

## Town of Litchfield

### Planning Board Meeting Minutes

Thursday, February 5, 2015

**Location:** Litchfield Town Office

**Present:** Dan Craft (Chairman), Paul Hempstead (Vice Chair), Lorimar “Skip” Trafton, Joe Campbell, Mike Seaman (arrived at 5:59 p.m.), Steve Ochmanski (Code Enforcement Officer), Deborah M. Campbell (Secretary), Travis Letellier (Northeast Civil Solutions, representing applicant Litchfield DMEPX LLC), Bob Gage (GBT Realty Corporation)

**Excused Absences:** Judy Bishop, Jeff Flaherty

**General Public Audience:** Eric Seaman, Rayna Leibowitz

**Item 1: Call to Order**

The meeting was called to order at 5:58 p.m. by Chairman Dan Craft.

**Item 2: Consideration of Minutes**

**2.1 January 22, 2015 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 draft minutes was distributed at the current meeting.

**MOTION:** A Motion was made by Skip to accept the January 22, 2015 minutes as provided. Dan seconded the Motion.

**DISCUSSION:** None

**VOTE:** 3-0-1

Paul abstained as he did not attend the January 22, 2015 meeting. Mike Seaman arrived at 5:59 p.m.—just after the vote was taken.

**Item 3: Agenda Additions/Adjustments**

**3.1** Steve noted that he had updates for the two training sessions discussed at the last meeting. These will be added to Item 5, “Unscheduled Business.”

**Item 4: Scheduled Business**

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

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

**Map U16, Lot 002**

**Applicant:** Litchfield DMEPX LLC

**Represented by:** Travis Letellier  
Northeast Civil Solutions, Inc.  
153 US Rt. 1  
Scarborough, ME, 04074

Steve handed out two items:

- Letter from James E. Coffin, third-party reviewer, dated February 5, 2015
- Updated permit application, dated January 23, 2015, from Northeast Civil Solutions, that dealt with all questions from the last meeting (January 22, 2015)

Dan asked if members wanted to review Steve's handouts immediately or during the site plan review process. Members agreed to review the items during the site plan review process.

Paul asked if the worksheet mentioned at the last meeting was included. Steve explained it is in the packet he handed out.

Dan stated that everything the Board had asked for has been submitted.

He referred everyone to the *Litchfield Land Use Ordinance*, section 4.A, "Review Criteria," which will be used for the review.

**Criteria 4.A.1:** The application is complete and applicable review fee has been paid.

**MOTION:** A Motion was made by Dan that the application is complete and the applicable review fee has been paid. Paul seconded the Motion.

**DISCUSSION:** None

**VOTE:** 5-0-0

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**Criteria 4.A.2:** The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Dan referred to the following material:

- Two subsections of section 8, "Neighborhood and Environmental Standards," (p. 21) of the *Litchfield Land Use Ordinance*:
  - D. Water Quality
  - K. Erosion Control
- pp. 6 and 7 of the site plan

**MOTION:** A Motion was made by Dan that based on the plan submitted by the applicant and reviewed by the third-party engineer the proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results. Paul seconded the Motion.

**DISCUSSION:** None

**VOTE:** 5-0-0

**Criteria 4.A.3:** The proposed activity will not have an adverse impact on wetlands.

Mike and Dan referred to section E.6 in the plan and p. 4 of the 12-page site plan. Travis explained that the project is below the Department of Environmental Protection (DEP) measurement threshold.

**MOTION:** A Motion was made by Mike to accept the evidence submitted in the plan and the activity based on the plan submitted. Dan seconded the Motion.

**DISCUSSION:** None

**VOTE:** 5-0-0

**Criteria 4.A.4:** The proposed activity will not have an adverse impact upon any waterbody.

Mike asked Steve what was the overall "take" on the phosphorus plan. Steve responded that the original application had difficulties, and the DEP and third-party reviewer wrote that. This is the new application with those inserts.

Mike asked if there was a new letter.

Dan explained that a fee of \$622.50, payable to the Watershed Director will be made.

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**MOTION:** A Motion was made by Mike that the proposed activity will not have an adverse impact upon any waterbody based on the updated Storm water permit application revised January 20, 2014 (corrected to "2015" and initialed by Travis and Steve) and the letter dated February 5, 2015, from James Coffin stating that it meets DEP requirements, and he confirms that the storm water permit application was submitted to the DEP on November 25, 2014. On January 16, 2015 Art McGlaufflin (Engineer) sent out a Technical Review Memorandum with twelve items that needed to be addressed. The applicant has sufficiently addressed all twelve items in their response to DEP's Technical Review Comments. Paul seconded the Motion.

**DISCUSSION:** Rayna asked about Coffin's report that mentions 12 items. Dan explained about the previous letter. Rayna asked if the Board will make its decision based on the information that the DEP has. Dan and Mike said that it will.

Paul asked about the January 22, 2015 minutes and Coffin's letter. He wanted to know if everything still meets the ordinance.

Steve responded that it does.

**VOTE:** 5-0-0

**Review Criteria 4.A.5:** The proposed activity will provide for adequate storm water management. Dan asked for a motion

**MOTION:** A Motion was made by Mike that the proposed activity will provide for adequate storm water management, based on the storm water management application submitted to DEP revised January 20, 2015 and reviewed by James Coffin in his letter to the Town dated February 5, 2015 whereas he affirms the application meets all the requirements to the Town. Paul seconded the Motion.

**DISCUSSION:** None

**VOTE:** 5-0-0

**Review Criteria 4.A.6:** The proposed activity will provide for adequate sewage disposal.

Mike asked if there was a plan. Dan responded there was, and that the HHE 200 was submitted.

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**MOTION:** A Motion was made by Dan that the proposed activity will provide for adequate sewage disposal based on the fact the applicant has submitted the HHE 200 and meets state rules for adequate sewage disposal for the project. Mike seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.7:** The proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the *Town of Litchfield Floodplain Management Ordinance*.

Dan noted section E.5 of the application.

**MOTION:** A Motion was made by Mike that the proposed activity will not adversely impact any floodplain areas and will conform to the applicable requirements of the *Town of Litchfield Floodplain Management Ordinance* based on the submitted map showing that the proposed site location does not reside within a floodplain. Skip seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.8:** The proposed activity will not result in air or water pollution.

Dan stated there was no real submission on this from the applicant. There are no odors, etc. He noted section 8, "Neighborhood and Environmental Standards," of the Land Use Ordinance, subsection 8.D, "Water Quality," and subsection 8.L, "Storm Water Control."

Mike asked if that is in section 9, "Performance Standards for Specific Activities," and Steve responded that neither is in that section.

Dan and Steve stated that only noise is mentioned—no air standard.

Mike added that during the construction phase, no substances should negatively affect water quality.

Steve responded that storm water and drinking water were also covered.

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**MOTION:** A Motion was made by Dan that the proposed activity will not result in air or water pollution based on the items submitted in the application and referenced in the *Town of Litchfield Land Use Ordinance*, section 8, “Neighborhood and Environmental Standards,” subsections 8.D, “Water Quality,” 8.L, “Storm Water Control,” and 8.M, “Phosphorus Control.” Mike seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.9:** The proposed activity has sufficient water available for the current and foreseeable needs of the development.

Dan indicated this is in submissions G and H. He added three is a letter from the well driller.

**MOTION:** A Motion was made by Dan that the proposed activity has sufficient water available for the current and foreseeable needs of the development based on the letter from the well driller (Rolfe’s Well Drilling) dated November 20, 2014. Joe seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.10:** The proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

**MOTION:** A Motion was made by Mike that the proposed activity will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater based on the evidence submitted in the storm water management plan, letter from James Coffin, and the applicant’s design plans (all 12 pages). Dan seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.11:** The proposed activity will dispose of all solid waste in conformance with all local, state and federal regulations.

**MOTION:** A Motion was made by Mike that the proposed activity will dispose of all solid waste in conformance with all local, state

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and federal regulations, based on section R in the application which states, "Solid waste will be disposed of in screened dumpsters that will be handled by a local waste management company." The waste management company will be one that is licensed by the Town of Litchfield. Paul seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.12:** The proposed activity will not have a significant detrimental effect on adjacent land uses or other properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects.

Mike asked Steve about dust during construction, and whether that needed to be on the application since it might be a problem.

Steve indicated it should be a condition.

**MOTION:** A Motion was made by Mike that the proposed activity will not have a significant detrimental effect on adjacent land uses or other properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors or their effects based on the evidence submitted. Dan seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.13:** The proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or roads existing or proposed.

Mike stated he wanted to be sure he was up to date, and asked about the discussion about the entrance grade and whether the entrance was moved.

Dan pointed out the last page attached to the packet handed out at tonight's meeting from Northeast Civil Solutions, dated January 23, 2015, titled "Driveway Grading Plan."

Steve also pointed out Jim Coffin's letter handed out at tonight's meeting dated February 5, 2015.

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Dan asked whether the radius had been changed, and Travis stated it was not changed.

Dan asked about the slope indications of 5.4% to 8.2% to 5.5% on the "Driveway Grading Plan." Travis explained those are the measurements between contours.

**MOTION:** A Motion was made by Dan that the proposed activity will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or roads existing or proposed based on the supplemental plans submitted February 5, 2015. (Revised January 23, 2015)  
Skip seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.14:** The proposed activity to the maximum extent possible will not have an adverse effect on historic and archeological sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas.

Dan pointed out there is a letter from the Chairman of the Litchfield Historical Society, dated November 14, 2014.

**MOTION:** A Motion was made by Mike that the proposed activity to the maximum extent possible will not have an adverse effect on historic and archeological sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife, or rare and irreplaceable natural areas, based on the letters submitted as required by the *Litchfield Land Use Ordinance*. Joe seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.15:** The proposed activity shall conform to all the applicable requirements of the Town's other local Ordinances and all state and Federal regulations.

Mike asked what the other ordinances were. Steve indicated the *Solid Waste and Recycling Ordinance*. Mike noted the project met everything else.

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**MOTION:** A Motion was made by Mike that the proposed activity shall conform to all the applicable requirements of the Town's other local Ordinances and all state and Federal regulations based on the evidence submitted. Joe seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.16:** The proposed activity will not unreasonably increase a great pond's phosphorus concentration if the development is within the watershed of a great pond.

Mike asked what the changes to the phosphorus export were.

Steve explained that the issue was the ATM. It was built after 1997 so no credit for it could be used.

Mike noted that is in the updated report and application.

Dan added that a mitigation fee was discussed.

Steve noted the fee covers part of the mitigation.

**MOTION:** A Motion was made by Mike that the proposed activity will not unreasonably increase a great pond's phosphorus concentration if the development is within the watershed of a great pond based on the letter from James Coffin, dated February 5, 2015, that states that the application for storm water management meets the requirements of DEP which is a requirement of the *Town of Litchfield Land Use Ordinance*. Dan seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.17:** The applicant has the financial and technical capacity to meet the provisions of this Ordinance.

Dan pointed out that information is in submission Q of the application.

**MOTION:** A Motion was made by Mike that the applicant has the financial and technical capacity to meet the provisions of

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this Ordinance based on the submission in section Q of the application. Joe seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Review Criteria 4.A.18:** The proposal conforms to all the applicable provisions of this Ordinance.

**MOTION:** A Motion was made by Mike that the proposal conforms to all the applicable provisions of this Ordinance based on the submission and our review thereof.

The application will have the following conditions:

- Approval by the DEP of the storm water management plan
- The applicant cannot start business until the drinking water permit is received and provided to the Town
- If the construction phase moves into a season where dust would be an issue, there will be sufficient mitigation to minimize dust

**DISCUSSION:** There was discussion about the process for the drinking water review. Travis explained that the reviewer meets the contractor on site. Drilling and testing take place and then a determination is made about filters after construction.

Eric noted that in the past the Board has made a condition that they cannot start business until the permit is received. The applicant will provide the drinking water permit prior to occupancy of the project and if the construction phase moves into a season where dust would be an issue, there will be sufficient mitigation to minimize dust.

Information about the drinking water requirements due to the existing gas pumps across the street was provided to Rayna.

Joe seconded the Motion.

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**DISCUSSION:** None.

**VOTE:** 5-0-0

Dan and Steve explained to Travis and Bob that the review process was complete, and that the project was approved. They explained that Travis and Bob did not need to remain at the meeting, and that the Board would now complete its "Finding of Facts" process. Travis and Bob thanked the Board and exited the meeting at 7:16 p.m.

**FINDING OF FACTS**

Dan stated the following finding of facts:

1. The proposed Site Plan was submitted by: Litchfield DMEP X, LLC
2. The submission date is: September 12, 2014
3. The project's description is: Proposed 9,100 SF retail facility with 37 parking spaces, paved driveway, landscaping, and storm water facilities.
4. Location: 1905 Hallowell RD, Map U16, Lot 2
5. Zoning: Village District
6. This project is allowed under the *Town of Litchfield Land Use Ordinance*.
7. Some of the site is in the Woodbury Watershed.
8. The engineer's site plans have been submitted by Northeast Civil Solutions, 360 U.S. Route 1, Scarborough, Maine, 04074.
9. Final Plan Date: January 4, 2015.
10. Plans reviewed:
  - 10.1. Storm water
  - 10.2. Phosphorus
  - 10.3. Erosion Control
  - 10.4. Buffering

These plans were reviewed by James Coffin, on January 22, 2015. His final approval letter stating that the application meets the *Town of Litchfield Land Use Ordinance* requirements is dated February 5, 2015.

11. The project meets all state and federal permits required by this project as follows:
  - 11.1. Department of Transportation entrance permit
  - 11.2. DEP storm water application
  - 11.3. Maine drinking water requirements
12. Waiver: There is one waiver regarding section E.2 in the application, "Kennebec County Soil Map." A cleaner copy than the soil book itself was provided.
13. CONDITIONS:
  - 13.1. Storm water application permit
  - 13.2. Drinking water prior to opening
  - 13.3. Dust mitigation
14. Supplemental Entrance Detail Map in support of the entrance location slope requirement of *Town of Litchfield Land Use Ordinance*

Dan requested that the secretary read back the "Finding Facts." Deborah read them back.

**MOTION:** A Motion was made by Mike to accept the "Finding of Facts" as read by the secretary. Paul seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

**Agenda Item 5.** Unscheduled Business

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Steve confirmed that Skip and Dan are signed up for the Planning Board classes from Maine Municipal Association for next week.

Steve confirmed he will sign up Dan next week for the second workshop on information access.

**Agenda Item 6.** Future Agenda Items

The next meeting is scheduled for Thursday, March 5, 2015.

**Agenda Item 7.** Adjourn meeting

**MOTION:** A Motion was made by Mike to adjourn. Dan seconded the Motion.

**DISCUSSION:** None.

**VOTE:** 5-0-0

The meeting was adjourned at 7:45 p.m. by Dan.