

## Planning Board Meeting Minutes 08-05-2013

Standish Planning Board  
Meeting Minutes  
August 05, 2013

The meeting was called to order by Chairman Brian Libby at 7:00pm. Present were Steve Nesbitt, Alta Harding, Lester Ordway, Betty Perry, Bud Benson, Town Planner and Jackie Dyer, Secretary to the Planning Board. Absent were Carol Billington and Alberta Byrnes.

The first order business was the approval of the meeting minutes from the July 01, 2013 meeting. Mr. Nesbitt made a motion seconded by Mr. Ordway to approve the minutes. All in favor.

### **Old Business :**

#### **Paul and Candace Thompson , 14 Oak Hill Road Map 36, Lot 9 Site Plan request for temp. use/access via Council lease**

Paul Thompson was present to represent himself. He said it is at the request from the Town Council to go over the site plan (14 Oak Hill Road) and review the whole property as he would like to have a temporary use over the former Craig Lewis property to get to his property. There is an existing entrance to Rt. 25, which he owns approx. 25-30 feet of. He is trying to get approval from the Planning Board and from the Council to use Town property to gain access. He said he feels there is a mis-communication about this entrance. Mr. Libby said one of the first items on the plan is a waiver of grades for a gravel driveway. Mr. Benson said when they did the site walk; it is his feeling that some gravel needs to be added but not much to meet the required grade. He said he doesn't know if there is any need for the contours, but has listed it on the plan. Mr. Nesbitt said he feels the contours are not necessary. Mr. Libby asked for a motion to waive the contour requirement. A motion was made by Mr. Nesbitt and seconded by Mrs. Harding. All in favor. Mr. Thompson said he would work with Mr. Mosley as he has all of the contour lines in the plan done from BH2M for his property that was done a few years ago.

Mr. Libby asked to find the application complete. Mr. Nesbitt said this application is in a different format than the application from 2012. He asked Mr. Benson if he felt that what was on the 2012 application was represented on this plan. Mr. Benson said when Paul came in 2012 and got an approval under the form based code, that he was getting approval for a different plan on his property. Mr. Benson said this is Mr. Thompson's plan and he had worked with him to get some of the information done from the BH2M plan onto this plan. The Town was using this land when they proposed the connector road from Oak Hill to Rt.25. He told Mr. Nesbitt that he was correct, this is not the plan they are using, but felt it was good enough to consider for the potential approval of this temporary use Mr. Thompson is asking for. Mr. Nesbitt said he is just making sure that what was depicted on the other plan is also on this plan. Mr. Benson said that this is for a temporary use approval only and once the Town vacates the lease, the approval will be null and void and it will go back to his previous approval. Mr. Benson said that if the Board wants to clarify this in a suggested condition of approval that might be the thing to do. He said Paul came to him asking for the use of the land and he told him to go to the Town Council to ask permission. The Town Council felt that he needed to come before the Planning Board for their approval and then back to the Council, as they felt it needed to be reviewed by the Planning Board first. Mr. Benson said he worked with Paul and helped him put a plan together for this temporary use.

Mr. Harding asked about the curb cut on the original plan and Mr. Benson said the original plan did show a future curb onto the connector road. When this lease arrangements ends and Mr. Benson said it is his understanding that it will, Paul's curb cut will revert back to the original plan. Mr. Thompson said the future driveway was reviewed by the Council already and eventually when the connector road goes through, it will become part of his driveway. He said he moved the parking spaces 15 and 16 already to make room for the driveway. He said that with everything else that was approved, will stay that way.

Mr. Libby asked if there were any further questions on the application. Mr. Nesbitt made a motion to find the application complete, seconded by Mrs. Harding. All in favor. Mr. Libby asked if anyone from the public had any comments. There were none.

Mr. Nesbitt said when they did the sitewalk they were more focused on the opening of the driveway and buffering. Mr. Thompson said he thought the Town Council had questions about the site plan and it was his understanding it had to be completely reviewed. Mr. Benson said they had asked about buffering and thought it might need some added. Mr. Thompson said he is only cutting one tree and will still have the same buffering. There was supposed to have some buffering in the front of the building and that hasn't been done yet. Mr. Thompson said he will move forward with that when he pulls the needed permits and has a sign "open for business." Mr. Nesbitt said and the rest of the Board agreed that the buffering at this time is adequate. Mr. Nesbitt said he felt there is no need to go through the conditions of approval line by line, as that has already been done. Mr. Nesbitt said he would like to propose the following condition:

- The conditions that were previously approved in the August 2012 plan be carried forward on this plan.
- This approval is dependant on the approval passage from the Council Order 60-16.
- This approval is temporary and will become void upon termination for the curb cut with the Town of Standish.
- The property owner is responsible for upgrades on the property and will be responsible for any changes that need to be made when the temporary lease is terminated by the Town. These need to be done at the applicant's expense.
- The entrance for the applicant via Rt. 25 is temporary in nature.
- When the lease is terminated from this plan, the approval goes back to the original plan that was approved.
- This approval is dependant upon and limited to, the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant(either orally or in writing)and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for minor changes which the Code Enforcement Officer may approve.

Mr. Thompson asked if he could have a sign and Mr. Libby said this had to be done with the Code Enforcement Officer. He said there is a sign on the building and this application is not about signage, but approval for the land use. Mr. Thompson said he already had a sign that he could use. Mr. Benson said he didn't realize Mr. Thompson was looking for more signs. Mr. Benson said the right thing to do is to approve the entrance and if Mr. Thompson needs more signs, that will be done at another meeting. Mr. Nesbitt said it was brought up during the workshop, but is not on the application. Mr. Thompson said he is looking for entrance and exit signs.

The motion made and seconded to approve the application was voted on and all in favor. Mr. Thompson said he knows his previous approval was on a three year deadline and he asked if this triggers this application to lapse. Mr. Benson said he feels the approval won't lapse once it has been approved under the form based code in the Standish Corner District. Mr. Thompson said he wanted to know if he was out of time and might the approval lapse. Mr. Benson said he is not out of time and should be okay. Mr. Benson said he will defer to a legal opinion and will let Mr. Thompson know. The motor vehicles sales was previously approved but not under the form based code. Mr. Thompson said he finds this very confusing. The motor vehicle sales was approved almost five years ago. Mr. Benson said right now they are not approving a new motor vehicle sales, but a driveway.

Mr. Thompson said he felt that the Council wanted everything reviewed, including the site plan previously submitted. Mr. Nesbitt said he hasn't given approval for any new use; he has given approval for temporary use of the Town land for Mr. Thompson's driveway. Mr. Nesbitt said he feels that this does not grant a new three year approval for the business. Mr. Thompson said he feels when the Town Council said they wanted a review; he felt it was over the entire previous application. Mr. Libby said he agrees with Mr. Nesbitt and said they are reviewing the temporary entrance over Town land, not approval for a new use. Mr. Benson said he will get a legal opinion and that should settle it. Mr. Libby said the Council cannot tell the Planning Board what to review. Mr. Thompson said he might want to get the minutes from the Council meeting pertaining to this, so he has clarification.

## **New Business:**

### **Thomas C. West, 47 Eleanor Avenue, Map 26, Lot 15 Shoreland Zoning Application**

Tom West and Albert Frick were both present for their application and plans as to what they would like to do. Tom's house on Eleanor Avenue burned back in February 2013.

They are proposing to build a new single family dwelling on the property. The property is approximately 25 feet wide and 400 feet long, located on Watchic Lake. It is currently served by its own well and septic system. The proposed house would be slightly smaller and be back further from the water with a deck on the front. They would like to do the least amount of tree cutting possible and preserve as much as they can. The foundation is not adequate for what they are proposing, so they would like to replace it. They are proposing to stay within the existing impervious area with the new structure. They are proposing to build a greenhouse structure with a sodded roof. This would be a one bedroom structure, with approximately the same footprint as the previous structure. They would like to build a gangplank entrance to the new structure because it would sit down under a slight embankment.

Mr. Frick showed the existing trees location and where they would like to put the new proposed septic system. The new system would be located under the driveway. There is a steep embankment with stairs already there and they would like to leave this. They would have a pump installed that would pump the sewage up to the new system.

Mrs. Harding asked how far the camp is from the water at the present time and Mr. Frick told her it's about 39 feet. They are proposing to move it back around 7 feet but have to keep the sidelines where they are because of the preservation of the existing trees. They are trying to keep the new structure as small as possible. Mr. Benson said he believes the existing building is around 39 feet away from the water, but the existing deck which is to be removed, will not vary the existing measurements from the water. Mrs. Perry asked about the stairs on the easterly side of the structure and how far away from the water they are. Mr. Benson said the side setbacks would have the stairs protruding into the existing setback. The existing steps consist of some poured cement and cement tiles put down. Those they would not disturb because they are focused on erosion control. They are pretty much trying to reproduce exactly what they have now. There is already a set of stairs, they would try to reproduce them with upgrades as closely as what they have now.

Mrs. Harding asked about the second floor entrance. Mr. West told her there would be a single room with a spiral staircase going down to the first floor. There would be two decks instead of one. The room on the second floor would consist of a closet, room for a table and some chairs and possibly a bench or a day bed so he can enjoy the view and the sunsets. The second floor deck would be directly over the first floor deck. The architects had met with the CEO and worked on calculations as to what is allowed. Mrs. Perry asked about the spiral staircase and Mr. West told her it would go from the top floor to the basement. They are trying to be creative yet keep it as small as possible. The current basement is used for storage and is a walk out basement with no livable space. When they replace the foundation; it will be a bit deeper than the existing one is now.

The Board determined a site walk is definitely needed and will be done on Monday August 12, 2013 at 6:00pm. There was a unanimous feeling that a workshop after would not be needed. Mr. Nesbitt said he felt the plan was very well done and he appreciated the fact that it is different and unique. Mr. West said when they come to the property they will understand what he wants and why.

### **Jolene and Ray Whittemore, 43-45 Ward's Cove, Map 50, Lots 14, 15 Shoreland Zoning Application**

This application is for two residences to be taken down and a new one built in its place. Josh Brock (the architect) from the firm of Caleb Johnson, Architects, was present to represent the applicant. He passed some new information out to each Planning Board member with a few modifications and some vegetation placement. He said the two new info packets that are given show the structures being built and how far from the lake it would be. The two lots have separate lines and they would like to combine the two lots into one, as they own both.

Mrs. Harding asked about the concrete area in front of one of the dwellings that goes down to the lake. The architect said that would remain the same as they build the new structure, as it is used for a patio area. Mrs. Perry asked about the distance between the two existing buildings and the architect said it's about 16 feet. Both buildings would be completely demolished and maintain larger set backs from the lake with a new foundation. The new garage would take up some of the space but would also have a further set back from the lake than it has now. They are trying to improve all of the setbacks where they can but also be able to build upon the two lots as one structure. The parking is now in the Town right of way, but with the garage there would be an improvement. The garage will be one story with a low pitch roof and on the ground level, not below the structure.

Mr. Libby asked how far this site is from the previous application presented earlier as he felt a sitewalk was definitely necessary. Mr. Benson said probably 15 minutes. A site walk was set for Monday, August 12, 2013 between 7 and 7:15pm. They will come back to the Town Hall if they feel a workshop is needed.

Mr. Nesbitt said the Ordinance Committee is still working on Sebago Lake Village and getting closer to finishing. They are pushing forward and will be meeting again on August 20, 2013.

Mrs. Harding made a motion to adjourn the meeting seconded by Mr. Ordway. All in favor. The meeting was adjourned at 8:00pm