

Union Planning Board Minutes
Thursday, April 14, 2022, 6:30 p.m.
William L. Pullen Municipal Building Downstairs Meeting Room

Present: Gerald S. Brooks, Jr. (“Jerry,” Chair), Michael Johnson, Dale Flint, John Mountainland

Others Present: CEO Grant Watmough, Todd Caverly

1. **Meeting called to order:** 6:36 p.m. by Jerry Brooks
2. **Conversion of existing single-family dwelling to multi-family dwelling units (3) in Rural Zone – Todd Caverly – Map 2 Lot 1-3, 596 Middle Road:**

Jerry established no conflict or bias, quorum, jurisdiction, standing to apply, all fees and applications submitted.

Jerry asked Todd to provide a brief overview. His first question was how is that septic split up?

Todd replied there is a three-bedroom and a four-bedroom septic. The three-bedroom runs out of the front of the house. The four-bedroom runs out of the back of the house. The proposal is: the upstairs unit in the back would be a three-bedroom; the upstairs unit in the front would be a two-bedroom; a couple of his kids would be downstairs, grade level (a chicken coop), and they would be utilizing both systems – so septic-wise, it’s split out. The two rental units would be approximately 1,800 SF each.

Jerry noted the board had Todd’s sketch and asked the board for questions. Grant noted he’d included copies of the septic permits in the packets.

Dale asked if seven bedrooms total. Todd said correct: a three-bedroom and a two-bedroom unit, then two bedrooms downstairs for his kids, and the septic is seven.

Jerry asked how many actual dwelling units. Todd said his kids would have one and doesn’t know if that counts as owner-occupied being family, and two rental units, so three altogether.

John was confused a bit on the septic arrangement. Jerry said he was, too, initially. John asked for clarification.

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Todd said his family and he lived there for the last 25 years (his wife and he just moved to Warren). They had a three-bedroom system that was put in. The way it was laid out, to put any plumbing in the back half of the house you were going to have to do a full pump system and everything to tie into it. They did foster care and had three kids of their own, so three-bedroom was a little bit limited. Rather than putting all the pump in (*sic*), they decided a couple years ago to put in a new four-bedroom – new bathrooms in the back half of the house and now two kitchens will feed to (*sic*), providing the board approves.

John summarized the three-bedroom unit goes into the three-bedroom system, and the twos are split into the twos. Todd said no, actually the three-bedroom unit is in the back, so that will go to the four-bedroom system. The two-bedroom rental unit is in the front, so that will go to the three-bedroom system. His two kids downstairs have the whole house, so the front half goes into the front system, and the back half goes into the back system. Mike said it makes sense. John said it's unusual.

Jerry pointed out the hand-drawn diagram showing the split in the house. Grant said it's definitely unconventional but...

Mike clarified with Todd that upstairs is a three and a two, then downstairs his kids would have a two that would feed off both sides depending on what facilities they were using.

Grant said there is a plumbing permit that has to be issued, so he will be inspecting this. John said Grant is on it, that's good enough for him. Grant said the three-bedroom system went in in 1998, and the four-bedroom in 2015.

John apologized for his confusion. Todd said it's a chicken coop so it's a little unconventional; he understands the confusion as it's definitely not cookie cutter.

Jerry said there are six requirements under the Land Use Ordinance, page 23, Section 1.10.3.8.3 Multi-family Dwelling:

1. The minimum road frontage shall be 200'.

Jerry recalled the road frontage is 450', confirmed by Todd.

2. The minimum setback from all lot lines shall be 30'.

Todd said it's close on one, 40' might be pushing it, but it does hit 30'. In answer to Jerry, Grant said he was comfortable with it.

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3. Lots and multi-family dwellings shall meet all dimensional requirements as per Table 1.10-2, page 21, Standard Dimensional Requirements per District.

Jerry noted roughly 32 acres. Minimum lot size for dwellings (SF), Multi-family Rural, the first dwelling unit is 60,000, and each additional is 30,000 – each additional is 30, so 120,000. Grant said 2.8 acres. Jerry said they are well-covered in that category.

4. In the Village District and the Rural District, no building shall contain more than six dwelling units.

Jerry recalled three dwelling units.

5. All units shall be connected to a common water supply and distribution system, either public or private.

Jerry confirmed that one well supplies the entire place. Todd said it supplied two chicken barns and never went dry.

6. All units shall be connected to a public sewer system, if available, or to a central collection and treatment system, in accordance with the Maine State Plumbing Code.

Jerry said this was really the only question he had. Do we consider that central, those two systems? He thinks it meets the spirit. Dale said right, it meets the intent. Dale said as long as it passes the plumbing code, he's happy with it. Grant said both systems are only connected to the one facility, so in fact it really is a common system.

Jerry asked for further questions from the board. Mike said it seems straightforward.

Motion by: John Mountainland

2nd by: Michael Johnson

4-0

3. Private cemetery – Joseph Skalecki – Map 9 Lot 37-1, 783 Sennebec Road:

Jerry asked if any conflict or bias. John said he worked for the gentleman in the past so just wanted to make that clear; in answer to Jerry, no qualms. Jerry said so no conflict or bias. We have a quorum.

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Jerry summarized the application: Joseph Skalecki proposes a private cemetery and plot at the above location for his personal interment. The Planning Board has jurisdiction to review this as per Land Use Ordinance Section 213. The applicant has standing to apply as the registered property owner. Completed application and fees have been received.

Jerry said Mr. Skelecki was unable to attend tonight. He believes the board has enough to review the application, which is very thorough.

Jerry said with cemeteries we don't have a whole lot to review against our ordinances, but we do have CDC statutory setbacks and Title 13 as two things we will bounce against.

As far as the Town of Union, p. 33, under Schools, Public and Private; Semi-public Buildings; Churches and other Religious Facilities; and Cemeteries, Section 1.10.3.26., there are three requirements:

1. Side and rear yard setbacks shall not be less than 30', of which not less than 10' shall be maintained as yard space.

Reviewing the application, Jerry said he definitely had a setback on the side setback well within the requirements. Grant said if you look at his drawing the driveway coming in is 21.73' wide; the blue line is the property line so that's 30' there – you can tell by the scale. Jerry said he sent a photo that says no less than 10' shall be maintained as yard space.

Grant said these three criteria are expected to cover quite a gamut of a list of things. He added honestly, he thinks the setback is more geared to schools and other buildings and a church rather than a cemetery, but it's there.

Jerry said it begs the question should there be a separate Cemetery Ordinance – it seems to be a possible item coming up. Grant said unfortunately it does seem to be coming up more and more. Jerry said not much besides number one applies to cemeteries; but when you take in all the other CDC requirements, those things should be incorporated into its own separate ordinance. Grant added what he gave to the board he gave to Mr. Skalecki.

2. No parking or outdoor storage shall be located within the required 10' yard area.

Jerry said not an issue here.

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3. Applicable off-street parking and loading requirements shall be met, except that no off-street parking shall be required for cemeteries.

Not applicable. Jerry noted he is covered by the Town of Union Ordinance.

Jerry moved on to the CDC Requirements – Family Burial Grounds, Maine Center for Disease Control:

- Must have approval of the Planning Board.
- Must be family land. It is.
- No human remains can be buried on private property without a family burial plot. That's what he is working on.
- For burial of 12 people fewer (includes cremation). This is set up for him alone.
- Boundaries need to be delineated out from rest of property (State recommends they hire the services of a land surveyor). He did this.
- Not within 100' of a well or body of water. Dale said he would meet that requirement. John said he is back even from the neighbors and so forth. Grant added he is hundreds if not a thousand feet from the brook.
- No construction or excavation within 25'. Jerry said that's after the fact.
- Needs to be recorded at the Registry of Deeds and/or with the Town Clerk. Grant confirmed once it gets recorded at the Registry of Deeds, it automatically comes back here with a Book and Page. He added it used to be that a Town Clerk kept a book of records just like the Registry of Deeds, but that doesn't happen anymore; this law was written and not changed, and the truth is it doesn't need to be there.
- Not more than ¼ acre (about 100 x 100 max). It is not.
- Needs to have a fence, stone wall, or corner pins – something marking it clearly. Jerry said in this case he's got a horseshoe stonewall along the perimeter.

Mike asked where the well is on that property. Grant said the well is way up by the house, on the other side of the house. John added it's between the house and the barn.

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Jerry moved on to Statutory Setbacks from Maine Townsman “Legal Notes,” July 1998: *Cemeteries; graveyards; burial sites*. No cemetery or burying ground may be established or enlarged so that its limits are nearer than 100’ from any dwelling house or improved land used for recreational purposes, or nearer than 200’ from any well used for domestic purposes (13 M.R.S.A. §1181). Construction or excavation is not permitted within 25’ of a known human burial site or the boundaries of an established graveyard, whether or not properly recorded in the deed to the property, except for the lawful relocation of bodies and construction of public improvements (13 M.R.S.A. §1371-A).

Jerry confirmed the well is well beyond that.

Jerry next read from Title 13 Corporations, Chapter 83 Cemetery Corporations, Subchapter 2: Burying Grounds:

§1142. Family burying grounds

When a person appropriates for a family burying ground a piece of land containing not more than ¼ of an acre, causes a description of it to be recorded in the registry of deeds of the same county or by the clerk of the town where it is situated and substantially marks the bounds of the burying ground or encloses it with a fence, it is exempt from attachment and execution. No subsequent conveyance of it is valid while any person is interred in the burying ground, but it must remain to the person who appropriated, recorded and marked that burying ground and to that person’s heirs as a burial place forever. If property surrounding a burying ground appropriated pursuant to this section is conveyed, the property is conveyed by the person who appropriated the property or by an heir of that person and the conveyance causes the burying ground to be inaccessible from any public way, the conveyance is made subject to an easement for the benefit of the spouse, ancestors and descendants of any person interred in the burying ground. The easement may be used only by persons to walk in a direct route from the public way nearest the burying ground to the burying ground at reasonable hours. [PL 1991, c 412, §1 (AMD).]

Jerry and the board considered §1141, but as Grant said it is Cemetery Corporations – not a family burial ground; let’s say Oddfellows want to set up a burial ground, then it would apply.

Jerry concluded the board exhausted all the reference material. He said it’s interesting about the conveyance. Grant said it was saying it’s an automatic easement, doesn’t have to be in the document, and it happens so the family can never be restricted from going to that cemetery. There were no questions.

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Motion by: John Mountainland
2nd by: Dale Flint
4-0

4. Accept minutes of February 10, 2022:

Motion by: Dale Flint
2nd by: Michael Johnson
3-0-1 abstention (Mountainland)

Accept minutes of December 23, 2021:

Motion by: Dale Flint
2nd by: John Mountainland
4-0

5. Any other business by the board:

Jerry said Grant has passed out some information regarding an upcoming subdivision for next month:

Minor Subdivision – Walter K. Butler III – Map 10 Lot 19, Feyler Road

Normally we do Preapplication Review and Application Review all in one night. We have a chance here to do a Preapplication Review tonight. John said full disclosure: his brother is an abutter to the property (Dave Mountainland) but he has no bias.

Grant gave an overview, saying this is a large parcel of property. It abuts two major roads, Feyler Road and Sidelinger Road. The owner wants to subdivide the section that's on Feyler Road. The design shows five lots. The biggest one to the far left has already been sold to a family member, so that could be done outside of subdivision. That took one big parcel – in fact he could have done two – he took one big parcel and took one piece out of it, so that's two lots except we have a provision in our Subdivision Ordinance that says any remainder part of a lot that's subdivided that's over 40 acres you don't count as a lot. So this is a request for a four-lot subdivision, which is a minor subdivision, which requires a preapplication meeting, which if you're willing to do it would be tonight. Somebody just needs to come in and tell you what they want to do on; he has provided that information even though it's not on your agenda. Then in May we can do a final, or we can do a preapplication and a final next meeting, or we can do the

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preapplication and the final in June. We might be wrestling with getting a quorum together.

Jerry said generally the applicant comes in, lets the board know their intentions, then the board offers them guidance as to what to bring for the final application review. Where they have hired Patriot Land Surveyors and it looks like they've got a pretty good handle on what they're doing.

Grant gave the board a list of abutters he researched. One thing we have to do for the final is notify abutters. Abutters in this case, in the Subdivision Ordinance, are those touching the actual line to the lot that's going to have some of the subdivision in it, or across the road. Grant added that, in our Site Plan Review Ordinance, an abutter is within 500' of the property line whereas here it's an actual abutter.

Grant said the question is, does the submitted material meet the criteria of a preapplication meeting? The applicant will be ready in May for a full process.

The board members agreed they were comfortable with it – that the material meets the board's criteria for preapplication.

Motion to approve the submitted material as preliminaries by: John Mountainland
2nd by: Dale Flint
4-0

Grant said next meeting will be the final. He will notify abutters.

6. Adjourn: 7:10 p.m.

Motion by: Dale Flint
2nd by: John Mountainland
4-0

Respectfully submitted,

Sherry Abaldo
Secretary