

Planning Board Meeting Minutes 12-09-2013

Standish Planning Board
Meeting Minutes
December 09, 2013

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

The first item on the agenda was the approval of the November 04, 2013 meeting minutes. A motion was made by Mr. Nesbitt and seconded by Mrs. Harding to approve. All in favor.

Approval of Finding of Fact :

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

Amendment

Mr. Libby asked for a motion to approve the Finding of Fact. Mrs. Harding made a motion to waive the reading which was seconded by Mr. Ordway. All in favor. Mr. Nesbitt made a motion seconded by Mrs. Billington to approve the Finding of Fact. All in favor.

- **Brian Currier dba Gorham Fence, 20 Emery Road Map 10, Lots 83,84,85**

Site Plan Amendment

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

Old Business :

Ruby Nelson, Corner of Rt.113/Geneva Drive, Map 7, Lot 1

Site Plan Application for retail use for farm stand/market,1 dwelling unit

Mr. Libby stated that Mr. Benson had received a communication from her that she was withdrawing her application at this time. A motion was made by Mr. Ordway and seconded by Mr. Nesbitt to accept her application withdrawal. All in favor.

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

David and Barbara Keene were both present. There was a site walk done in November. David Keene gave a short overview of what they wanted to do, which was to repair the boathouse where it is. He now said that they have decided they want to pour a footing on the back side of the boathouse and some sort of cement pad on the front. Mr. Libby asked for questions from the Board. Mrs. Harding said she was not on the site walk but did go to the location. She said she could not recall what the foundation looked like at the moment. Mr. Keene said there were two large boulders the boat house was sitting on and some cement blocks and a couple of cement pads with some blocks. He said he asked the CEO if they could pour some cement footings on the back for more stability.

Mrs. Harding asked if the footings were to be poured then would it be more non conforming then. Mr. Benson said that the issue is once they have the boathouse jacked up, that would be the time to move it back to the maximum practical extent. He said the main issue is that they should move it back.

Deb Boxer, a neighbor came to speak. She said her great grandfather built the boat house and she knows things are eroded out under it and covered with sand. She said as far as she knew if they were only doing maintenance or a repair, then a permit was not needed. Mr. Benson said they can do maintenance but when it comes to rebuilding the foundation, that is a totally different issue. Mrs. Boxer said that there really isn't a foundation under the boathouse and it's because of the erosion that things have broken down. She said she would hate to see it fall into the lake and this has turned into a massive project, which she feels could have been something so simple. She said there are many things going on around the lake.

Mr. Nesbitt said he was at the site walk and originally the application was for an expansion. He said Mr. Keene didn't feel that a new foundation needed to be poured, but the CEO felt differently. He said the applicants were originally going to tear down the structure and keep only the floor boards. Mr. Nesbitt said that up on top of the property the applicants have more than enough room to move the structure. Mr. Nesbitt said that now the applicant is coming back without the expansion and they want now to rebuild more than 50% of it. He said the applicant said before that the boathouse wasn't worth saving and now they are saying it is and he doesn't understand why the change. He said he is also concerned about putting in a new foundation and wonders what it would look like 10 years from now and what would prevent it from falling into the lake. Mr. Nesbitt said he does not see how the boathouse can be salvageable.

Mr. Benson said there are two issues, the first being the new foundation and the second being rebuilding the boathouse. He said if it is damaged or destroyed for more than 50% of the market value, that is a trigger that it can be moved back to the maximum practical extent. Mr. Ordway said that the Board would like to see what a boathouse on Sebago Lake is worth. Mr. Libby said that really there is no foundation there now, but once they start putting footings and things in, that is a trigger for Shoreland Zoning. Mr. Benson said that substantial repairs on any foundation are Shoreland Zoning issues. Mrs. Harding agreed with Mr. Nesbitt that the building should be moved back; it sits on blocks and is now eroding and washing away. Mr. Ordway said that looking at the boathouse as it is now; they can see there were concrete pads and what looked like the boathouse being bolted down with some kind of pins to hold it.

Mrs. Keene spoke and also offered pictures of the boathouse to the Board. The pictures she presented were already given to the Board in their packets before last month's meeting. She said that under the blocks, there are visually seen cement pads. She said they are not really pouring a new foundation, just supporting what is already there. Mr. Benson said this would be considered a new foundation when they are adding anything. Mr. Libby said regardless, this is a replacement. Mrs. Keene said the foundation is already there, they just want to add to it. Mr. Libby said when they are adding to something, they are changing it. Mrs. Keene said they really don't have to do anything. She said right now the boathouse serves as storage for things. She said they have accumulated things over the years and want to use the boathouse for storage. They want to repair it, keep things in it and repair it. She said she feels it is really a shed and nothing but. They want to keep the shed from going anywhere and if they have to move it, it has no function to them. Mrs. Keene said she thought it was grandfathered but Mr. Libby said when they start repairing and doing things to it, it is no longer grandfathered.

Mrs. Keene said she appreciates the oceans and the lakes and want to do nothing to contaminate the water. They just want to make it safe for people to go in and out, and a place to store things. Mrs. Billington said that she agrees that the structure should be moved as it sits exactly on the shore. She said she didn't do the site walk but sees the boathouse is in very poor shape.

Mr. Benson said the CEO could work with them in repairing the floor joists and things. He said the Planning Board cannot approve anything that cannot be moved back to the maximum practical extent. When they start repairing the foundation that triggers Shoreland Zoning. Mr. Libby said the original application has been changed and asked how the Board wanted to proceed.

Mr. Keene said they would like to know how to proceed and resolve this. Mr. Benson said he can't replace the floor joists and work above the foundation without going to the DEP. Mrs. Billington said with all of the Shoreland Zoning things they have done, this certainly triggers the building be moved back to the maximum practical extent. Mr. Keene mentioned another project that came before the Board a few years ago where the owner moved his boathouse back a few feet and built a new foundation. Mr. Benson said if they just simply want to maintain the building, they do not need to be in front of the Board. If this was considered repair, this would not have been before the Board. The CEO told Mr. Keene that if they wanted to enlarge the foundation or replace it, they need to come before the Planning Board.

Mr. Libby said if the foundation is just being patched, the Keene's didn't need to be there. Mr. Nesbitt and Mrs. Harding said they both disagree because it looks like the Keene's want to do more than just maintain the building. If the foundation was going to be added over 50% or demolishing over 50%, they would need to move it back. Mr. Benson said that it looks like more than 50% of the foundation would be replaced. Mr. Keene still says it is a storage building.

Mrs. Billington said that if they are only going to repair, they do not need an okay from the Board. Mr. Keene said he is not really sure now what they want to do. Mrs. Keene said they do not want to replace the foundation and need to know what to do to proceed.

Mr. Nesbitt said they need to go back to the CEO and make their plans clearer as to what they propose to do. Mr. Keene said they can do something to fix it up, not to tear it down and now they need guidance from the Board.

Mr. Nesbitt asked if the Board wanted to move forward and no go in favor of the project. If this is the case, the applicant would go back to the CEO and work with him. Mr. Nesbitt wonders if it's better to table the application and possibly come back next month. Mr. Benson said if this is a replacement foundation, it needs to be moved back. If it is demolished more than 50%, it would need to move back also.

Mrs. Billington said what the Board relies on to make their decisions, is what the applicant has put forward in his application. Mr. Benson said he believes that the CEO feels that they are doing a replacement foundation and that is why he recommended they come to the Planning Board. Mr. Keene said he will go back to the CEO. Mrs. Billington made a motion to table the application seconded by Mr. Nesbitt. All in favor.

Michael Lyons & Mary Anne Hildreth, 85 Sand Beach Road, Map 56, Lot Shoreland Zoning Application

Both applicants were present and their architect John Cole. They are proposing to build a new home on the property and demolishing the one there now. This new home would be a 30% expansion over the other one. There are a few constraints on the property in doing this and he explained that the new home would have the front on the lake front. They are unable to move the home back to the maximum practical extent because of the leach field and the adjacent properties. He said they have a current easement and the leach field could not be moved.

He showed the architectural drawings and all measurements pertaining to the property. He said they are proposing to remove an existing concrete walk and also move the drive way back from the water.

There were no public comments and none from the Board. A site walk was scheduled for Saturday, December 14th at 9:00am.

William A. Ward, 178 Stuart Shores Road, Map 59, Lot 16 Shoreland Zoning Application

Both Mr. and Mrs. Ward were present. He said they have had this property since 1965. He also said they had been told they need to move the camp back. His original plan was to jack the camp up, put in a new foundation and do some renovations. He hired an architect in Freeport and the project just started taking off. He wonders about moving back 4-6 feet but now has been told it has to be 30. He has a hill in the back and also on both sides. He gets run off from an abutting cottage and sees no reason to move it back as it would cause many problems, which he is trying to make better not worse. Mrs. Ward said they would like to keep the same building, do a 30% expansion, a foundation and stabilize everything.

Mr. Libby said if it did go back, they would have an 8-10 foot drop in back of them.

Mr. Benson said if there is something that stops them from moving this back, they would see this on the site walk. He also said any new structure would have to be above the 100 year flood plain. Mr. Benson recommended they come in and speak with the CEO as to moving it back and also about the expansion because of new Shoreland Zoning laws.

A site walk was scheduled for Saturday, December 14th at 10:00am.

A workshop will follow on Monday evening, December 16th if needed at 7:00pm.

Hunt Real Estate Services, Inc., 120 Ossipee Trail, Map 10, Lots 70,70B Site Plan Application for Family Dollar Store

Doug Murray was present to represent Hunt Real Estate. He gave a short over view about what they were proposing to build with a Family Dollar Store. He believes they have submitted a proposal that meets the Town's ordinance and complies with the Standish Corner District. They have the required parking spaces on the plan, their storm water retention area and what was asked from them previously when they came in front of the Board in July.

Mr. Nesbitt said it looks like they have done everything that was asked of them on the plan, but still have not seen anything with

fenestrations and measurements yet. Mr. Murray said that will be coming and they should be able to have it in shortly. He said they have drafted some plans but they are unsure with Family Dollar as what to present.

Mrs. Harding said that she was looking at the fire report and wondered why the report said that there was a question about being able to supply adequate water from the hydrant. Mr. Benson said he believes there is adequate water pressure and said they test the hydrants frequently. He said he is not sure why the comment was on the report, but he will leave that up to the Fire Chief and the Fire Inspector. He said the Portland Water District will have to submit a letter to the Town as to the adequacy of the water supply and the hydrant pressure, etc.

Mr. Nesbitt said he feels a workshop is needed as this project is over 5000 square feet and he wants to go over the Standish Corner District ordinances. Mr. Murray said they might have some plans to bring with him then as they have a meeting in Florida with the people from Family Dollar. He said there are two different options, one dealing with the snow loads in Maine. He said the snow loads make it more expensive as they are used to going with flat roof buildings. He said they are working with these two options and would like to bring those both to the Board.

Mrs. Billington asked about their time frame. Mr. Murray said they would like to be approved by January and then put the project out to be, break ground in the spring and be open by the end of the summer.

Mr. Nesbitt asked about the sign and Mr. Murray said they will comply with what the Town wants. Mr. Benson said one of the issues is the size of the sign and they would need to comply with that. He said the sign will be okayed by the Board because it is within the Standish Corner District. They will put a presentation together and bring it to the Board. There will be a workshop on Monday evening December 16 at 7:00pm.

Mr. Libby said there is a vacant seat on the Planning Board and he urges anyone who is interested to please contact Mr. Benson. Mr. Nesbitt said the ordinance committee met last month and they talked about light manufacturing. There is another meeting on December 17th and he wasn't sure what they would be discussing.

Mrs. Harding made a motion to adjourn, seconded by Mrs. Billington. Mr. Benson said that on December 12th, there would be a public meeting on the master plan for Steep Falls at the Steep Falls Fire barn. All in favor of adjourning at 8:05pm.