MacLeod suggested that Lot 3's frontage may be less than the required 100 feet.

It was noted that a Site Visit had been held on October 28, 2019 and that no 2<sup>nd</sup> Site Visit is necessary at this time; however, the Board reserved the right to schedule a Site Visit at a future time.

**H. CODE ENFORCEMENT OFFICER BUSINESS – None**

**I. OTHER BUSINESS – Discussion regarding future workshop topics.**

The Board agreed to schedule workshops on the following topics:

- Lighting – post Covid 19
- Affordable Housing
- Watershed Protection

The Board scheduled a Workshop on Lighting to take place on October 26, 2020 at 4:00 p.m. and agreed to invite the Chamber of Commerce to participate.

**J. ADJOURNMENT –**

**Ms. Cooper Moved to Adjourn at 8:25 p.m.  
COOPER/BEVINS 5:0 UNANIMOUS**

Respectfully Submitted  
*Maryann Stacy*  
Maryann Stacy  
Town of Ogunquit  
Planning Board Recording Secretary

*Accepted on September 28, 2020*

*Notes:*

- *These minutes are not a transcript.*

- *Copies of all referenced documents will be maintained in the Application packet on file with the Land Use Office.*
- *All Planning Board meetings are video archived, and may be viewed for one year after the meeting date, on the Town of Ogunquit's website at [www.townofogunquit.org](http://www.townofogunquit.org).*