

SEARSPORT PLANNING BOARD MEETING

UNION HALL / TOWN OFFICE

6:00pm

July 10, 2023

DRAFT

Members Present

George Kerper, Chair

Keith Ritchie

Peter Nowell

Norris Staples

Travis Otis

A.J. Koch, Alt

Staff

Victor Mazza, CEO

Randy Hall, Plumbing Inspector

Janine Laveway, Board Secretary

Members of the Public Present

Aimee Young, Plymouth Engineering

Tanya Almquist, Robert Ducette, Chris Tresham, Clare

Tresham, Dorothy Alling, Jenn Vincent and Fred Vincent

1. Call To Order: George Kerper, Chair called the meeting to order at 6:00 pm
2. Roll Call: Chair Kerper called the roll call – Keith Ritchie, Peter Nowell, Norris Staples A.J. Koch and Travis Otis all present. Voting members for this meeting are G. Kerper, K. Ritchie, P. Nowell, N. Staples and A.J. Koch.
3. Adjustments to the Agenda: None
4. Acceptance of the Agenda: Motion: Keith Ritchie to accept as presented. Second: A.J. Koch  
Vote: 5-0-0
5. Acceptance of the minutes from the April 10, 2023 meeting: Motion: Keith Ritchie to accept as presented. Second: Peter Nowell  
Vote: 5-0-0
6. Preliminary Application for Ryan's Pass Phase 4, 15 Lot Subdivision Map 1 Lot 41.  
34 Abutters were notified of the hearing. The application fee of \$970.00 has been paid.
7. Public Hearing was opened by Chairman Kerper at 6:07 pm

Aimee Young is present representing David and Sandra St Clair, the owners and developers of the St. Clair Subdivision and gave a brief overview.

Originally there was Sandy Ridge Lane and then Ryan's Pass was added. At one point the town asked that the two subdivisions be connected and Trout Brook Lane was put in but was never officially made a road. Basically what this part of the application is doing is proposing to take Trout Brook up to the town standards and to add the 15 new lots. Two of the lots will be sold to abutters and 13 will be for sale. David St. Clair is proposing to keep a 60' ROW because there will still be a lot of land that he will continue to own, that in the future, should he choose to develop it, he will need access to it.

Chair Kerper questioned the width of the proposed ROW. He also asked for clarification on the portion of Trout Brook Lane that will be improved. Aimee was not clear on this point. George asked that she bring clarification back to the board at the next meeting. Peter Nowell expressed his concerns regarding the most recent water testing being 17 years ago. A.J. Koch questioned the requirement for some of the lots tying into existing town water. He questioned what the fire chief's thoughts are on having a pond or if the fire hydrants are sufficient. The planning board has reached out to both the fire department and the water district regarding both issues. A.J. Koch inquired if any improvements are planned for the portions of Sandy Ridge Lane, Our Way and Serenity Lane that were taken over by the town by a majority vote of the registered voters in attendance at the annual town meeting in March of 2023. George stated there continue to be issues surrounding that vote. There are issues with the Ryan's Pass Homeowners Association and with lot 44A that Connects

Route One with the subdivision. The St. Clairs are the owners of the lot and are in the process of deeding it over to the town because without it there is no access.

Open to the Public:

Dorothy Alling spoke about all of the issues the 3 residents of Phase One, Trout Brook Lane, continue to face due to the collapse of the road and lack of cooperation from Mr. St. Clair in addressing the issues. She questions what the residents have for options. Chris Tresham spoke regarding the condition of the culverts in phase one and the collapsed section of Trout Brook Lane. The residents no longer have two points of egress. If something isn't done, he fears the brook will be breached and the only way they have now to get out will also collapse. People have to drive on part of his lawn in order to navigate the washed out sections. He has a letter from the DEP addressing the issues. It was given to the CEO. Tonya Ulmquist spoke about the water that has been improperly diverted by the development of Sandy Ridge Lane which sits above phase one. Her home floods every time it rains any significant amount. She is very concerned that the additional development of phase 4 and any beyond that in the future will only continue to erode the properties and flood her home with increased improperly diverted run off. The residents do not own the road. Mr. St. Clair owns the road. He is refusing to fix it. She questions what the residents have for options.

Chairman Kerper closed the public hearing at 6:38 pm

Review of the mandatory submissions from the preliminary plan. Page 16 of the sub division ordinance or page 17 of the application:

B. Location Map: See attached plan

C. Preliminary Plans –

1. Proposed name of the subdivision: Ryan's Pass Phase 4.
2. Verification of right, title or interest in the property: The deed has been provided
3. A standard boundary survey of the parcel: a survey by Allen R. Perry has been provided.
4. A copy of the most recently recorded deed for the parcel: The deed has been attached.
5. A copy of any deed restrictions intended to cover all of part of the lots or dwellings in the subdivision: They are included in the subdivision plan and match the previous set of restrictions for the prior phases.
6. Type of sewage disposal to be used: Each lot will have its own approved septic system.
7. Type of water supply: Each lot will have its own private well.
8. The date the plan was prepared, north point, and graphic map scale: All covered by the plan.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners: All covered by the plan
10. Wetland areas shall be delineated on the survey, regardless of size: There are no wetlands.
11. The number of acres within the proposed subdivision. 26.33 acres
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. All are shown on the plans.
13. The zoning district in which the proposed subdivision is located: R2
14. Location and size of existing and proposed sewers, water mains, culverts,, and drainage ways on or adjacent to the property to be subdivided: One culvert will be placed at the intersection of Sandy Ridge and Trout Brook Lane. This was referred to the Road Commissioner. There is a letter from him stating that the size of the culvert needs to be increased to an 18" culvert to match what the town currently installs for road crossings.

Motion: George Kerper made a motion that an engineering drainage study of the surface water in the entire subdivision, including phase four and especially on Trout Brook Lane be completed and submitted to the CEO before a vote can be taken on the preliminary plan. Second: Keith Ritchie.

Discussion: A.J. Koch expressed his opinion that the engineering study look at the culvert at the intersection of Sandy Ridge and Trout Brook Lane and the one at the east side of the rotary and

should be sized properly and not sized with just enough to get by. George stated that all of it should be covered in the engineering plan. Vote: 5-0-0

14. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided: The complete engineering plan should address this. There is currently no plan.

15. The location, names and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision: No new streets are proposed. The width of the new Trout Brook Lane should be 24 feet. This should also be reflected in the new engineering plan.

16. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision: Not addressed as part of the preliminary application

17. The proposed lot lines with approximate dimensions and lot areas: They are on the plan

18. All parcels of land proposed to be dedicated to public use and the conditions of such dedications: No lands are proposed for public use.

19. The location of any open space: There is open space in phase 3. Nothing can be found regarding any home owners association, even though it was a stipulation on the approval of phase 3. To the town's knowledge, only phase 2 has a recorded homeowners association. It however, does not mention open spaces. George notified Aimee Young that there will need to be a home owners association for phase 4 and there should also be one established for phase 3 as stipulated in its approval.

20. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100 year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan. There is nothing in the 100 year flood plan as it relates to this subdivision.

21. Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife: Not Addressed as part of the preliminary application.

22. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places: There are no areas listed.

MOTION: Keith Ritchie made a motion that all of the provisions have been met with the exception of C-14. Second: Peter Nowell Vote 5-0-0

D-.Required submissions for which a waiver may be granted.

1. A high-intensity soil survey by a registered soil scientist: George recommends giving the waiver.

2. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level: George states the contours are on the maps.

3. Hydrogeologic assessment: The most recent was done in 2006. George recommends requiring a new assessment be done.

4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours: Not addressed as part of the preliminary application.

5. Traffic Impact Analysis: George recommends granting the waiver.

MOTION: George Kerper made a motion that waivers be granted on D1 and D5. D3 will not be waived because the most recent record is from 2006. Section 10.9 requires an updated assessment. Second: Peter Nowell Vote 5-0-0

MOTION: George Kerper made a motion to continue the preliminary plan application until the board receives the engineering drainage study of the surface water and an updated water assessment as described in 10.9. Based on the summary of all the plans there was a condition of approval that stated that the lots next to the road that is not yet developed will not be sold until the road is finished and inspected by the road commissioner. This includes Lots 31, 32,33,35,36,37 in phase 4. Lots 34 and 38 have frontage on an existing road and can therefore be sold upon final approval of phase 4.

Second: Keith Ritchie

Vote 5-0-0.

8. Other Business: None

9. Code Enforcement Officer's Report: George introduced the new CEO Victor Mazza. Randy Hall will be the plumbing inspector.

10. Public Comment: Robert Doucette spoke regarding his concerns of the current drainage problems on the roads in phase one. There are culverts that are not working and are contributing to the flooding of his property. Dorothy Alling gave the history of the attempts that have been made by the resident of Trout Brook Lane to get the road fixed, either by the town or by the St Clairs

10. Adjourn Meeting. Motion: Keith Ritchie made a motion to adjourn at 7:20 pm. Second: Peter Nowell Vote: 5-0-0

Respectfully Submitted

Janine F. Laveway  
Board Secretary