

**CAMDEN PLANNING BOARD
MINUTES OF MEETING
November 7, 2013**

PRESENT: Chair Chris MacLean; Vice Chair Lowrie Sargent; Members Richard Householder, Jan MacKinnon, and John Scholz; Alternate Members Richard Bernhard and Kim Tuttle; Don White, Select Board Liaison; Town Attorney Bill Kelly; and CEO Steve Wilson

The meeting of the Planning Board was convened at 5:00 pm.

- 1. Public Input on Non-agenda Items:** No one came forward.
- 2. Minutes:** Review of the Minutes was deferred until later in the meeting.
- 6. Planning Board Video Testimony Policy:** This item was taken out of turn so the Chair could be present for the discussion.

The Board has had a request for permission to submit pre-recorded video-taped testimony in lieu of making an appearance at the up-coming Public Hearing on the Fox Hill amendment proposal. The Board has no policy regarding electronic testimony, and needs to create such a policy if they are going to approve this request. The Chair supports a conversation about whether or not to allow electronic testimony, a policy regarding procedure, and the requirements for setting up equipment.

Mr. Sargent:

- He supports continuing the Board's policy of encouraging public input, but public input in person is the first choice. The Board might find a way to accommodate those who can't be present and allow them to participate
- With video tapes there is no way to question the speaker or control whether or not the testimony is redundant
- Testimony in person is his first preference; taped videos his last

Mr. MacLean:

- He has worked with video testimony provided via Skype during court trials, and has no problem working with this or similar teleconferencing capability in the Public Hearing context; he has reservations about pre-recorded testimony
- The courts do allow videos as testimony
- A large portion of the community lives elsewhere for part of the year, and making use of new technology would provide a way to include them in the process
- He wonders if videos would create Due Process concerns if all members could not access the tapes
- There might also be a problem regarding recusal if a member is absent during a teleconference and didn't hear the testimony – absentee members would have to acknowledge that they listened to the testimony via the streaming video of the meeting

Ms. MacKinnon:

- If everyone on the Board and everyone in the room is able to see and hear the testimony, she would find the concept acceptable
- Concerned this could lead to no one making the effort to come to meetings in person, and believes there should have to be a good reason they need to Skype instead

Mr. Bernhard:

- He wonders if the testimony coming by Skype could be posted to the Town's cloud webpage for viewing

Mr. Householder:

- The speaker would have to show up on a large screen that everyone could see
- He prefers appearance in person

Mr. Scholz:

- His first choice for this purpose would be Skype, which is interactive
- The written word would be just as acceptable
- The Chair should have the ability to review the request and approve or reject it

Draft Policy

- ♦ Seven days prior to meeting anyone who wants to use contemporary technology to testify must make a request to do so through the CEO by email or in writing
- ♦ The Chair (or Acting Chair) will determine if good cause has been shown that justifies approving the request
- ♦ The person making the request is responsible for having someone at the meeting to handle the transmission and for having the set up ready to go and tested before the meeting begins
- ♦ The person making the request is responsible for watching the streaming video in real time to ensure the remarks are not redundant and are on subject
- ♦ When the testimony is made during a Public Hearing, the person making the request should provide a written summary that is signed, dated and submitted within one week of the meeting – this will be made part of the written record
- ♦ People providing electronic testimony for a Public Information Gathering Meeting do not need to provide a written summary

Members agreed to accept this draft, and adopted the policy in verbal form until a written policy has been prepared and adopted. The Chair will prepare a draft and circulate it – members should offer comments through the CEO.

The Chair left the meeting at this point and Mr. Sargent assumed the role of Acting Chair.

**3. Residential Pier: Initial Site Plan Review for Completeness
Daniel and Joann Passeri: Map 125 Lot 12: Village District (V); 84 Bay View Street**

Applicant's Presentation:

Will Gartley of Gartley and Dorsky Engineer and Surveying, the Applicant and Owners' Agent, reviewed the proposal for the owners' inner harbor property: Stairs from the bluff provide access down to a 71' pier sitting on ledge at the shore and on a granite structure at the outboard end. A 36' ramp will connect to a 12' x 20' float where there will be 3' of water at low tide. Both the ramp and float are seasonal; the ramp will be lifted by built-in galleys to be stored on the pier for the winter and the float stored elsewhere. The project requires permits from the DEP and the Army Corps of Engineers: The DEP permit has been reviewed and the initial response is that there are no issues; they have been told the decision is coming.

Questions from the Board:

Mr. Scholz: He asked, given recent changes in calculations, if storm surge has been taken into consideration in the design. Mr. Gartley replied that it had, and that the pier probably isn't as high as it should be over mean high water, but it is as high as Camden's current Ordinance allows.

Mr. Sargent: After noting that it is clear that the water level is rising within the harbor, Mr. Sargent asked what State or Federal Agency the Town would contact for permission to allow taller piers. Mr. Gartley replied that the Town of Camden sets the only restrictions on height, and that restriction is becoming a problem if these piers are to survive the surges. The height is based at height over Mean High Water; height should be measured from flood tide levels to be meaningful. It would be up to the Harbor Committee and the Planning Board to make the necessary changes to the Ordinances, and Mr. Gartley recommends using the base level of the highest annual tide.

→ Mr. Sargent asked that consideration of an amendment is added to the "Ordinance Amendment List"

Gene McKeever, Chair of the Harbor Committee, spoke later in the meeting to say that the Committee is working with Mr. Gartley and reviewing what changes they might propose to the Harbor Ordinance to address storm surges.

Mr. Householder: He asked how far the pier system will extend into the channel, and Mr. Gartley replied that it is 70' from the moorings at the Yacht Club. The owners are not keeping their boat tied up to the pier because there is not enough water at low tide. The boat will be kept on the current mooring and brought to the pier only during high tides. They will keep skiffs tied to the float.

Public Comment Session

Mr. Sargent noted for the record that the Board had received an email from Penny Abbot, Commodore of the Camden Yacht Club. Ms. Abbott was present and spoke to their concerns:

- They are concerned for the safety of the student sailors
- Normally the prevailing winds are from the SE; with the new pier, the students will have to come into the Club floats using a path that will take them through the main channel
- These are not skilled sailors and the path they use now, which heads in the direction of the pier, is the safest approach for novices
- They have programs in the mornings and the afternoons and feel that this pier is just too close to their floats for comfort
- The Harbormaster is responsible for placement of the floats, and has said that he can be flexible in layout and able to make adjustments to improve the safety if the pier does raise concerns.

Mr. Sargent asked if it would be possible to have Mr. Pixley attend the Site Walk so he could confirm that the floats could be moved without impacting the Club's sailing program; Ms. Abbott plans on attending the Site Walk as well. Mr. Wilson read from the Harbor Committee's minutes of their October 3 meeting and their discussion of the Passeri pier: "Based upon inquiry from counsel for Passeri Sandy Welte raised a concern on the impact the pier would cause to the nearby yacht club mooring used for the sailing program and Harbormaster Pixley stated that if there should be an issue that the Yacht Club mooring could be moved, if needed;" Mr. McKeever added that members were all concerned about the safety of the students, and confirmed that during their discussion, Mr. Pixley stated that he would be working with the Yacht Club to ensure the level of safety discussed by the Committee would be met.

Jack Dennon: Property Manager for abutting Symington property: He asked about the right-of-way given to the Town in 1938 for access to the shore – it does not appear on any of the drawings. He wondered if the pier is encroaching into this ROW. He does not have a drawing, but does have the deed. Mr. Gartley believes this ROW is Bay Road. Mr. Wilson added that the fee under the ROW was just given to the Town, but he has drawings showing the previous property line and the adjusted property line for the Passeri property. The Site Plan also shows the Town as owner of the strip of land that goes to the shore.

Ben Ellison: Harbor Committee: This is the second pier application to come before this Harbor Committee. In both cases they recommended the Select Board approve the applications. The Committee's brief discussion covered the width of the Passeri pier and the width of piers in general. There was no detailed review before the vote. Since then Mr. Ellison has reviewed the Harbor Ordinance section on Consolidated Piers and noted that it calls on the Harbor Committee to review the standards for piers within the Ordinance that refer to hazards to navigation; they did not review Section Article 7 a – f at their meeting.

Mr. Sargent asked Mr. Wilson if the lack of review would invalidate the Committee's approval, and wondered if they should meet again to review the Application against the Ordinance. Mr. Wilson added that lack of review by the Harbor Committee could become a problem if there was an appeal, but they have the option of meeting again to reconsider the Application. Because reviews by the Planning Board and the Harbor Committee run concurrently, there would be no delay resulting from a second Committee review. In addition, the Ordinance requires that the Harbor Committee submit something in writing regarding their review and decision as part of the record. The CEO will meet with the Committee to help them

through their first review. Mr. Gartley also discussed with the Committee portions of the Ordinance that need to be clarified, and he will work with them on recommendations for changes.

The Board will hold a Site Walk on December 5 at 7:15 am. Penny Abbott will attend and Steve Pixley will be asked to attend as well.

Review for Completeness

The Application under review consists of:

- Site Plan Application dated 10/09/2013
- Agent Letter dated 10/09/2013
- Submission Letter dated 9/25/2013
- Tax Map 125
- Abutter List
- Warranty Deed dated 7/18/2013
- FEMA FIRM Panel dated 5/4/2013
- MIFW Habitat Map dated 3/22/2013
- Photographs 1 and 2 dated 9/25/2013
- Aerial Photo: AE-1 dated 9/25/2013
- Boundary Survey: Plan SV-1 dated 7/2/2013
- Site Plan: C-1 dated 9/25/2013 stamped and seal by an engineer

Mr. Sargent reviewed the list of submissions required by Article XII Sections 3 and 4 specific to piers. The Board agreed that all submissions, as required, had been submitted.¹

The Applicant will return on December 5 for review of the Approval Criteria. Mr. Wilson will have the required letter of approval from the Harbor Committee.

4. Private Way:

Vernon Dent, LLC: Map 134 Lot 35: Coastal Residential District (CR): Belfast Road

The Applicant, represented by Will Gartley of Gartley and Dorsky Engineering and Surveying, is seeking permission to construct a Private Way. The request to construct a road was originally part of an application for subdivision review, but that application was withdrawn and this submitted in its place. On October 11, prior to the withdrawal, the Board conducted a Site Walk at which all members except Mr. Bernhard had been present. That Site Walk will apply to this Application instead.

Applicant's Presentation

The driveway is just over 500' from Route 1 with the first 150' being a ROW over an existing driveway. The grade of the driveway varies from 5% to 7%, less than the 8.5%

¹ See attachment 1, the requirements of Article XII pertinent to this Application.

maximum permitted by the Ordinance, and Mr. Gartley provided detailed information on the provisions to control erosion and to direct the flow of surface water over the drive. He also noted that the drive had been sited to the north of the tree line to tree removal to a minimum. In addition, the ditch line will be constructed on the north side of the road to minimize impact to the trees. As of now they plan on bringing the utility lines underground along the road, but talks with a side abutter to obtain permission to access power from that direction are continuing.

Questions from the Board

Mr. Bernhard: He found the project complex but straightforward.

Mr. Scholz: He had concerns with surge drainage issues, but believes the engineers addressed the situation aggressively and have handled the situation well.

Mr. Householder: He also had concerns with the ability to handle the flow of water down the slope of the drive, but is now satisfied that the design takes care of that issue. He asked if there are any sign-offs from any of the emergency services. Mr. Scholz agrees that because of the exposure of this drive to the elements that it will be prone to icing in the winter; he also wonders if emergency services would want to comment. Mr. Wilson noted that sign-offs are not required by the Ordinance, and Mr. Gartley added that the Plan meets all of the dimensional and slope requirements of the Ordinance. Board consensus was that no sign-offs will be required.

Mr. Sargent: He asked if the “Temporary Construction Exit” is located correctly; Mr. Gartley replied that it is not, the location should be just before the new drive begins. The purpose of this DEP requirement is to keep mud from construction vehicles being carried off the construction site.

✓ *Mr. Gartley will correct the location and re-label on Plan C-3.*

No one in the audience came forward to comment. The Board decided not to hold the optional Public Hearing.

Review

Article XIV: Regulation of Private Ways: The Application under review consists of:

- Private Way Application dated 10/16/2013
- Deed Hills to Vernon Dent, LLC dated 9/23/2013
- Deed Hills to Schlagcheck dated 5/4/2012;

The remaining documents, all dated 10/23/2013 include:

- Private Way letter
- Site Location Map
- Tax Map 134
- Abutter List
- Sheet AE-1: Aerial View
- REC: Plan of a Private Way
- C-1: Private Way Site Plan
- C-2: Private Way Profile
- C-3: Civil Details

Section 2. Application

Mr. Sargent reviewed the submissions required by Article XIV and the statements made by the Applicant in the Submissions Letter referenced above. The Board agreed that all submissions, as required, had been submitted. ²

Mr. Sargent reviewed the Approval Criteria of Section 4.³

MOTION by Mr. Scholz seconded by Mr. Householder that because the Application satisfies the Approval Criteria of Article XIV Items (1) – (8) and Item (9) has been found not applicable, the Application is approved.

VOTE: 5-0-0

Board members signed the Recording Plan.

Information Gathering Meeting – Proposed Zoning Amendment

5. Proposed Change to the Definition of “DWELLING UNIT”: Steve Pixley: Rural Recreational District (RR)

Mr. Scholz has recused himself from discussions regarding this proposal. Mr. Pixley was not present to present his proposal for a change to the Definition of Dwelling Unit to permit rentals of less than seven days.

The CEO informed the Board that there are currently 26 Camden home owners who advertise their homes for rent over the internet for two and three day rentals – the minimum stay set by the Ordinance is seven days. Mr. Wilson has contacted these homeowners to inform them of the Ordinance violation, and some have changed their ads accordingly.

The Pixley’s are one of these homeowners, and are asking the Board to consider an amendment that would permit shorter-term rentals, but only within a certain distance of the Ragged Mountain recreational Area (Snow Bowl). This restriction on rentals was included in the original Ordinance definition, and Mr. Wilson believes the Ordinance intended to support B&Bs, and the requirement that they are located on sewer and along main roads was intended to help the businesses develop and prosper.

Comments from the Public

Felicity Farrell: She is interested in being able to rent out rooms in the future, and supports the concept of the amendment. The average length of stay in Camden is 3 ½ days, and she is in support of the proposal also being applied to properties near the State Park or Town-wide. People who do want to stay some place for short stays are going to other towns to rent – places where a minimum stay is either not required or not enforced, and Camden is losing that business.

² See attachment 2, the requirements of Article XIV pertinent to this Application.

³ See attachment 3, the Approval Criteria of Article XIV pertinent to this Application.

This will not hurt the Downtown merchants, in fact they will benefit from more people staying in the Town.

John Scholz: He suggested a compromise that would permit a homeowner to rent for shorter stays – seven days or less. In addition, home owners would be limited to one rental per week, and the result would be the same as requiring a seven-day stay.

Kristi Bifulco, owner of Windward House B&B: Income from the B&B is their sole source of income. There is only so much business in Town to go around, and those breaking the law are unfairly taking a piece of the pie that should be going to tax-paying, law-abiding businesses instead. The proposal doesn't fit into the Zoning Ordinance, and there will need to be a proper definition of this use. She does not believe the proposal is consistent with the Comprehensive Plan's goal of promoting downtown businesses, and it will promote more empty houses if owners don't have to occupy the premises. Lodging businesses are very viable businesses, but they are just rebounding from the recession and this competition will hurt them.

Using the Internet site Vacation Rentals by Owner (VRBO), she found ads for over 200 non-owner rentals in Town, and this is having an impact on the existing businesses already. These are some of the expenses she incurs that Pixley does not:

- Victualer's License
- Lodging License
- Sales Tax
- Corporation fees
- Higher property tax assessment as commercial property
- Health Department inspection fees
- Fire extinguisher certification fees
- Changes to their properties can kick in the ADA as well as the requirement to add sprinkler systems, and they can't expand

Mr. Bernhard asked if there were actual B&Bs in the area of the Snow Bowl, would it create healthy competition like there is among the B&Bs downtown. Ms. Bifulco replied she doesn't see how they could be approved without access to sewer and water and a zoning change.

David Dickey: Riverhouse Hotel and Suites: The State tax authorities are going after internet rentals because they have become so prolific and successful. It costs \$359 to be on one site that advertises worldwide, so it is obvious they must be successful if they are willing to pay that kind of price.

In addition to the expenses mentioned by Ms. Bifulco, he has incurred these particular expenses within the past few days:

- \$500 for elevator inspection
- \$140 to inspect the fire extinguisher in the elevator
- \$5000 for 4 back-flow units
- \$5000 for an ADA lift to provide access to the swimming pool

None of the renters under Pixley's proposal will have to pay these kinds of fees or play by the rules. Current owners of legitimate businesses need the ability to sell at the value they deserve, but prospective buyers won't be interested if there is an over-crowded market.

He doesn't think there is a huge demand for short-term rentals at the Snow Bowl: He has eight suites with kitchens that he rents on a daily basis. He has offered them in the off-season with Snow Bowl packages and not had much success. He also does not consider long-term rentals as competition – that is not his market.

Felicity Farrell disagrees that there is not a demand for a ready source of short-term rentals. She knows that hotels overbook and have to find rooms for customers on short notice for one or two nights; it is a consistent source of business that the Town is missing out on.

Mr. Wilson noted that the building code is quiet on any requirements that come into play when a single or two-family home is rented. He also added that any regulation of short-term rentals is driven by local ordinances – Camden is unique in the area in applying this rental restriction. To oversee compliance under Mr. Pixley's proposal would require additional staff.

Comments from the Board

Ms. MacKinnon: She would like to Table this proposal until Mr. Pixley can be here, although she may not want to proceed further based on what she has heard this evening.

Mr. Bernhard: He believes the B&Bs are an asset to the Town in their permanence. Their appearance makes it clear they are managed well and he is wary of making it harder for them to survive. He agrees that the Ordinance encouraged clustering of B&Bs close to the downtown for a reason, one of which is to support the downtown businesses.

Ms. Tuttle: She originally thought this proposal would fill a need for a different clientele that didn't want to stay in B&Bs. Learning of Mr. Dickey's units with kitchens, she believes that need has already been filled.

Mr. Householder: He has heard good arguments – and agrees – that changing the Ordinance doesn't make any sense.

Mr. Sargent: He wondered about people who live near other recreational areas wanting the same privilege, and surmises that were similar areas included in Mr. Pixley's proposal the entire Town would be covered by the change.

He is sympathetic to B&B owners who incur great expenses in maintaining their properties as they do. The clandestine rental units are hurting these businesses because someone who is renting out a house can do it for much less than the B&Bs have to charge to be profitable. These houses also attract people who need 2 or 3 rooms because renting a whole house is much cheaper than renting 3 rooms.

He asked if there was a consensus *not* to go forward with consideration of this proposal; there was. This does not mean that Mr. Pixley – or someone else - cannot come back with a renewed request.

7. Fox Hill Public Hearings:

Alternates Participation

Mr. Sargent recently reviewed the State’s *Planning Board Manual* and he intends that the upcoming Public Hearing process is conducted correctly. He also noted that the Manual warns against Planning Boards making decisions by “counting noses.” The number of people speaking for or against a proposal should carry no weight during the decision-making process, nor should what people say influence a member’s vote.

There was also discussion in the Manual about selecting an alternate to vote in the absence of a regular member. He learned that once the alternate is appointed to sit as a voting member, the other alternate is no longer a participating member of the Board and must step down from the proceedings at the point the Board begins deliberation.

November 20: The Board will hear input and ask questions - members can ask for clarification and may suggest minor changes to the language. If the Board does begin deliberation after the hearing is closed, the non-voting alternate must step down at that point.

December 12: If the Board waits until after this hearing to begin deliberation, both alternates will be able to participate in the hearing process. Mr. Scholz supports this option because the more members that participate the better; others agreed. The day of the 2nd hearing the Chair will flip a coin and the winning alternate will continue to participate – the loser will step down at the close of the hearing.

The Public Hearing Process

- Speakers will not have to prove standing to participate
- The 11/20 Hearing will be similar to the PIGM with people being allowed time to speak a second time if time permits
- The Board will limit comments at the 12/12 Hearing to new information only – speakers will not be permitted to restate previous testimony, and an ending time to receive comments will be announced in advance
- The procedures for both hearings will be spelled out on the agenda of the 11/20 Hearing agenda
- The Board will end the Hearing with closing comments from the Opponents’ Attorney and the Applicant’s Attorney in that order
- Following deliberation, the Board’s decision will be made in the form of a positive motion

Attorney Paul Gibbons reminded the Board that when members announce their individual decisions they must include the specific reasons they reached their conclusions

There being no further business before the Board, they adjourned at 8:30 pm.

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary

Attachment 1: Passeri Pier

Article XII Section 3: Site Plan Content

Section 3: Site Plan Content

(a) Owner's name and address.

See Sheet C-1.

(c) Sketch map showing general location of the site within the Town.

Provided.

(d) Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

See Sheets C-I and SV-1.

(1) The location of open drainage courses, wetlands, stands of trees, and other important Natural features, with a description of such features to be retained and of any new landscaping planned.

See Sheet C-1.

(m) Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

See Deed and Sheet SV-1.

(o) Location and type of exterior lighting.

The Applicant states there will be no lighting is proposed for the pier.

(q) A signature block on the site plan, including space to record a reference to the order by which the plan is approved.

Included on Sheet C-1.

(5) In addition to the items from Section 3 above, applications for Piers...shall include:

(a) A site plan stamped and sealed by an engineer registered in the State of Maine.

See sheet C-1.

(b) An elevation showing the height of the pier in relation to normal high water.

See sheet C-1.

(c) A pier section.

See sheet C-1.

(d) A detailed erosion control plan, including a schedule of construction. The schedule shall include the kind of motorized equipment, how and when it will be used below high or low water.

See Pages 4 and 5 of the Applicant's Site Plan Submission Letter referenced above.

(e) A detailed plan showing how oils, greases or other contaminates will be separated and handled.

Not applicable to this project.

(f) Copies of required Maine Department of Conservation submerged lands lease, Maine Department of Environmental Protection and United States Army Corps of Engineers Permits, provided, however, that the Board may approve site plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.

See Page 6 of the Applicant's Submission Letter referenced above for details: MDEP NRPA applied for – copy of application provided to Town; DOC lease not required; and will obtain Army Corps General Permit Category 1 for fill.

Attachment 2: Vernon Dent, LLC Private Way: Section 2. Application

PRIVATE WAY SUBMISSION LIST

The consensus of the Board was that Item 1 was satisfied.

(a) *Applicant's name and address:*

Provided on Application.

(b) *Name and addresses of all abutting lot owners served by the private way:*

Provided in Application packet.

(c) *A plan prepared by a registered land surveyor which shall delineate the existing and the proposed private way and each of the lots to be served by the private way, and that plan shall be labeled "Plan of a Private Way":*

See REC.

(i) *the plan shall bear a note that the Town of Camden shall not be responsible for the maintenance, repair, plowing or sanding of the private way, and that further lot divisions utilizing the private way are prohibited without the prior approval of the Planning Board.*

See REC.

(ii) *the plan shall show the intersection of the private way with any public way or Town road and the sight distances from that intersection on both approaches to the private way from the public way or Town road:*

See C-1, C-2 and REC.

(d) *Maintenance Agreement:*

Not applicable.

(e) *A storm water drainage and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:*

(i) *the proposed method of handling storm water runoff*

(ii) *the direction or flow of runoff through the use of arrows; and*

(iii) *the location of drainage ditches, swales, retention basins, and other features designed to regulate or control drainage.*

See C-1 and REC.

(f) *The Applicant shall submit such further information as the Planning Board may require in circumstances in which the Planning Board determines that, due to the scale, nature of the proposed private way, or the impact of the private way on safety considerations such information is necessary to insure compliance with the intent and purposes of this Article of the Ordinance.*

No further information was required.

ATTACHMENT 3: Vernon Dent, LLC Private Way: Section 4. Approval Criteria

The Planning Board shall issue a permit for the private way when all of the following criteria are met:

(1) A turn-out to provide space for two vehicles to pass, measuring a minimum of 10' wide by 50' long, shall be provided for every 500' of a private way.

The consensus of the Board is that this criterion is satisfied.

(2) The private way shall establish and maintain a minimum of 14' of vertical clearance.

There is very minimal tree cover; this criterion is satisfied.

(3) The private way shall be designed so that the private way shall not be subject to seasonal flooding or washout and the Planning Board may require, as a condition of approval, drainage ditches and culverts to meet this criteria.

Drainage issues are more than adequately addressed on C-1; this criterion is satisfied.

(4) The intersection of a private way with a public way or Town road shall not present a safety hazard and there shall be sufficient sight distance from the intersection in both directions along the public way or Town road.

The design meets the site distance requirements of the Ordinance.

(5) The intersection of the private way with driveways and the steepness of the private way shall not cause a hazard to pedestrian or vehicular traffic.

The existing driveway entrance will not be changed and the grade of the drive meets the standards of the Ordinance.

(6) The maintenance agreement submitted by the Applicant shall adequately specify the rights and responsibilities of each lot owner with respect to maintenance, repair, plowing and sanding of the private way so that the private way is properly maintained and repaired.

The maintenance agreement is defined in the Warranty provided by the Applicant.

(7) Dead ends in a private way of more than 500' in length shall have a solid paved circle with a minimum radius of 40', or a turn around that is a minimum of 20' wide and 40' deep and located at least 40' and no more than 60' from the dead end.

See C-1, C-3 and REC; this criterion is satisfied.

(8) The proposed private way, as depicted on the survey plan, shall provide for safe access to and egress from driveways to the private way and from the private way to the public way or Town road and shall meet the following minimum construction standards:

Minimum, roadway width - 10'; Minimum width of right-of-way - 30'; Minimum sub-base (6 inch minus) - 12"; Minimum wearing surface (1 inch minus) - 2"; Maximum grade - 10%; Minimum grade - 0.5%

See C-1, C-3 and REC; this criterion is satisfied.

(9) For an application for the extension or addition to an existing private way constructed on or before June 9, 1998...

Not Applicable.