

# Town of Litchfield Planning Board Meeting Minutes Thursday, January 22, 2015

**Location:** Town Office

**Present:** Daniel Craft (Chairman), Lorimar "Skip" Trafton, Joe Campbell, Jeff Flaherty, Steve Ochmanski (Code Enforcement Officer), Deborah M. Campbell (Secretary), Travis Letellier (Agent for Applicant), Bob Gage, Vice President of Net Lease Development, GBT Realty Corporation (Applicant Representative)  
**Note:** Mark Russell arrived at 6 p.m.  
(Audience attendance sheet attached.)

**Excused Absence:** Judy Bishop, Michael Seaman, Paul Hempstead

**Nonexcused Absence:** None

**Item 1: Call to Order**

The meeting was called to order by Chairman Daniel (Dan) Craft at 5:30 p.m.

Steve notified the Board that Judy will have classes for the next 15 Thursday nights and be unable to attend the Board meetings. She will send a letter to advise the Board, and then she will be excused from these meetings.

Dan and Steve noted the following items have been received from the applicant:

- Updated application packet (sent to Steve from Travis). A handwritten note was placed in the front cover slip sleeve indicating the receipt date.
- Letter from Jim Coffin dated January 22, 2015

**Item 2: Consideration of Minutes**

**2.1 December 4, 2014 Minutes**

A draft of the minutes was included in the current meeting's email notice emailed to the board members.

A hard copy of the minutes was distributed at the current meeting.

The following corrections were noted for the minutes:

**p. 6, paragraph 1:** Change the Land Use Ordinance page reference from "34" to "24."

**p. 4, paragraph 7, line 6:** There are two "that's"; delete one of them.

**MOTION:** A Motion was made by Slip to accept the December 4, 2014 minutes as corrected. Joe seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 4-0-0

**Item 3: Agenda Additions/Adjustments**

Steve requested that discussion for two training opportunities be added to Item 5.

**Item 4: Scheduled Business**

**4.1 Review of the Application for a New Retail Building**

**Located:** Southwest corner of Lewiston Road and Hallowell Road  
Litchfield, ME, 04350

**Map U16, Lot 002**

**Applicant:** Litchfield DMEPX LLC

**Represented by:** Travis Letellier (Agent for Applicant)  
Northeast Civil Solutions, Inc.  
153 US Rt. 1  
Scarborough, ME, 04074

Bob Gage (Applicant Representative)  
Vice President of Net Lease Development  
GBT Realty Corporation

Dan asked Travis if he had read the letter from Jim Coffin. Travis said he had. He had read both letters. He has a plan for grading and some solutions with the DEP. He has email correspondence. The plan calls for removing the grass swale and adding a pipe system.

Discussion followed about the traffic survey and the Hallowell Road site entrance involving the slope requirement from the Land Use Ordinance.

Travis noted the center line is a 2 percent slope. There is the transition from 7 percent to 10 percent grade. He pointed out the Hallowell Road and the site entrance on Map 4 of 12.

Steve reminded the Board that the ordinance says "...from the edge of the travel way..." He asked if Travis can show this measurement to the Board. He asked what the driveway pitch is, and reminded everyone that the travel way is the edge. Travis responded that from the edge of the travel way to the center line of the driveway it is a 1-2 percent slope. He suggested referring to the map to see the grade.

Steve reminded the Board that they had asked for items for review.

Dan noted that according to Jim Coffin this slope does not meet the ordinance.

Travis added that the 7 percent information is not in the traffic study. It is in the driveway transition.

Dan asked whether the driveway could be moved south on Hallowell Road or raised so as to make a flat entrance.

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Travis responded that the slope at the center line of the driveway is less than 2 percent, and that there has to be a transition. He did not think the entrance could be moved further south.

Steve reiterated the ordinance p. 36, part F:

“From the edge of the traveled way, the access point should not exceed a grade of 2 % for a minimum distance of 75 feet, or, where a traffic study has been done, for the full distance of the predicted queue of vehicles at the peak hour.”

Dan added that this has to meet the ordinance.

Travis responded that there has to be a transition because of the road grade. The slope further south is still 5 percent to 2 percent versus the 7 percent to 2 percent. He added that the entrance really cannot be moved. He also noted a utility pole that they were trying to avoid having to move.

Bob added that the delivery truck using the entrance would be 75 ft. long, bumper to bumper, having a 20 ft. tractor and 55 ft. trailer. That one corner does not meet the ordinance.

Dan added that it is 7 percent vs. 2 percent in the ordinance.

Bob noted that whatever is done on one side is compounded on the other.

Dan asked about a longer radius.

Bob noted that the curb cut was ok. That would be going to 42' from 36'. He asked if there could be an approval with that condition. It will lessen the 7 percent. Travis did not think it would be noticeable.

Dan restated what the ordinance requires, and asked again about a wider radius.

Skip stated that the only place with a 2 percent slope is at the center line. The members of the Board agreed.

There was discussion about the ATM entrance and ordinance requirements. Steve indicated that the Land Use Ordinance was done in 2004. Entrance information was added a few years ago.

**Note:** Mark Russell arrived at 6 p.m.

Steve noted to the Board that first, the Board cannot grant a variance. The applicant has to meet the 2 percent requirement. There is nothing in the Road Ordinance or the Land Use Ordinance that says where to measure the 2 percent. He asked if Travis can provide the Board with a worksheet to go with the application.

Travis responded that he could.

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Steve added that as long as the Board has the worksheet to show the information there is no basis for an appeal on this. No wording that whole width must meet 2 percent grade. You must need to approve that what you reviewed meets the 2 percent requirement. The center of the entrance is being used. Wording in the road Ordinance and Land Use Ordinance does not show where the 2 percent grade has to be measured. That does not leave the town open for appeal on this.

Travis distributed a packet of information (Letter from Dan Courtemanch on top.)

**Packet Item 1:** Letter from Dan Courtemanch, Department of Environmental Protection, re. receipt of Stormwater Management Law Application for Litchfield DMEP X, LLC.

**Packet Item 2:** Letter from William Bray, Traffic Solutions, re. traffic study. Travis asked Steve if this went to the reviewer, and Steve said that it did.

**Packet Item 3:** Letter from James Logan, Albert Frick Associates, Inc., re. the procedure for dealing with drainage tiles if they are encountered on the site.

**Packet Items 4 and 5:** Two Construction Permits from the State of Maine Department of Public Safety.

**Packet Items 6, 7, and 8:** Sheets containing illustrations of updated sign information.

Travis then turned to the 12 items in the “Stormwater” section of the letter from E.S. Coffin.

**Item 1:** Travis recalled the discussion at the previous meeting, and that there were no surprises with this as long as the fee is ok for mitigation.

**Item 2:** Travis noted the actual media used to filter and treat the storm water—Filterra—is approved by the DEP. He has emails about this, and this information is in section 7.5 of the DEP Best Management Practices. He further explained that Filterra was bought by Contech. Fabco is using this material. He will provide copies of the letter indicating that Filterra is approved, and an email from DEP approving the change.

**Item 3:** Travis noted this will become a moot point if they go with the information in Item 2 above as approved.

**Item 4:** Travis noted the concern that the ditch would be too deep. He has a new design using a cleanout structure. He is sending the new plan and all their comments. He will send a copy of what he sends to DEP. Steve noted that the Board must see what Travis is responding to. Dan asked if there were any changes to the numbers, and Travis responded that there was not.

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**Item 5:** Travis noted that on the new plan the new ditch moves the water out and around. Steve asked about water from RT 126. Travis explained it will run toward the wetland in the back.

**Item 6:** Travis noted these notes are from DEP manuals, and he will have them added.

**Item 7:** Travis indicated that the referenced notes are needed in order to restore to the buffer. There are notes from Art McGlaughlen who did the review. Travis will send copies of response to the Board.

**Item 8:** Travis will provide this information to the DEP.

**Item 9:** Travis explained that more information and detail are needed. He will revise this and send it. It is a revision to the stormwater plan.

**Item 10:** Travis explained that an extra check dam will be needed.

**Item 11:** Travis explained that stone check dams should be used instead of hay bales.

**Item 12:** Travis noted that the 7-day requirement is not an issue.

Dan asked if the Board had any questions. There were none.

Dan asked Travis for copies of the stormwater application for all Board members. He also asked when he could provide these. Travis indicated he would be sending the application to the DEP tomorrow (Friday, January 23, 2015) so that he could probably provide the copies early next week (Monday, January 26, 2015). Dan asked if this could all be done by Thursday, February 5, 2015.

Steve asked if a third party review of the stormwater application was needed. He noted that whatever goes to the DEP needs to be reviewed by a third party to say it meets the ordinance.

Travis and Bob noted the third party did not review water quality, but deferred to the state as far as quality, and reiterates the DEP comments.

Dan asked the Board for their thoughts.

Bob stated they will send copies of what they have to the Board and the third party reviewer.

Travis noted the reviewer did not check for phosphorus. There are no calculations on that. There are some media changes.

Skip asked about storm water quantity and where were the study points. Travis pointed out the culvert crossing the road and the post condition of the parking lot, building, filters, etc. He noted the peak flow to the wetland will be less volume. Bob

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added that the volume will be more, but the rate will be less. It will be released at a slower rate than it was before.

Dan asked for any other comments. There were none.

Dan stated that the Board needed the additional information as noted in the discussions before the Board could make a decision. Travis responded that he should have the information by Wednesday, January 28, 2015. Steve asked about the review by the third party reviewer. Joe noted that the 12 questions in the Coffin letter need to be addressed. There needs to be a response letter and a work sheet from Travis. Bob asked if the Board was saying there could be no decision tonight. Dan responded that was what the Board was saying.

**NOTE:** Bob departed the meeting at 6:30 p.m.

Steve explained that the letter (Coffin's letter dated January 22, 2015) will be in the record, but there would be no response from Travis addressing the twelve concerns, and no response to that from Mr. Coffin. He stressed that the Board needs to have Travis' response in writing, and that response needs to be reviewed by Mr. Coffin. This is needed to prevent appeals. Steve believed that Jim could provide this additional review for the next meeting. Travis said he would send his response. Steve stated he would email Mr. Coffin to be sure he had received Travis' response.

Steve reiterated what was outstanding and needed for review:

- DEP stormwater plan
- Worksheet from Travis about the slope measurements
- Third-party review of Travis' responses to the January 22, 2015 Coffin letter

Dan asked if the worksheet would be reviewed by Jim. Steve noted it can be added.

Dan asked Travis if he had any questions, and he did not.

Dan asked the Board if they had any questions, and there were none.

Mark asked the Board if they had touched on everything, and Dan responded they had. Steve added that there may not be a DEP permit; however, that can be a condition. Mark asked if that meant conditional on DEP approval. Dan added that was the drinking water that will be conditional. Steve added that was according to state law, and the Land Use Ordinance says that the applicant must meet state law.

Mark asked who votes on this since he noted there are some Board members missing. Steve noted that missing members are getting information from reading the minutes. Mark observed that whoever votes should have a proper education on the review. He asked if there are problems with people missing meetings. There was discussion of how many meetings the members had attended.

**Item 5: Unscheduled Business**

Steve reviewed two training sessions available through the Maine Municipal Association:

- Local Planning Boards & Boards of Appeal, Tuesday, February 10, 2015, Augusta
- Managing Freedom of Access Requests, Tuesday, March 24, 2015, Augusta

He asked if anyone was interested in attending either or both of these sessions.

Skip, Dan, and Jeff are interested in the Planning Board session. Jeff may not be able to attend if either is on Tuesday, February 10, 2015.

Dan is interested in the Freedom of Access session.

**Item 6: Future Agenda Items**

**6.1 Next meeting date (possibly Thursday, February 5, 2015)**

The next meeting will be at the Town Office, at 5:30 p.m. on Thursday, February 5, 2015.

**Item 7: Adjourn Meeting**

**MOTION:** A Motion was made by Dan and seconded by Joe to adjourn.

**Discussion:** None.

**Vote:** 4-0-0

The meeting was adjourned at 6:48 p.m.