

**PLANNING BOARD MEETING MINUTES  
APRIL 11, 2022**

**MEMBERS PRESENT**

**VINCENT GRASSI, VICE CHAIRMAN  
DAVID BURROWS  
SUSAN DURST  
RUSSELL FRANK  
SEVEN SIEGEL**

**STAFF PRESENT**

**CAROL EYERMAN, TOWN  
PLANNER**

**MEMBERS ABSENT**

**JAMES ANDERSON, CHAIRMAN  
THOMAS HUGHES**

Vice Chairman Vincent Grassi called the meeting to order at 7:00 p.m. The roll was called with James Anderson and Thomas Hughes absent.

**ITEM 1 Pre-Application (*Carried over from April 4, 2022 Meeting*) - Subdivision - Ricky Jones - 36 Middle Jam Road** - a request for approval of a 5-lot clustered residential subdivision at 36 Middle Jam Road, zoned SR and Shoreland, Map 97, Lot 37.

Ms. Eyerman said this is a request under the conceptual design review stage of the cluster subdivision ordinance, similar to an item reviewed by the Board at its April 4, 2022 meeting. The subdivision is proposed on Middle Jam Road in a lot zoned Suburban Residential, with some Shoreland zoning as well as Manufactured Housing overlay. The lot, located on Map 97, Lot 37, is about 6.8 acres and presently contains a 1920 farmhouse and at least one other outbuilding, open farm fields, mature canopy trees and understory.

Jayson Haskell, DM Roma Consulting Engineers, said his understanding of this meeting is to discuss the open space and what the Board feels is important on this particular site. RS Leonard Landscape Architecture prepared an analysis and identification of the site's features that should be used in the open space. That report included an in-depth discussion on the sitewalk and the major features that were encountered and suggested in the open space. It was subsequently discovered after discussion with staff that some identifiable high value conservation areas had been omitted from the report, which hopefully can be addressed this evening.

Mr. Haskell showed the Board an area on the map that is being proposed as open space, about 2.83 acres, representing about 41% of the total site area. They would like to maintain the wooded buffer on the northern portion of the property to provide separation and a visual buffer between any developed land along Middle Jam Road and properties to the west due to the grade difference there. As well as maintaining the wooded area, it is proposed to maintain a good portion of the existing open field for a recreational area for the lot owners. High value conservation areas identified in the ordinance consist of any existing trails that connect to existing trails offsite; no formalized trails were identified on the site. Also included in the ordinance are existing healthy native forests over 5 acres; the entire lot is 6.83 acres, so there is no stand of trees that large on the property. The US Fish and Wildlife data base was consulted for information on habitats of endangered or threatened species, but there are no maps of critical habitat on the property. There were no significant wildlife habitats identified in the Maine IF&W Beginning with Habitats map and there were no potential vernal pools on the property when the wetlands were mapped. Relating to significant natural features and scenic views, there are no ridge lines or peaks or outcroppings on the property to preserve. The existing structure on the property is over 50 years old but they do not believe that it has any known historical significance to qualify it as an historical site. There are no cemeteries on the property based on field reconnaissance. Based on the NRCS soils data, portions of the lot are considered farm land of statewide

importance which have been marked on the map but there is no land actively being farmed. Mr. Haskell said the proposed open space does include some farm land identified on the NRCS data, but the trees along the rear property line may be of significant value to the site and would also make the open space further away from Middle Jam Road and Kayla Way so the meadow area could be use for playing areas.

PUBLIC COMMENT PERIOD OPENED: Irwin Novak, 82 Middle Jam Road, recommended that the Board study the different soils classifications he has added to the map which he believes show that the land should remain as farm land. He asked about the depiction of possible plantings as to their number, size, how mature they will be and where they will be planted. He commented about the location for possible septic systems and the location of the septic system for the existing structure.

Jeanne Disciullo, 25 Middle Jam Road, abutter directly across from the existing structure on the site. She said she and some of her neighbors have a vision statement that they would like to see the best, safest use of this property, which includes the protection of the pond and the environment, and that the development of this property respects the neighborhood. She spoke about drainage issues to her property from across the street and the quality of water being impacted by the possible development. She asked who determines the maintenance of the open space and its use and asked if it can be changed in the future. She asked about project oversight.

PUBLIC COMMENT PERIOD ENDED.

Mr. Haskell said they will locate the existing septic system on site. Many of the drainage questions will be addressed as the project moves forward and how the open space will be maintained by the homeowners' association. Also as they move forward, they will minimize the number of existing trees to be removed along Middle Jam Road.

Mr. Haskell confirmed to a question from Mr. Grassi that on site is the old farmhouse currently at the road and said he will confirm that the smaller outbuilding has been demolished in order to update the plans.

A Board member asked how many units are proposed on site. Mr. Haskell replied that based on the net residential density calculations, 5 lots are possible on site. A Board member confirmed the figure of 41% for open space, noting the Board could possibly stretch that number to 50%, and asked if that would limit the 5 lots to 4. Mr. Haskell replied that it would not limit the number of lots to 4, and the requirement for the open space was 40%. Ms. Eyerman asked Mr. Haskell if he knows the percentage of the lot which is farm land of statewide importance; Mr. Haskell said he could have that information prepared for a site walk if the Board wants to hold one. Ms. Eyerman said that one of the valuable conservation areas that is allowed to be in the open space is the agricultural land, so if it is 60% to 80% of the lot, that is of the most value on this particular property. In this instance, she said they might shift and preserve more of the agricultural land in the open space.

Ms. Durst asked if the farm land of statewide significance is part of the open space, does it need to be used as farm land. Ms. Eyerman replied that as an example, there is a project in Freeport that combined different ways to preserve farm land, agricultural land, that is actively farmed, with an historic farm house on it. Residential buildings that were eventually developed were down a dirt road and tucked inside a woodland on the edge of the farm land so the houses were not visible. Ms. Eyerman said that project was a partnership between five different entities: the Town, the developer, the Farm Land Trust, the Land Trust and the Historical Society. Ms. Eyerman said the two significant resources on this property seem to be the farm house and the farm land of statewide significance, and the Board needs to determine what needs to be preserved.

A Board member said that if that principle were applied in this instance, the farm land of statewide significance would include the open space, and the houses could be placed to the west of that, uphill in the area that is not prime farm land. He said it would be interesting to see both concepts laid out with the 5 lots.

He asked if the farm house is to be restored or if it will be removed. Mr. Haskell said he does not know the answer to that but he will have that information for the site walk. Ms. Durst asked if the structure is part of the parcel or has it been split out. Mr. Haskell replied that it is part of the parcel.

Mr. Haskell said they are trying to minimize the number of lots put on to Kayla Way, not to mention that flipping the development means that all the legal frontage for the lots would be impacted. However, he said they will look at some different shaped lots to accommodate the Board member's suggestion, but that Planning Boards usually want the open space to be contiguous rather than chopped up. Mr. Haskell confirmed that the percentage of the building area would be 3.8 acres and 59%. Ms. Durst confirmed the amount of road frontage for each lot in a cluster development is 75 feet.

Ms. Eyerman clarified that management of the open space depends on who owns it; if it is the Land Trust it would be that entity's responsibility. If it is the homeowners' association, then it will be the responsibility of the homeowners' association. She said the open space is deed restricted, with a note on the plan indicating those things that are approved by the Planning Board. Ms. Eyerman said the Land Trust is not involved in this instance as the size of the parcel does not meet the Trust's criteria. Mr. Haskell said no other land trusts have been contacted about this parcel.

A question was asked if a single dead end road is contemplated to access the houses, or would each house have a drive accessing Middle Jam Road. Mr. Haskell replied that the layout does not propose a road because there is enough road frontage along Middle Jam Road for the 5 lots.

Ms. Durst asked for confirmation that this meeting is to provide the applicant with the Board's thoughts on the open space. Ms. Eyerman asked what the Board wants to see in the open space and what percentage of open space would the Board like, which is why she asked what the percentage of the lot is this farm land of state wide significance. The Board could ask for as much as 50% of the total of the site to be open space, because the farm land is classified as high value conservation, so the applicant would have to figure how much of the lot is usable for the building area. Ms. Eyerman said it would be helpful to know that percentage calculation, and perhaps it can be provided at a site walk.

The Board and Mr. Haskell discussed the parameters of the high value farm land on the site, with Mr. Haskell noting that the County mapping of farm land areas is based strictly on soils classifications, with other considerations determining whether it is farm land of state importance which may warrant additional studies. Ms. Eyerman said the Farm Land Trust actively seeks out farm land with farms on the land in order to preserve them and put them into a program for younger farmers. In reply to Ms. Durst, Ms. Eyerman said this is an old farm house on good agricultural land.

Mr. Siegel expressed major hesitation about giving the management of the open space to five random families who have purchased a brand new build. Mr. Haskell said the biggest hurdle is finding someone who wants to maintain a 2.8 acre piece of land in the middle of a subdivision. Mr. Siegel asked if the property owner would be willing to discuss the issue with the Maine Farm Land Trust; Mr. Haskell replied that he would talk to him about going in that direction.

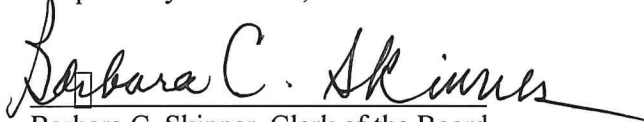
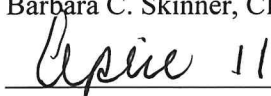
The Board agreed that a site walk would be useful. Ms. Eyerman said that notice of a site walk will be provided in the usual fashion, and all the abutters will be advised of the date and time of the site walk. She noted that site walks usually occur on a week day. Mr. Haskell was asked to stake out the high value farm land and a delineation of the proposed open space limitation. Mr. Haskell confirmed that he needs to provide the percentage of farm land on the property, take a look at the test pits that have been dug for potential field locations to make sure soils those soils also classify as farm land, and to talk with the applicant about coordinating with the Maine Farm Land Trust to determine if the open space is something they would be interested in taking over. He asked if the Board wants the wooded buffer to the west of the site along Kayla Way to be preserved; Ms. Eyerman said if there are any rare or endangered tree specie in that buffer, it would

be a good idea to keep that tree line. Mr. Grassi asked for more information; Mr. Haskell said that Regina Leonard of RS Leonard Landscape Architecture in her report did not mention rare or endangered species in that tree line. A Board member confirmed with Mr. Haskell that the forested area to the west is currently proposed to be preserved, and that the area along Middle Jam Road will also be intact except for driveways, even though there is not a large number of trees along there. Mr. Siegel confirmed with Mr. Haskell that there are perhaps 2 home owners along Kayla Way that would have a view of the wooded buffer and be buffered from the development.

**Susan Durst MOVED and Russell Frank SECONDED a motion to postpone approval of the open space layout design and configuration for 36 Middle Jam Road subdivision, located on Map 97, Lott 37, in the Suburban Residential and Shoreland Overlay zoning districts, pending responses to remaining issues. Motion CARRIED, 5 ayes (James Anderson and Thomas Hughes absent).**

**Russell Frank MOVED and Seven Siegel SECONDED a motion to adjourn. Motion CARRIED, 5 ayes (James Anderson and Thomas Hughes absent). [7:55 p.m.]**

Respectfully submitted,

  
Barbara C. Skinner, Clerk of the Board  
 April 11 2022