

Planning Board Meeting Minutes 11-03-2014

Standish Planning Board Meeting Minutes November 03, 2014

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

The first item on the agenda was the approval of the October 06, 2014 meeting minutes. Mrs. Harding made a motion seconded by Mrs. Beckwith to approve the minutes. All in favor.

Approval of Finding of Fact :

- Baptiste Lakehouse Trust, 34 Watchic Road 21, Map 30, Lot 2, Shoreland Zoning Application(Mrs. Harding abstained from the vote to approve)
- 1 Northeast Road, LLC, 225 Ossipee Trail W, Map 10, Lot 11 Site Plan Application (Waiver for requirement to provide water to property)

Mr. Ordway made a motion seconded by Mrs. Byrnes to waive the reading. All in favor. Mr. Ordway made a motion seconded by Mrs. Beckwith to approve the Findings of Fact. All in favor.

Communications:

- William Ward, Map 59, Lot 16 Proposed new setbacks of cottage on Stuart Shores Road (first plan was approved on February 03, 2014).

Mr. William Ward was present to represent himself. Mr. Benson said this is not an application, just a communication because of some changes Mr. Ward would like to make over and above the original plan. He said that this will require a full application because the CEO said that it was too much of a significant change to just let go without a complete application.

Mr. Ward said that it really isn't a significant change. He said some new measurements had been taken and his permit said the building needed to be moved back 17 feet. He said with this new plan, he would be 16.5 feet instead of the 17 as approved in his original plan. He said there are also some minor changes, which he feels are not significant at all.

Mr. Benson said the plan submitted has a 24 foot wide building and added an overhang all around and over the deck. He said there are also height restrictions and if there is an added overhang on the deck, that makes a difference. Mr. Benson passed out the original application and plan to all members of the Board. He showed where the overhang is now around the perimeter of the deck, making it look like the deck now has a roof over it.

Mr. Ward said he knows it had to move back and had spoken with the CEO about this. Mr. Benson said he had talked with the CEO and because of the changes, he did not feel comfortable approving it with the changes. Mr. Benson said this would require a new complete application that needs to come before the Board. Mrs. Billington told Mr. Ward that he can apply immediately. She said that it looks like there are a few options that the Planning Board can look at to make it work with a new application. Mr. Benson said that the architectural drawings need to be submitted. There is another deck added and if this is what Mr. Ward wants, a new application has to be submitted for a new approval. Mrs. Billington said she doesn't foresee any problems, but Mr. Ward would need to resubmit. His new plan is ½ foot difference from his original plan. The structure would also be closer to the water than previously approved.

Old Business :

- **Tompson Development, P. O. Box 240, Map 6 Lot 21-Subdivision Amendment-Josie's Brook(Lindsay Drive)Cape Road**

Mrs. Billington said that with this application, she will recues herself because she has a business relationship with the applicant.

Jamie Thompson was present to represent himself. He said the shed on the property is in the process of being taken down.

181-80 Information to accompany plan :

- The number of acres within the proposed subdivision and the location of property lines, existing easements, buildings, watercourses and other essential physical features.

This item needed to be on the plan. Mr. Benson said he knows all of the other items are, so the plan should be all set to be signed and go to the registry of deeds.

- Sewage disposal
- Public Hearing..there were no comments.

Mrs. Harding and Mrs. Billington both agreed that they have talked about all of these and see no problems with the application moving forward. Mr. Ordway made a motion seconded by Mrs. Byrnes to approve the application. All in favor(Mrs. Billington abstaining from the vote) with the following conditions:

- 1) Per § 181-5. (G), the existing shed that falls on the proposed lot line between the lots [tax map 6 / lot 18] and [lot 21-10A] as shown on plan titled "first amended subdivision plan Josie's Brook Subdivision Plan ,must be removed, from within the structure setbacks, prior to any deed transfer of, to, or from either of these lots.
- 2) Per § 181-75 and § 181-123. The Cape Road impact fee shall be \$2087.95 X 2 lots = \$4175.9 shall be paid by the developer to the Town prior to the issuance of any building permit within the subdivision.
- 3) Per § 181-84. (B)(2), a \$500 escrow account has been established for a legal review by the Town Attorney. The subdivision plan and associated legal documents including proposed lot deeds referencing homeowner's assoc. and homeowner's association documents shall be reviewed by the Town Attorney for legal sufficiency at applicant's expense.
- 4) 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 are subject to review and approval by the Planning Board, except for minor changes which the Code Enforcement Officer may approve.

- **Scott Efron, 30 Binford Road, Map 49, Lot 44,Shoreland Zoning Application**

Don White was present to represent the applicant. A site walk was done on Saturday, November 01, 2014. Mr. White said that the homeowner has decided to eliminate the garage from the application and go with just the addition on the existing house off from the back. The homeowner wants to extend the house and not do anything with the garage as the homeowner feels moving the garage would lose too much. He would lose the front of the house where the windows and stone work are already existing. The garage would remain where it is and the back of the house would be squared off.

Mrs. Billington said that on the site walk they looked at the garage as being moved. The corner of the garage is 34 feet from the water and swinging the garage to the side would move it considerably a lot from the water, another 19 feet. She said she

never thought at looking at the garage and swinging it, how it would be if it was just left where it is. She feels that another site walk is needed as does Mrs. Beckwith, especially with the new proposal before them. Mrs. Byrnes said she feels another site walk is needed also.

Mr. White asked what the site walk would gain as they are not going any closer to the water with either the home or the garage. Mrs. Billington said everything needs to be taken into consideration and is there any possible way that this needs to be further from the water.

Mr. Benson said they are leaving the point that's closer to the water alone, but the expansion would make it closer. Mr. Ordway said that the garage isn't really an issue. Mrs. Harding asked if there was going to be much of an expansion and Mr. White said the expansion would be around 10 feet.

Mrs. Byrnes said she feels they need to re-evaluate and see what changes are really being done and is it being moved back or better left where it is. Don said initially the only thing being moved was the garage and now it really isn't going to work for the home owner and he feels the garage is not an issue. He said he is concerned over the maximum practical extent and moving things. Mr. Ordway said what harm would it do rather they are moving the garage or not. Mrs. Billington said that more impervious area would be affected and impacts the water run off from the home to the lake. Mr. White said it already has a deck and he is not changing the foot print of anything. There is a patio made of slate and a roof in the back corner by the patio.

Mrs. Billington said that Shoreland Zoning applications are the hardest to determine and she still feels, with the newly proposed changes, they need another site walk. Mr. White said the original plan does not work for the homeowner and if they are made to change the garage, they will not go ahead and do anything. He said the impervious area is not being changed or moved, so he doesn't understand the hesitation. Mrs. Billington asked if water run off was being changed, they would ask the applicant to put in water gardens or something else to take care of the extra run off.

Mr. Ordway feels that another site walk is not necessary. Mr. White said they are extending the downstairs kitchen and the two tiny bedrooms on the second floor. They are taking a wall down on the back and just adding to the kitchen, an additional 10 feet. There is a canal on each side of the structure. There is an existing deck. All that they want to do is add a cross wall to the foundation and do an extension. Mrs. Billington said she wonders if there is any other way to configure this and still have it back to the maximum practical extent. Making it better with storm water run off would be better and Mr. Ordway agreed also. Mrs. Byrnes said doing the addition where it is makes the most sense to her also and it's the same footprint, minus the frost wall.

Mrs. Harding said it made sense at the site walk and should make sense now. If they have to move the garage because of set backs, this project would not be worth doing to the homeowner. Mr. Benson said the existing garage really can't be used now, because in order to get in, you have to come onto the neighboring property. Mr. White said the owner would like approval, but do the right thing. Mrs. Harding said she feels this is like a bait and switch, coming with a new plan and not moving back from the water as originally stated. Mr. White said the homeowner would comply to the rain garden and whatever it took to take care of the water run off. Adding gutters and other things would be beneficial. Mr. White said there are no gutters right now but they are going to stone drip edge the entire house with 3/4 crushed stone, at least 6-8 inches out past the drip edge, including the garage. Mr. Benson said the depth should be at least 4 inches deep. Going deeper creates a water infiltration area used to protect the lake from the water runoff.

Mrs. Billington asked what the Board wishes to do. Do they want an approval or schedule another site walk. Mr. Ordway and Mrs. Byrnes said they do not need another site walk. Mrs. Beckwith said she would be comfortable knowing that plants and crushed rock around the entire building are going to be used to protect the water. Mrs. Harding said she is still confused and Mr. White said they are no longer doing the garage because it goes into the side set back. Moving it would cause it to encroach into the 10 foot set back. Mr. Benson said this zone calls for 10 foot side and rear setbacks, with a twenty foot set back on the front. Moving the garage makes the homeowner loose some of the set back requirements.

Mrs. Billington said she feels that a proper storm water plan added to the plan approval would make her be okay with the plan being proposed. Mr. Ordway said he did go up and look at the property and feels that what they want to do, shouldn't be held up until next month. Mrs. Billington asked for public comments and Steve Nesbitt said he feels that another site walk should be done and then do a continued meeting next week. The Board agreed to do another site walk on Saturday Nov.8th, 2014 and have a continued meeting on Monday, November 10th, 2014. Mrs. Byrnes will not be there as she is out of town. Mr. White said he is okay with this.

- **Cargill Lot Beach & Ice Fishing Access Facility, Site Plan Review**

Wayne Newbegin spoke and said there will be a workshop on this item and wanted to know if a representative from the Portland Water District would be needed and useful. Mr. Benson said he wants to make sure everyone is comfortable with everything. Mrs. Billington said she feels, as does Mr. Benson, that a representative from the Water District would be helpful. Mr. Ordway made a motion seconded by Mrs. Byrnes to table this to a workshop on November 10th, 2014. All in favor.

New Business :

- **Bruce & Ruth Stevens, Map 47 Lot 5-134 134 Sucker Brook Road Shoreland Zoning Application**

There was no one present to represent the applicant and this was tabled to the December 08, 2014 meeting.

There will be an Ordinance Committee meeting on 11/18/2014 at 7:00pm.

This meeting is to be continued on Monday, November 10, 2014 at 7:00pm.