

## Planning Board Meeting Minutes 10-07-2013

Standish Planning Board  
Meeting Minutes  
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The meeting was called to order by Chairman Brian Libby at 7:01pm. Present were Steve Nesbitt, Lester Ordway, Alta Harding, Carol Billington, Bud Benson, Town Planner and Jackie Dyer, Secretary to the Planning Board. Absent were Betty Perry and Alberta Byrnes.

The first item on the agenda was the approval of the meeting minutes from September 09, 2013 meeting the continued meeting from September 16, 2013. Mrs. Harding made a motion to approve the minutes seconded by Mr. Ordway. Mr. Nesbitt said there was a mistake that needed to be corrected on the September 9<sup>th</sup> meeting minutes for the approval of a finding of fact. Mr. Libby told him so noted and corrections will be made. All in favor of approval of the minutes.

### **Approval of Finding of Fact for the following :**

- Jolene and Ray Whittemore, 43-45 Ward's Cove, Map 50, Lots 14, 15
  - Shoreland Zoning Application
- Jeff & Elizabeth Christo, 305 Smith Mill Road, Map 42, Lot 18
  - Shoreland Zoning Application
- Michael Gorham, 129 Spear Road, Map 6, Lot 88
  - Site Plan Application
- Thomas C. West, 47 Eleanor Avenue, Map 26, Lot 15
  - Shoreland Zoning Application

A motion to waive the reading was made by Mrs. Harding and seconded by Mr. Ordway. Mr. Nesbitt said the Raymond Whittemore FOF was left with some blanks for elevations that need to be filled in. Mr. Benson said we could work with that and make the needed corrections. Mrs. Harding made a motion seconded by Mr. Ordway to approve the other findings of fact. All in favor.

### **Old Business :**

John & Susan Meehan, 18 Great Bay Road, Map 46, Lot 8  
Shoreland Zoning Application

The Meehan's were present and also Albert Frick. He said they had a site walk previously and also a few changes from the previous plans to do with water runoff. Mr. Daniel McLaughlin, an abutter to the Meehan's, was very concerned as to how the water runoff from the Meehan property would affect his property. Mr. Frick said they have changed the grading and the drainage so it will stay on the Meehan property on the south side. This will help to eliminate some of the drainage problems. Mr. Benson said he received

photos from Mr. Frick and also showed them to the CEO. There will have to be a revegetation plan in place.

Mr. McLaughlin said he feels that the Meehan's are going to build something that doesn't fit in with the area and will be too large. He asked what the dimensions are and Mr. Benson told him they are all available on the plan. He wanted the dimensions for the existing building also and Mr. Libby told him they were also on the plan. Mr. Nesbitt said they are proposing to move the existing building back, attach it to a breezeway and then a proposed garage.

Mr. Benson said that if any one has questions about any plan, they are welcome to come to the meetings. Mr. McLaughlin said this is a very narrow lot. The house will be jacked up approximately 3 feet and then a two story garage will be added. He said this would be so out of character for this neighborhood and feels that the two stories are too much. He is concerned about the runoff from the new structure and how it would affect his leach field.

He said he is not sure about setbacks or anything else for this proposed plan. Mr. Benson told him the lot is grandfathered and meets the required setbacks. Mr. Libby said the drainage issue has been addressed with the new curtain drain and this would divert any runoff from Mr. McLaughlin's lot. Mr. Benson said the design is not made to address the character of the neighborhood. Mr. Libby said the main focus of the Shoreland Zoning is to address the setbacks from the water. Mr. McLaughlin said the twelve foot breezeway should be eliminated or brought down to a six foot one. He feels that would be better and also would make the plan meet the required setbacks.

Mrs. Harding said that if the house was moved back even further than planned, there would be a grading problem and they are trying to avoid that. That would eliminate having any part of the first floor being put into any part of the ground. Mr. Frick said that is the purpose of moving back to where they are. Mr. Nesbitt said he felt the plan was very well done and they had done everything they had been asked to do, including the removal of the deck. Mrs. Billington made a motion to find the application complete, seconded by Mr. Nesbitt. All in favor. Mrs. Billington made a motion to approve the application with the conditions on the monthly memo. This was seconded by Mrs. Harding. Mr. Nesbitt said condition #1 should be changed to read "the structure is not being demolished, but set back. The measurements would be changed to 77' and 88'. All in favor.

### **New Business :**

#### **Thomas Shaw, 99 Stuart Shores Road, Map 20, Lot 26 Sub Division Amendment**

Tom Shaw was present to represent himself. He said he is proposing to move land from one lot to another. He said this was a subdivision that no more lots could be made off from and this is one of the original ones. He is not trying to subdivide anything, just merge some of his land together to create one lot. He wants to take seven acres and put with a three acre lot and call it one lot. This would make the lot bigger than it is now. This lot has a fifty foot frontage.

Dan Savage, President of Pine Ridge Association spoke. He said this association abuts the property of Mr. Shaw. He said access to their land is actually through Stuart Shores. He said the association is worried about protecting what they have. Their access is actually a four wheeler trail and it goes across the 11 acre lot owned by Tom Shaw. He said they are concerned about little changes becoming bigger changes over a period of time. He said they are concerned about parcels being sub-divided. He said he feels the Board needs to not let this happen because of what can occur later down the road. He said the Association feels this is creating new lots. He said Tom builds beautiful houses and he has never seen a bad house built by him, but this sub-divided land should not happen as it has happened already. He stated they had been here two years ago, under similar circumstances and now are here again doing the same thing. He said this was when the parcel was owned by the Amoroso's, the land Tom has since purchased. He and some of the others at Pine Ridge feel this is being put into the parameters of a subdivision and that is their main concern.

Mr. Savage said he doesn't see how this process has gone forward and it seems that the property has also been sold. Mr. Shaw told him it hasn't been sold yet and he is just proposing to merge one piece of land with another. Mrs. Harding asked if it was two lots already. She asked if there were two lots that were subdivided already and Mr. Shaw said no. When this subdivision was made, the developer came back and added some land to a lot. Mr. Shaw said he is just trying to add land to one lot to come into compliance with the Town's ordinance. Mrs. Harding asked if there was a drainage easement. The original subdivision was done in 1975, with special drainage easements. Tom said there is a right of way to all of the lots with a 50 foot right of way to the Pine Ridge Association lots. He said all of the houses own the right away. Mr. Savage said all of the Pine Ridge lot owners have access to the recreational area, but not lot owners on Stuart Shores. This right of way, which Mr. Savage said was a cow path, has been there since the 1950's and 1960's.

Mr. Savage asked if anyone from the Board has been down there and seen it. Mrs. Harding said she came to the site walk before and has seen it. Mr. Nesbitt said they are not making a decision tonight and probably will do another site walk. Mr. Savage said if the Board approves the merger of the two lots, it would be allowing Mr. Shaw to get through a loophole and do what he has intended to

do in the first place. He said this was attempted two years ago and now it's happening again. He feels the right of way for the association will be cut off and Mr. Shaw is going to limit their access. Mr. Savage said Mr. Shaw has now parked a trailer there and they have a right of way and a deeded access across the land for their own use.

Mr. Benson said the Town Attorney has been involved from the start of this two years ago when Mr. Shaw pulled his application because he could not get the third release, which he now has. The attorney said if the third release was acquired, this could happen. He said he needs to clarify whether this is a sub division or the division of the lot. He said this is an amendment to a subdivision and not a subdivision. Mr. Benson said the Town Attorney said Mr. Shaw can do this, but he will let them decide what to do with themselves and their attorney.

Mr. Savage asked if this subdivision takes place, what will happen next. Mr. Benson said he is not making a new lot, he is simply transferring some land he owns to an abutting lot. Mr. Savage said that in 1975 the drainage easement was created so that no new building could be built there. He said the Association is an abutter and he feels that they have rights to what is theirs. Mr. Nesbitt asked if there were any other public comments and there were none. Mr. Black from 34 Highland Road spoke. He said he was told that common land can be used by everyone and he uses it almost monthly for himself. He walks his dog at least once a week and goes across the so called right of way and enjoys himself. He goes down to the lake across Stuart Shores Road. He said the land can be used for recreational purposes, but to launch a boat, you would need to carry it. He urges the Board to look at this application very seriously and try to maintain the land and its use as it is now. He said it is Mr. Shaw's land but they do have a right of way to go across it.

Mr. Shaw said he owns hundreds of acres of land and has never posted it to anyone. He said all he is going to do and all he is asking for is to join more land and keeping everything else the same as it is now. He said he is just taking land from one and putting it on another. He said he will not take anything away from anyone. Mrs. Harding asked where the original subdivision plan was and Mr. Benson said he thought he had given everyone a copy. He said one of the plans has land owned by STJ Inc., this is Mr. Shaw. The seven acres he wants to join with the other lot would go across Stuart Shores Road.

Mr. Benson said the Town Council did an action to create the lot across the road to put the septic system in a long time ago. Mr. Libby said this is not the creation of a new lot. Mrs. Harding said the Town Council made a decision in the 1980's to amend the subdivision, but it was done under a special order.

Mrs. Billington said they are not going to make a decision now that will affect something down the road in time to come. This has been to the attorney and she said it is legal. She said that if Mr. Shaw thinks that he is going to create a whole new subdivision down the road, that is a new process and would have to come back before the Planning Board. Mrs. Harding said it has been subdivided already and Mr. Benson said that is not so. It had an amendment, but not a subdivision. The amendment was done for the septic system, which the people involved signed off from. Mr. Nesbitt said it has been heavily discussed about merging a lot on one side of the road with another one on the opposite side. He said you cannot merge across the road and the attorneys told them it wasn't also. He said if Mr. Shaw wants to merge one lot with another, it was not allowed. Mr. Benson said the Town Attorney has said that if Mr. Shaw got all three releases, which he now has, he can merge the two lots together legally. Mr. Nesbitt said he wants to see some documentation that the little piece can be merged with the larger one across the road.

Mr. Benson said if the Board had a specific question they wanted to clarify, he could get that from the Town Attorney, Sally Daggett. Mrs. Harding asked how the Town was taxing it and Mr. Shaw said he gets two tax bills. Mr. Libby felt that a site walk is in order and it will be held on Saturday, October 19<sup>th</sup> at 9:00am. Mr. Shaw said that will be okay with him, as he is in no hurry. There will also be a workshop on Monday, October 21<sup>st</sup> at 7:00pm if needed.

### **Brian Currier dba Gorham Fence, 20 Emery Road Map 10, Lots 83,84,85 Site Plan Amendment**

Brian Currier was present to represent himself. He is proposing to build an addition to the existing building on 36 Emery Road. This would be for office space. He has an existing office now and he is looking to relocate to a better setting for the business.

With the existing conditions plan, the office is located at his house. He would like to relocate to his existing building he has now where he does most of his business out of. This would be a 30' X 50' addition. He has the drainage and parking spaces laid out on the plan, which he feels is pretty straight forward.

Mr. Libby said this falls under the new Standish Corner District. Mrs. Billington asked about the square footage and Mr. Benson said this would go over the 5000' limit. Mr. Libby said this is a unique situation and puts him over the 5000' limit. Mrs. Billington said this triggers the sidewalk issue and Mr. Benson said Emery Road doesn't have sidewalks, just Rt. 25 and Rt.35. This would not be a problem.

Mr. Ordway said the parking spaces are not shown on the plan. Mr. Benson said he has gravel on the side, which is the proposed plan. He said he feels Mr. Currier has enough parking but because it's all gravel, it's not delineated. Mr. Currier said he does not operate as a retail business. His garage where he has his office now would go back to being used as a garage. There are no issues with setbacks. Mr. Benson said he feels the Board should do a site walk. A site walk was scheduled for October 19<sup>th</sup>, 2013 at 10:00-10:15a.m., with a workshop following on October 21, 2013 if necessary.

Mr. Currier will have the proposed footprint staked out for the Board to look at.

Mr. Nesbitt said the Ordinance Committee met last month and continued with the Sebago Lake Village plan and will meet again on October 15<sup>th</sup>.

Meeting adjourned at 8:25pm.