

TOWN OF BOWDOINHAM  
PLANNING BOARD MINUTES  
APRIL 26, 2018 – 7:00 P.M.

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MEMBERS PRESENT: Anne Avilés  
Tracy Krueger  
Justin Schlawin  
Reeve Wood

MEMBERS ABSENT: Nate Drummond, William Shippen

STAFF PRESENT: Nicole Briand, Director of Planning and Development

A regular meeting of the Bowdoinham, Maine Planning Board was held at the John C. Coombs Municipal Building, 13 School Street, Bowdoinham, Maine in the Kendall Room on Thursday, April 26, 2018.

1. **CALL TO ORDER**

In the absence of Chairman Drummond, Tracy Krueger called the meeting to order at 7:05 p.m.

2. **DETERMINE QUORUM AND VOTING MEMBERS**

It was determined that a quorum was present.

3. **CONSIDERATION OF THE MEETING MINUTES OF APRIL 12, 2018**

Motion was made by Mr. Wood, seconded by Mr. Schlawin, and it was

**VOTED**

To approve the minutes of the April 12, 2018 meeting, as written.

4. **SUBDIVISION AMENDMENT APPLICATION – BYRON AND CHRISTINA BOUCHARD ARE PROPOSING TO SPLIT EXISTING LOT AT 55 MUDDY RIVER LAND, TAX MAP R09, LOT 010 INTO TWO LOTS**

Pat Harty of Harty & Harty, Professional Land Surveyors, represented the applicants, Byron and Christina Bouchard who have acquired title and interest to and recently built a new residence at the property at 55 Muddy River Lane. Mr. Harty said they intend on developing land on the west side of the existing private road. The previous owner of the property conveyed two parcels which are now developed with single family residences. Hence, the 8.3 acre parcel shown on the original subdivision plan is to become four separate lots with no new infrastructure proposed. The net residential density will be double the minimum at one dwelling unit per two acres. Therefore, no common or open space is proposed. Mr. Harty said creating these four lots is an amendment to an

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approved subdivision plan and therefore requires the Board's review and approval. A public hearing is not required.

There was a house on the property which has been removed and the Bouchard's are in the process of building their primary residence. Mr. Harty said the Bouchard's own the property across the street and Mr. Bouchard (who owns 6 Rivers Construction) would like to build a spec house on the lot, which could be later be sold. The subdivision plan of the former property owner, Judith Bachman, came before the Board in 1986 and 1988 and was approved on July 28, 1988. Mr. Harty said there is a small part of the land in the shoreland zone but not near where the house is proposed to be placed. There is plenty of road frontage on an existing roadway. The only change will be making 3 lots into 4. There is a small vernal pool on the lot, but not significant enough to be considered. It appears that a tree blew down and it sits in a small pool of water.

A septic design was included with the application. Note was made of a survey done in 2015 by a different surveyor and shows a slight overlap with the survey done by Mr. Harty.

**Performance Standards**

During discussion, the Board reviewed the Performance Standards on Page 135 of the ordinance, Numbers 1 through 27, and found them either to be met, not applicable, or to be waived and agreed to vote on each one under Approval Criteria. The Board was in agreement that a site walk would not be necessary.

Motion was made by Ms. Krueger, seconded by Mr. Wood, and it was unanimously

**VOTED**

That the subdivision amendment application of Byron and Christina Bouchard was found to be complete.

**Waivers**

The Board then addressed the waiver(s) requested in the application:

1. *Requirement of submission of Site Inventory and Analysis, since this is an amendment to an existing plan:* Motion was made by Wood, seconded by Schlawin, and it was unanimously voted to waive the requirement of submission of site inventory and analysis and it was found not necessary.
2. *Evidence of adequate ground water supply:* Motion was made by Wood, seconded by Schlawin and it was unanimously voted to waive provision of evidence of adequate ground water supply as only one new well is proposed.

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3. *Requirement of a Hydrologic assessment.* Motion was made by Kruger, seconded by Avilés, and it was unanimously voted to waive the requirement of a hydrologic assessment since the density is one dwelling unit per 87,000 square feet.
4. *Stormwater Management Plan:* Motion was made by Avilés, seconded by Schlawin, and it was unanimously voted to waive the requirement for a stormwater management plan since drainage patterns will not change.
5. *Requirement of an erosion and sediment control plan.* Motion was made by Wood, seconded by Schlawin, and it was unanimously voted to waive the requirement of an erosion and sediment control plan since only one additional house site is to be developed.
6. *Vehicle Traffic Estimate:* Motion was made by Avilés, seconded by Wood, and it was unanimously voted to waive the requirement for a vehicle traffic estimate since only one additional house site is to be developed.
7. *Performance Guarantees:* motion was made by Schlawin, seconded by Wood, and it was unanimously voted to waive the requirement for performance guarantees since no new infrastructure is being proposed.

**Approval Criteria**

**Vehicular Access:** Wood made a motion that vehicular access is not applicable to this amendment. Schlawin seconded and all voted in favor.

**Traffic:** Wood made a motion that vehicular access is not applicable to this amendment. Schlawin seconded and all voted in favor.

**Visual Impact:** Wood made a motion that the visual impact requirement has been met due to adequate buffering. Schlawin seconded and all voted in favor.

**Utilities:** Wood made a motion that the utilities approval criteria have been met as there is only one additional house requiring utilities. Schlawin seconded and all voted in favor.

**Water Supply:** Wood made a motion that the water supply approval criteria have been met as there is only one house on the well and there has been no indication the water supply would not be adequate. Schlawin seconded and all voted in favor.

**Sewage Disposal:** Wood made a motion that the sewage disposal approval criteria have been met as a perk test found that the proposed lot could support the disposal. Schlawin seconded and all voted in favor.

**Fire Protection:** Wood made a motion that the fire protection criteria have been met as the fire chief expressed no concerns. Schlawin seconded and all voted in favor.

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**Financial Capacity:** Wood made a motion that the financial capacity approval criteria does not apply as the application is for the division of a lot. Schlawin seconded and all voted in favor.

**Technical Ability:** Wood made a motion that the technical ability criteria does not apply because no new structure is being built. Schlawin seconded and all voted in favor.

**Shoreland:** Wood made a motion that the shoreland approval criteria has been met as no part of the lot division is near the shoreland. Schlawin seconded and all voted in favor.

**Flood Plain:** Wood made a motion that the flood plain criteria does not apply as no portion of the division involves the flood plain. Schlawin seconded and all voted in favor.

**Wetlands and Water Bodies:** Wood made a motion that the wetlands and water bodies approval criteria has been met based on the fact that the delineated plans do not involve the area. Schlawin seconded and all voted in favor.

**Historical/Architectural:** Wood made a motion that the historical and architectural approval criteria does not apply because this is an existing approved site. Schlawin seconded and all voted in favor.

**Groundwater:** Wood made a motion that the groundwater approval criteria have been met as this is a single residential lot being formed in an existing subdivision. Schlawin seconded and all voted in favor.

**Wild Life Habitat:** Wood made a motion that the wild life habitat approval criteria does not apply because this is an existing approved subdivision. Schlawin seconded and all voted in favor.

**Natural Areas:** Wood made a motion that the natural areas approval criteria does not apply based on the fact that this is an approved subdivision. Schlawin seconded and all voted in favor.

**Environmental Impact:** Wood made a motion that the environmental impact approval criteria have been met because a building envelope has been created. Schlawin seconded and all voted in favor.

**Solid Waste:** Wood made a motion that the solid waste approval criteria have been met based on the fact that this is one single residential lot in an approved subdivision. Schlawin seconded and all voted in favor.

**Hazardous/Radioactive:** Wood made a motion that this criteria does not apply because there has been no proposed use of this type of material. Schlawin seconded and all voted in favor.

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**Air Quality:** Wood made a motion that the air quality approval criteria have been met based on the fact that this is an approved subdivision with a single residential lot. Schlawin seconded and all voted in favor.

**Water Quality:** Wood made a motion that the water quality approval criteria have been met as the lot division is in an approved subdivision. Schlawin seconded and all voted in favor.

**Stormwater Management:** Wood made a motion that the stormwater management approval criteria are not applicable as no new structures are proposed. Avilés seconded and all voted in favor.

**Sediment and Erosion Control:** Wood made a motion that the Sediment and Erosion Control approval criteria does not apply as no infrastructure is being proposed. Avilés seconded and all voted in favor.

**Compliance with Ordinances:** Wood made a motion that compliance with ordinances criteria has been met as the subdivision conforms with all ordinance requirements. Avilés seconded and all voted in favor.

**Town's Plans and Vision Statement:** Wood made a motion that town's plans and vision statement criteria have been met. Seconded by Avilés and all voted in favor.

**Municipal Services:** Wood made a motion that the municipal services criteria have been met because there were no concerns brought forward by the Town Staff. Avilés seconded and all voted in favor.

**Impact of Adjourning Municipality:** Wood made a motion that the impact of adjourning municipality approval criteria does not apply. Schlawin seconded and all voted in favor.

**Spaghetti Lots:** Wood made a motion that the spaghetti lot criteria does not apply to this application. Schlawin seconded and all voted in favor.

**Liquidation Harvesting:** Wood made a motion that the liquidation harvesting approval criteria has been met. Schlawin seconded and all voted in favor.

Motion was made by Krueger, seconded by Schlawin, and it was unanimously

**VOTED**

To approve the application of Byron and Christina Bouchard, 55 Muddy River Lane to split existing lot into two lots with the following conditions of approval:

1. The property shown on this plan may be developed and used only as depicted on this the approved plan. All elements and features of the plan and all

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representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board approval are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is submitted and approved under the provisions of the Bowdoinham Ordinance governing revisions to approved plans.

2. No changes, erasures, modifications, or revisions shall be made in this final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modification.
3. Building construction and other site improvements are to be made within the building envelopes shown for Lot 4.

5. **SUBDIVISION APPLICATION – CATHY AND PETER KARONIS ARE PROPOSING TO CREATE A THREE LOT SUBDIVISION ON MALLARD LANE, TAX MAP R10-033 AND R10-033-A**

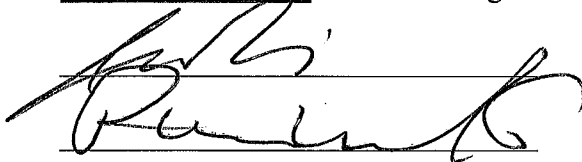
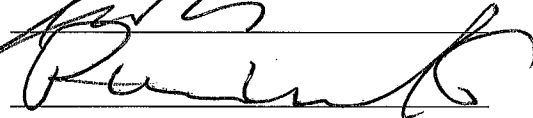
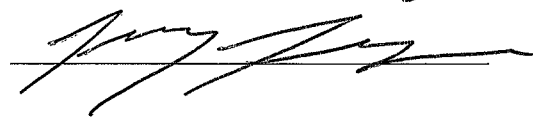
This item was removed from the agenda.

6. **OTHER BUSINESS**

**Selectboard Meeting and Public Hearing on May 8, 2018 at 5:30 p.m. for Proposed Amendments to the Land Use Ordinance**

Planner Briand asked members of the Planning Board to attend the Selectboard Public Hearing on May 8 at 5:30 p.m. to answer any questions.

7. **ADJOURNMENT** – The meeting was adjourned at 8:55 p.m.

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