

## Planning Board Meeting Minutes 12-03-2012

Standish Planning Board  
Meeting Minutes  
December 03, 2012

The meeting was called to order at 7:00 p.m. by Vice-Chairman Carol Billington. Present were Alta Harding, Steve Nesbitt, Wayne Newbegin, Town Planner Bud Benson and Jackie Dyer, Secretary to the Planning Board. Absent were Brian Libby and Bruce Smith.

The first item on the agenda was to approve the November 05, 2012 meeting minutes. Mr. Nesbitt made a motion to approve the minutes, seconded by Mrs. Harding. All in favor.

The first order of business was the approval of the Finding of Fact for New Cingular Wireless, dba AT & T Mobility, Map 9, Lot 38 A. Mr. Nesbitt made a motion to waive the reading, seconded by Mrs. Harding. All in favor. Mr. Nesbitt made a motion to approve the finding of fact, seconded by Mrs. Harding. All in favor.

The second order was the finding of fact for Charles Bragdon /Rebecca Hawkes representing Snug Harbor Assoc. , Map 49, Lot COM. Mr. Nesbitt made a motion to waive the reading seconded by Mr. Newbegin. All in favor. Mrs. Harding made a motion to approve the finding of fact, seconded by Mr. Nesbitt. All in favor.

There was also a set of plans that the Planning Board needed to sign for Cingular and those will be signed after the meeting. A representative from Cingular will pick those up in the morning.

### **James R. Dyer , 91 Smooth Ledge Road Map 43, Lot 98 Shoreland Zoning Application**

The applicant, James Dyer, as well as Albert Frick from Frick Associates were present. Mr. Frick explained that this is an existing cottage. The plan shows the abutting properties and their existing wells. They would like to move the cottage back from the water and stabilize the shoreland because of the ongoing erosion. There are several single family dwellings around him with wells and when they move the cottage back they would also like to move the leach field and septic tank away from the lake and meet the setback constraints. The house would go back approximately 45 feet. The existing is now only 35 feet from the lake. The dwelling would be put back into the hillside with a daylight basement. Mrs. Billington asked the Board if they have any questions.

Mr. Newbegin asked if they would be moving the existing building or demolishing it and totally rebuilding. Mr. Frick said they would be demolishing the existing and rebuilding. The existing building is on posts. The new building would be moved back with a foundation and daylight basement underneath. The expansion would be the 30% they can use. The total elevation would be 286 feet. Mr. Nesbitt asked how far the septic would be from the dwelling. Mr. Frick said it would be 20 feet, that would meet the plumbing code. The CEO can move the set back to 10, but they are estimating 20 feet. There will not be a septic pump. Mr. Frick said they are not proposing to do it that way. They are proposing a tank and leach field. Mr. Benson said the septic system needs to be so far away from the other cottages wells and he feels they are trying their hardest to keep the septic system as far away from those as possible. He feels that they are doing a good job at it and meeting the requirements .

Mr. Benson said that there are erosion problems that need to be taken care of. Rip rap will be installed and then the cottage will be torn down. There are some rocks that are very large in the area, those will have to be fractured to be moved and placed where needed. Mrs. Harding asked what would happen to the boulders and Mr. Frick explained they need to be moved in order to get down to the shore and stabilize it. Mr. Frick explained that there is quite a lot of erosion going on and needs to be stabilized first before the new house is built. He feels that they need to work from the shore back.

Mr. Benson said he felt this was a very well done project. He said the foundation needs to be 50% in the ground and the large rocks to be moved need to have some rip rock installed to stabilize this piece. He feels that a site walk might not be needed. Mrs. Billington said they have almost always done a site walk, but things look to be okay and well done. Mr. Newbegin said he has already seen the

cottage and site. Both Mr. Nesbitt and Mrs. Harding said they want to see it and feel a site walk is necessary. Mrs. Harding said she feels it is wrong to not do a site walk like they always do. Mr. Nesbitt said he feels this is a well done plan, but wants a site walk. The site walk will be on Saturday, December 08, 2012 at 9:00 a.m.

Mr. Dyer said that he is no hurry to get started as he wants to have everything all lined up to go. He would like to try to start in the Spring or late Summer so as not to bother any neighbors when they are there. Mr. Dyer will let Mr. Benson know if that will not work. There will be a site walk workshop if needed. Mr. Frick said he was very happy with how everyone involved in this process has been so willing to help.

### **Amendment to Standish Town Code, (Conservation Subdivision) Chapter 181, Land Use**

This process was started back in 2006, that is when the comprehensive plan was introduced. Mr. Newbegin thought it was 2007 or 2008. Mrs. Billington said that this ordinance has been introduced to the Council and has also had its first reading. It will go back to the Council at their next meeting. Mr. Nesbitt thought that the council would not get this until February. Mr. Newbegin said that he has some concerns with this plan and Mrs. Billington said she does also. She urges the public to get involved and come to the Council meetings, get a copy of the ordinance and become involved in this. She feels that one concern is this is truly an elective tool to be used for people to set aside part of their land in a stewardship or conservation so that it can be used for whatever phase. It can be used to preserve farmland, a scenic vista, etc. There are many, many ways it can be used. In the town right now, there is nothing that lets a landowner do this. She used Randall Orchards as an example. She said Mr. Randall has voiced that he would like to leave the land when he is done with it as a working orchard. Mr. Benson said that this would create a way to have things left as working farms, working orchards, etc. He said this is a big difference between cluster subdivision and conservation subdivision. Mrs. Billington agreed. It does carry some incentive, such as density bonuses, but does not replace cluster subdivision. Mr. Newbegin said he disagrees with the density bonus. He said they were trying to get people to build in the rural areas, but with this in a rural area, this bonus would create bigger lots and not keep rural areas rural. He wonders if the State will approve this plan. He feels that if a bonus is offered, it will have building going on where it really is not wanted.

Mr. Benson said these are all good comments and he was upset at first with it, but the bonuses will not be offered everywhere. He used public water access as an example. Public water is not available in all parts of the Town. He feels that this is a drive to preserve rural character and he feels this is an important thing. Land is protected and only a small portion is developed, preserving a large portion. Lots are usually in a half acre or three quarter acre. People can still work and manage the land and it helps to preserve the agricultural landscape. Cluster subdivisions are divided into lots but the open land is managed by a homeowner's association. Conservation subdivision open land is managed by the farmer, etc. and is not available to others as use for a park, ball field, etc. 65% is set aside in the conservations subdivision and it's put into an easement so you have use of it.

It's set up so that it can be used for many things, but cannot be used or chopped up into other parcels. Many can benefit from it and can use the land. Mrs. Billington said some people for a long time have wanted to subdivide land but have use of it, and this will give them the tool to do so. Buffering around views, streets and other details can be used. This is pretty restrictive and she doesn't feel that it will be used much at all. Mr. Newbegin agreed and said he thinks this puts an awful lot of burden on the Planning Board. Mr. Benson said that a lot of the land could be used for snowmobile trails, etc. House lots could be placed and still preserve the land and it's natural resources. He feels this will be very worth while for Standish.

The mapping is very detailed and identifies everything that can be preserved. The mapping shows it as being very conservative. The maps show everything: wetlands, aquifers, ponds, etc. Mr. Benson said there are some things that will be a challenge to the Board, but they will be there and ready to be addressed. Mrs. Billington brought up about a long time ago when a developer bought land and was getting ready to start developing. Someone knew about a rare bush on this piece of property and wanted this parcel to be excluded from the subdivision. This happened and she said to this day, those rare bushes grow freely there. She feels that is where the conservation subdivision is a good tool to have in place. Certain land will be protected from development. Mrs. Billington said some people would have to come forward and have it protected, especially if it was a habitat.

Mr. Benson said the maps can be misleading as they are not going to find all the habitats and things that could/should be protected and be important in the future. If 60 % of an area is being protected, then it can be used for forestry, protected wetlands, etc. Some of the character of the town can be protected. It is up to the Board at this point to give an opinion and to the public to become involved.

The next item on the agenda pertains to drive- thrus. There are changes on the use and it allows drive thrus where it did not before. This item did not get published as a private hearing, so the Board decided to wait and read through and discuss this at another time. Mr. Benson will not be at the meeting in January. This will be discussed further in a council workshop or council meeting. The council has already had a workshop on the conservation subdivision ordinance. He said they are discussing the drive-thru standard ordinance further. Mr. Nesbitt said there was discussion about allowing drive thrus in the center of town. He said there are some

people for and some against this. The town is trying to do a compromise and allow for what may be needed. He said that if they allow retail drive thrus in the center of Town, does this meet the standard? Mr. Benson said standards have been set for any drive-thru in town. The drive thrus in the center of town would have to be located behind the buildings. There are graphics that show how the drive thrus could be located and have impact on the streets.

Mrs. Billington said that some compromise needs to be reached so that it would allow landowners that have land or buildings for sale to be able to move ahead. She asks for the public to become involved.

There was no further business or discussion. The meeting was adjourned at 7:57 p.m.