

## Planning Board Meeting Minutes 11-04-2013

Standish Planning Board  
Meeting Minutes  
November 04, 2013

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

The first item on the agenda was the approval of the October 07, 2013 meeting minutes. Mrs. Harding made a motion seconded by Mrs. Billington to approve the minutes. All in favor.

The next item on the agenda was the approval of the Finding of Fact for the following:

- Jolene and Ray Whittemore, 43-45 Ward's Cove, Map 50, Lots 14, 15 Shoreland Zoning Application
- John & Susan Meehan, 18 Great Bay Road, Map 46, Lot 8 Shoreland Zoning Application

Mrs. Billington made a motion to waive the reading, seconded by Mrs. Harding. All in favor. Mrs. Billington made a motion, seconded by Mr. Ordway, to approve the Finding of Fact. All in favor.

Mr. Nesbitt said because of the possible length of discussion for one of the items on the agenda tonight, he is requesting to change the order. All applicants were in complete agreement.

### 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 said he is looking to do a proposed addition for office space. He has submitted what the Board asked him to from the site walk. Mr. Nesbitt said he feels that the proposed expansion is in the best place possible. He asked for public comments. Mrs. Billington asked if the decision is for a 30'x30' expansion. Mr. Currier said yes it is. Mr. Ordway said he missed the site walk but did go and see the site and he feels the expansion is being put in the best possible area. Mrs. Billington asked if the building was bigger, would it trigger other issues. The proposed addition was for a 30'x50' and is being downsized to a 30'x30', as this would bring the footprint over the 5000 square foot mark. Mr. Nesbitt read the following:

[a] On Town Main, **Town Gateway** and existing and proposed Town Avenue SCD street frontage types, building footprints are allowed up to 5,000 square feet. Applicants for developments with buildings that have a footprint greater than 5,000 square feet must demonstrate compliance with the following standards:  
[1] Thirty percent of off-street parking shall be shared. After business hours, 100% of the parking shall be shared except for designated spaces for dwelling units.

[2] All existing curb cuts on the frontage shall be closed, and one shared driveway shall access the shared parking. (There is currently one curb cut for access.)

[3] If the building is on a corner parcel, a shared driveway shall be created on the secondary SCD street. (This is not a corner parcel.)

[4] The shared access shall be built to an allowable SCD street frontage type if the development abuts future developable land, an existing street or a proposed right-of-way shown on a Planning Board approved Connectivity Master Plan. Such streets shall provide for the proper continuation of streets from adjacent subdivisions and built-up areas and proper projection of streets into adjacent unsubdivided and open land. (Mr. Nesbitt asked about shared parking after hours and also the connectivity plan. Mrs. Billington asked about the parking. Does he need to have shared parking and an agreement for a shared parking. Mr. Benson said he could have shared parking with an abutter or a renter. The Town Gateway does not make him do that. He owns a large parcel and some of the back of the lot has no connectivity. There is an old road that runs through the Blake Road and to the corner lot where the five new proposed spaces are. Mr. Benson said he already has a lot of connectivity and wonders if they really need to do anything more. Mrs. Billington said they are just looking to the future.

*Mr. Currier said he is already ahead of the Town's connectivity plan. Mr. Currier said he presently has no abutter, but may in the future. Mrs. Billington said the concern is what happens at the land's boundary. Mr. Benson said the remaining developable part of the land is further towards Gorham. Mr. Currier will bring back a plan with the lines removed. He said there is a glitch with the registry of deeds and as soon as they can figure it out, they have told him the lines will go away as it is one lot and not two. Mrs. Harding said having shared parking with the neighbors would be an issue especially where he has product stored on the property. Mr. Currier said he lives in the house on the west of the lot and there would be no shared parking with any other business.*

*Mr. Nesbitt said its hard telling what will be developed there in the future. Mrs. Harding said it didn't look it would be a problem with parking in the future. Mrs. Billington said that shared parking was created so that businesses could share for both business and residences. Mr. Benson said that when the gates on the property close, the lots are secured. Mr. Currier has more than 30% of parking on the outside of the gates. He said Mr. Currier might be willing to share the parking by the side of his building with any one living there.*

*Mr. Ordway asked if we are talking about any new spaces and Mr. Nesbitt told him no. Mr. Currier will, at this time, be the only one using the shared parking. He owns all the land around it.*

*There were no further comments from the Board and Mrs. Billington made a motion to find the application complete. This was seconded by Mrs. Harding. All in favor.*

**The following are the standards for approval :**

- *The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will not create hazards to safety nor will impose a significant burden upon public facilities. To meet the parking requirements, the parking on the southerly side will be shared parking after business hours. Mrs. Billington made a motion seconded by Mrs. Harding to amend the condition that shared parking will be after business hours.. All in favor. Mrs. Billington made a motion, seconded by Mrs. Harding that Standard A is met. All in favor.*
- *The bulk location and height of proposed buildings and structures and the proposed uses thereof will not be detrimental or will impose undue burdens on the public facilities. Mrs. Billington made a motion seconded by Mrs. Harding that Standard B has been met. All in favor.*
- *The provisions of on-site landscaping and screening do provide adequate protection to neighboring properties from detrimental features of the development. Mr. Nesbitt made a motion seconded by Mrs. Harding that Standard C has been met. All in favor.*
- *The site plan adequately provides for the soil and drainage problems that the development will create. Mrs. Billington made a motion seconded by Mrs. Harding that Standard D has been met. All in favor.*
- *The provisions for exterior lighting will not create undue hazards to motorists traveling on adjacent public streets nor are inadequate for the safety of occupants or users of the site nor will such lighting damage the value and diminish the usability of adjacent properties. All lights must be concealed source. Mr. Ordway made a motion seconded by Mrs. Harding that Standard E has been met. All in favor.*
- *The applicant has provided reasonable evidence of his financial capabilities to complete the development as planned and approved. Mr. Nesbitt made a motion seconded by Mrs. Billington that Standard F has been met. All in favor.*
- *The proposed development will not create undue fire safety hazards by not providing adequate access to the site or the buildings on the site for emergency vehicles or by failure to meet other fire safety ordinances or laws. The Fire Department shall file a written report with the Planning Board prior to the hearing. Mrs. Billington made a motion seconded by Mrs. Harding that Standard G has been met. All in favor. (A fire report needs to be submitted.) There is a fire hydrant within 500 feet.*
- *The proposed development has made adequate provision for sewage disposal. (Mr. Currier is adding a bathroom to the addition and will submit a leach field design Mr. Benson said there are adequate soils There is no current bathroom in the facility This will need approval from the CEO.) Mr. Ordway made a motion seconded by Mrs. Harding that Standard H has been met. All in favor.*
- *The proposed site plan will not alter the existing character of the surrounding zoning district or division to the extent that it will become a detriment or potential nuisance to said zoning division or district. Mr. Ordway made a motion seconded by Mrs. Harding that Standard I has been met. All in favor.*
- *The proposed development has made adequate provision for water supply, including an adequate supply of water for fire-protection purposes. Mr. Ordway made a motion seconded by Mrs. Harding that Standard J has been met. All in favor.*
- *No plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan. Mr. Ordway made a motion seconded by Mrs. Harding that Standard K has been met. All in favor.*
- *Architectural drawings showing exteriors of proposed new nonresidential/commercial buildings in the Village Center District shall be compatible with a Colonial New England design. Such design can be achieved by incorporating features such as, but not limited to, broken rooflines, clapboard siding, steeply pitched roofs, roof overhangs, small pane windows, dormers, window shutters. Not applicable*

*M. Within the Standish Corner District, the plan must meet all of the following additional standards:*

*(1) The proposed development complies with the regulating plan and the applicable SCD street frontage type standards within the Standish Corner District.*

*(2) The proposed development, both public and/or private buildings and landscaping, contributes to the physical definition of rights-of-way as civic spaces within the Standish Corner District.*

*(3) The proposed development adequately accommodates automobiles, while respecting the pedestrian and spatial form of public areas within the Standish Corner District.*

*(4) If the lot to be developed shall be divided from a greater parcel, access to the parcel, or the "Pioneer Lot" (See conceptual Connectivity Master Plan in §-181-7.1.), shall be from an allowable SCD street frontage type perpendicular to the existing SCD street or arterial. Existing curb cuts are allowed to be continued to be used by existing uses. For new use(s) where the closure of the curb cut is triggered by the conditions of approval, standards contained within Chapter 252 (Streets and Sidewalks) or by Planning Board supplemental review, the perpendicular SCD street shall be built to the minimum block length and other SCD street frontage type standards and serve both as access to the parking area for the development as well as for parking for the development. The applicant shall build the perpendicular SCD street to the required standards and provide for maintenance of the same until such time that the road is accepted by the Town as a street.*

*(5) Provisions shall be made for phased construction such as conduit extensions and stubs. This information shall be located and noted on the approved site plan recorded in the Cumberland County Registry of Deeds. Not Applicable*

*(6) Underground utilities. Not Applicable*

*(a) On new frontage type SCD streets, utilities shall be buried. Not Applicable*

- (b) All developments shall be served by public water. **Not Applicable**
- (c) Except for existing Town Center SCD Street frontage type, the requirements for buried utilities and the provision for a project to be served by water can be waived by the Planning Board if the applicant can demonstrate all of the following: **Not Applicable**
- [1] The project is more than 2,000 feet in road distance from an existing public water line; and
- [2] Subsurface conditions, such as ledge, make the extension of waterlines or buried utilities cost prohibitive. **Not Applicable**
- (d) When a waiver for requirements of buried utilities is granted by the Planning Board, the following additional standards shall be met:
- [1] All newly created lots shall be greater than 60,000 square feet each in area and contain a minimum of 175 feet of frontage; and **Not Applicable**
- [2] The aboveground utilities shall be placed behind buildings facing the SCD street minimizing visual impacts and interference with SCD streetscapes. **Not Applicable**
- (e) Provisions shall be made for phased construction such as conduit extensions and stubs. This information will be located and noted on an approved site plan and recorded in the Cumberland County Registry of Deeds. **Not Applicable**

***The following are the conditions of approval:***

- The lot line on the plan will be eliminated and the plan showing this will be brought to the Town Planner.
- All parking lot lighting will be concealed source. Specifications shall be approved by the Town Planner prior to the signing of the Finding of Fact.
- There will be shared parking for the southerly side of the building (Emery Road side) after business hours.
- This approval is dependent 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.

**Ruby Nelson, Corner of Rt.113/Geneva Drive, Map 7, Lot 1 Site Plan Application for retail use for farm stand/market, one dwelling unit**

Ruby Nelson was present to represent herself. She is proposing to build a farm stand/market on Rt.113 with a dwelling above on her fathers property. The property has been cleared and is approximately 12 acres. They have left about 20 trees for landscaping and shade. The proposed building would be a little over 1000 square feet. She would like to have a certified kitchen in the building for making jams, etc. to sell, a bathroom and a room to let people use for their own use when needed. There are porches on the east and west side. The second floor would consist of a bedroom, living room and bathroom. She would use the kitchen on the first floor for herself also. The two floors are separated up to fire code as needed. The building would be set back off Rt. 113 and she said she is very excited to be getting involved in the community as well s work and live here.

Mrs. Harding asked about the kitchen upstairs and she said she would use the downstairs kitchen.Mr. Benson said we are looking at a retail space and dwelling unit. She is in front of the Planning Board because she wants to operate a retail farmers market with goods coming from other area producers, not just herself. She would like to sell local products and extra items. Mr. Benson said she is renting this land from her father.

Mr. Benson said that she is in the area where there might be a sidewalk requirement, but right now there is none shown on the master plan for this area for Steep Falls. Mrs. Billington asked if it was relevant that the Board should go and see the property on a site walk. Mr. Nesbitt asked about buffering as she would have to plant one tree every 30 feet. Mr. Benson said that it would be a simple solution for her to rent the property in two parcels and this would eliminate the need for her to buffer the property. She said that she would like to do some plantings of flowers or something next to the cemetery, as the cemetery had given them permission to take the trees buffering the properties because of the much needed sunlight for her crops. She felt buffering that edge would be for the community.

The Board discussed about whether a site walk was necessary or not. Mr. Benson said the land is pretty straight forward. He asked Ruby if she could rent the two parcels, then that would eliminate the requirement for the sidewalk.Mr Nesbitt said he really didn't want to see the sidewalk or a tree planted every 30 feet. The plan for Steep Falls has just been started and he said the Board also had an applicant this year that they waived the sidewalk requirement for. Ruby said that she would appreciate not having it as a requirement as she could not handle it financially right now.

Both Mr. Ordway and Mrs. Byrnes have been watching the progression of this lot and find it very familiar. There will not be a site walk but a workshop on Monday, November 16<sup>th</sup> at 7:00pm as the site is pretty straight forward.

**David & Barbara Keene, 412 Cole Hill Rd.,Lot 44,Lot 3 Shoreland Zoning Application**

David and Barbara Keene were both present to represent themselves. They purchased the cottage in May 2013 and need to repair the boat house/storage. They would like to fix it up and do a 30% expansion.

Mr. Keene said he is not sure what some of the suggestions that Mr. Benson has made in his memo. Mr. Nesbitt told him that when they have a shoreland zoning application, they always do a site walk. They have to look at things like, can they move back to the maximum practical extent and look at the site.

Mr. Benson said Mr. Keene doesn't want to move the boathouse back and would like to use it for storage for other things. He said his property is on steep bank and he would like to store life jackets, paddles, chairs, etc.

Mr. Nesbitt said he would like to schedule a site walk on Saturday, November 16<sup>th</sup> at 9:00am. All Board members were in agreement. They will meet for a workshop on 11/18/2013 if needed.

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

Tom Shaw was present to represent himself. He said after the site walk he had his engineer do a new plan that showed the property and lines more clearly. Mr. Nesbitt said at the site walk there were some questions about the transfer of the land. He wanted to know if the land would be in the Pine Ridge subdivision or an annex to the Stuart Shores subdivision.

Mr. Benson said the new lot is not completely in either subdivision as it straddles both. He said the land under the Stuart Shores Road actually belongs to the people in the Pine Ridge 3 subdivision. The land that goes over the Stuart Shores road is actually held by the people in the Stuart Shores subdivision. This lot does abutt the lakeside lots. Mr. Benson said that Mr. Shaw has the release deeds that he has submitted and these will go to the Town Attorney along with any signed plan.

Mr. Nesbitt asked for any public comments or comments from the Planning Board and there were none. He said on the original Pine Ridge Plan, there was a condition that there would be no subdivision or dividing of the lots. Mr. Shaw has releases from all of the owners on Pine Ridge 3 okaying the split of the lot. He is not creating a new lot, but transferring land to another. Mrs. Billington asked about the annex in 1978 that was created and Mr. Shaw said he had a survey done and those lines will just go away with the new survey. Mr. Benson said how he understands it is, this lot is being transferred to an abutter and within a subdivision, the road would create a division within the two lots, as this is two different subdivisions. The biggest issue asked about at the site walk was, could there be a house built on the Pine Ridge 3 portion of the lot? He said he would not answer that question. He said another question was, would there be any new road improvements that would be required if they were to add any new dwelling units on a private way? Mr. Benson said he would not answer that question or ask the Planning Board to get into it. Mr. Shaw cannot build on a new lot in a subdivision using a private way. There is no new lot being created, just merging of land.

Mr. Nesbitt said if the annex section was removed, that would state that the Stuart Shores Lot would not be buildable. The annex came about when the leach field was put in and also the well. Mr. Shaw says that whatever the ordinance allows is what it is. Mr. Benson said on the plan you can see there are two right of ways, one forty feet and one fifty feet and also the set backs. The land in the rights of way are owned by the people in Pine Ridge 3. Mrs. Billington said if the annex is removed, would the land that belonged in Stuart Shores go back to Stuart Shores and the same with Pine Ridge 3? Mr. Shaw said it can't be that way because it would create a third lot and then trigger a subdivision, which is not what he is trying to do.

Mr. Benson said the road standards are triggered by dwelling units, not the barn that is already there. Mr. Nesbitt asked if there were any other comments. With none, he asked how the Board would like to proceed. Mrs. Billington asked about the abutters and their concerns. She asked if that had been put to rest and Mr. Nesbitt said he felt that it was more of a civil issue than an issue for the Board. He said they had concerns over their road or right of way being blocked, drainage issues, etc. He said when they went on the site walk; the road or right of way was not blocked. Mr. Shaw said if the abutters have an easement over the land, then they do. Mrs. Billington said the land can't be subdivided, so that is no longer an issue.

Mr. Shaw that in looking over the conditions of approval, on #3 he would like to see it worded as "restricted to what the ordinance would allow." Mr. Benson said how that came about was when Mr. Shaw came in a year ago with this same application, they got an opinion from the Town attorney and was told he would need to get three release deeds, which he was unable to get at the time. Mr. Shaw withdrew his application and some of the money in escrow was refunded to him. Mr. Benson said he resubmitted the application with the final release deed; the application was able to move forward on the legal opinion from the Town attorney that was previously received. Mr. Benson said the plan before the Board is slightly different and his question is, which abutter is the seven acre parcel being transferred to? Mr. Shaw is transferring the seven acres to the parcel that has the variance (Stuart Shores side).

Mr. Benson said there are also other things that need to be taken care of. A Mylar copy sealed by the licensed land surveyor and the title changed to a subdivision amendment Pine Ridge 3, Lot 3. Mr. Benson said the condition of approval that says limited to a barn is what Mr. Shaw had said he was going to do a year ago. Mr. Shaw said he hates to limit what he can do, as this is an 8 acre parcel. He said this is a lot that dates back to the 1950's and 1960's, with a lot of things being done on it over the years.

Mr. Nesbitt asked if the Board feels the application complete. Mrs. Billington made a motion seconded by Mr. Ordway that the application is complete. All in favor. Mr. Nesbitt said this is a subdivision amendment and everyone on the Board has a copy of a suggested Finding of Fact. Mrs. Harding said are we not amending Stuart Shores as well and Mr. Benson said no. He said on the legal opinion of the Town attorney, the Board is amending a line on Pine Ridge 3. He said they are not changing anything within Stuart Shores Subdivision. Mr. Benson said the Town attorney's original memo, written a year ago, was in response to Mr. Shaw merging the seven acre parcel with his house lot that he owns on Stuart Shores. Mr. Nesbitt said this is a different lot. Mr. Benson said his lot is already improved with a house and cannot be merged with another.

The Board went through the draft of the Finding of Fact and agreed with all of the statements on it. Mr. Benson said the conditions of approval are what the Town attorney went through two years ago and what she had recommended. The updated plan was received on October 30<sup>th</sup>, 2013.

**Conditions of approval are :**

- Prior to the recording of this amended subdivision plan, the current owner of Parcel #3 as shown on the plan entitled "Plan of Pine Ridge #3 for F.S. Plummer Co., Inc., Standish, Maine" dated November 19, 1974 and recorded in the Cumberland County Registry of Deeds in Plan Book 105, Page 15 ("the Pine Ridge #3 Plan") shall obtain and record releases, approved in advance by the Town Attorney for legal sufficiency, from the owners of Parcels #1, #2 and #3 as shown on the Pine Ridge #3 Plan, releasing Parcel #3 from the restriction set forth in Note #3 on the Pine Ridge #3 Plan. All other notes on the Pine Ridge #3 Plan remain in full force and effect.
- No more than one dwelling unit is allowed on the "Proposed 3.1± Acres Lot to be retained by Thomas P. Shaw shown on this amended subdivision plan.
- Use of the "Remaining Area 7.0± Acres Lot" shown on this amended subdivision plan is restricted to what uses the ordinance allows.
- This approval is based upon the plan submitted, as well as any supporting documentation submitted with the application and additional information provided at the public hearing. The property shown on the plan may be developed and used only as depicted on the approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. A new and/or amended permit or approval is required if any changes in the use of any building, structure or parts hereof are made after the issuance of a permit or approval.

**Note be added to the Plan prior to Planning Board signature:**

- The bearings shown in connection with the Stuart Shores Development were taken from a plan recorded in the Cumberland County Registry of Deeds in Plan Book 60, Page 62 and are not in relationship to the bearings taken by this surveyor.

Mr. Shaw was agreeable with the conditions and will get them to the surveyor to be put on the approved plan. Mrs. Billington made a motion seconded by Mr. Ordway to approve the plan. All in favor.

The meeting was adjourned at 8:32 pm