

## Planning Board Meeting Minutes 12-08-2014

Standish Planning Board  
December 08, 2014  
Meeting Minutes(Amended Jan.06, 2015)

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

The first item was the approval of the meeting minutes from Nov.03, 2014 and the Nov.10, 2014 continued meeting. Mr. Ordway made a motion to approve both meeting minutes, seconded by Mrs. Harding. All in favor.

### Approval of Finding of Fact:

- **Tompson Development, P. O. Box 240, Map 6-Lot 21 Subdivision Amendment-Josie's Brook(Lindsay Drive)Cape Road**
- **Scott Efron, 30 Binford Road, Map 49, Lot 44,Shoreland Zoning Application**

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

### Old Business :

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

Andy Morrill from BH2M was present to represent the applicant. He said they had done the changes that needed to be done like adding some texture to the parking lot, a gate to prevent access for snow machines and ATV's. The parking lot has been moved from the previous plan. They are also in the process of getting the permits needed from DEP. There were no comments from the Board or the public. Mr. Ordway made a motion seconded by Mrs. Billington to find the application complete. All in favor.

#### **181-73 Standards for approval. (prelim.approval)**

*A. 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.* **Mr. Ordway made a motion seconded by Mrs. Billington that Standard A has been met. All in favor.**

*B. 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.* **Mr. Ordway made a motion seconded by Mrs. Harding that Standard B has been met. All in favor.**

*C. The provisions of on-site landscaping and screening do provide adequate protection to neighboring properties from detrimental features of the development.* **Mrs. Billington made a motion seconded by Mr. Ordway that Standard C has been met. All in favor.**

*D. The site plan adequately provides for the soil and drainage problems that the development will create.* **Mr. Ordway made a motion seconded by Mrs. Harding that Standard D has been met. All in favor.**

*E. 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.* **Mrs. Billington made a motion seconded by Mrs. Harding that Standard E has been met. All in favor.** (There is no proposed lighting.)

*F. The applicant has provided reasonable evidence of his financial capabilities to complete the development as planned and approved.* **Mrs. Harding made a motion seconded by Mrs. Billington that Standard F has been met. All in favor.**

*G. 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.* **Mr. Ordway made a motion seconded by Mrs. Harding that Standard G has been met. All in favor.**

*H. The proposed development has made adequate provision for sewage disposal.(The Town will keep an eye on the usage and add more facilities if needed and will be testing for bacteria on a daily basis)* **Mr. Ordway made a motion seconded by Mrs. Billington that Standard H has been met. All in favor.**

*I. 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.* **Mrs. Billington made a motion seconded by Mr. Ordway that Standard I has been met. All in favor.**

**J. The proposed development has made adequate provision for water supply, including an adequate supply of water for fire-protection purposes. Mrs. Billington made a motion seconded by Mr. Ordway that Standard J has been met. All in favor.**

**K. No plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan(The applicant is the Town.). Mr. Ordway made a motion seconded by Mrs. Billington that Standard K has been met. All in favor.**

**L. 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. NA**

**M. Within the Standish Corner District, the plan must meet all of the following additional standards: NA. Not located in the Standish Corner District.**

**Application has preliminary approval.**

### **New Business :**

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

Dennis Harmon from C.W. Harmon was present to represent the applicant. He said that all they want to do is life the camp up, use the same footprint and stabilize it with a five foot foundation underneath, but not a full basement. The pillars underneath are crumbling. The septic system is very close to the building and leaves the building where it is and not moved back. He said they would be one foot above the high water mark and the owners really do not want to go any higher. They would also like to do their 30% expansion.

Mr. Benson said the Board has the entire application but said they really need to know where the high water mark is right now. Mr. Harmon said that the Stevens will do just a crawl space. They would like to do five feet, but would settle with four. They would like some storage space under the cottage for a hot water tank and other items. He told Mr. Harmon that the high water mark needs to be determined.

A site walk will be held on Saturday, December 13<sup>th</sup>, 2014 @ 9:00am.

- **KJK Wireless for U S. Cellular, Map 9, Lot 38, Oak Hill Road Site Plan amendment cell tower)**

There was no one present to represent the applicant and this was tabled to the January 05, 2015 meeting.

- **Dennis & Mary Doherty, Map 59, Lot 1 - 106 Stuart Shores Rd Shoreland Zoning Application**

Tim Fisher from NE Civil Solutions was present to represent the applicant. They want to do a slight expansion. With him was also the architect and Risbara Builders. He showed where the existing house is and the deck that was built without any permit. He said the deck that is there now was built without a permit and will be taken down.

He said they would like a small deck that is outside of the 75' set back. He said they are planning on adding a small addition to the existing house along with a garage. He believes all set back requirements are met for that. He said there is a very small portion of the house that is grand fathered and they are not looking to expand on that at all. They are looking to add a section and this section is on the right of the house. He said they would like to leave the cottage where it is and feels because of the septic system, there is no place to go with it. He said it is back from the required 100' setback. They did get some permits they needed from the DEP and the DEP has approved what they are asking for.

Tim went on to say that they would like a conditional approval the day of the site walk. He said he feels that they have done all they need to do to gain the Boards approval. He said they do have a right of way shown on the plan, which no one uses and never have. This right of way was done back in the 1960's. He said that this was previously a subdivision and all of the lots had a right of way for access. He said it was really more of an easement and no one uses it. He said in 1975, two properties were each sold and they have never used the right of way.

He said the garage they are proposing would use part of the right of way and he feels this right of way is pretty much gone and non-existent. He showed the areas of erosion and sedimentation control and these are very few because of minimal excavation. He said the DEP had looked at it and had no issues with any of it.

He said they would not reach the maximum 30% expansion and he sees no issues and he said the DEP doesn't either.

Mr. Benson said they need to determine what to do with the right of way issue. He said the CEO will need to determine what needs to be done. He said that if the right of way still exists on the plan, it doesn't just go away. He asked them to have something written from the landowners that about the property. Mr. Fisher said he feels this is not an issue. Mrs. Harding asked if the right of way was granted to just one land owner or many and a right of way will be in a person's deed. Mr. Fisher said the right of way benefits no one. It only seems to benefit the Doherty lot. He said the original plan shows the right of way over this lot and another back lot. Both back lots were sold and the only right of way left was on the Doherty's and an abutter, which claims they don't have any interest in it.. He said it happens a lot with camp lots.

Mrs. Byrnes asked about the right of way also. Mr. Benson said the only way to make this go away was to sell it to someone for a dollar and have it taken to the registry of deeds. Mrs. Byrnes asked about the abutting lot. She asked if the abutter's property was on one deed or two. She also asked about the right of way and was it actually owned by the land owners or was it who did the sub division years ago. Mr. Fisher said it was owned by the land owners. Mr. Fisher said two lots had been bought and made into one. He said that it is two separate descriptions, but one title deed.

Mrs. Harding asked about the original foot print, not what is proposed. The architect showed the original foot print along with the non conforming deck. Mr. Fisher said the lot is very steep. He said with the expansion, they would be a bit under the amount allowed by law.

The Board felt a site walk was needed and would do it Saturday 12/13/2014 at 10:00am. Mrs. Billington asked about the square feet of the existing structure and Mr. Fisher said the portion to the water was 82', the portion looks like it was approx. 71-72 feet. He said the set backs would make them remove the non conforming deck. Mrs. Harding asked if the house was being added onto, or was it being taken down. The architect from Risbara Const. said they were taking the gable end off right now. The gable end is not facing the water. The first floor would stay the way it is and the new gable would face the water with a changed roofline.

Mrs. Billington said it's the Board's job to make sure the building is moved back to the maximum practical extent. Mrs. Harding said the 75' just doesn't make sense to her. She said they have always worked with a 100' set back from the water. This cottage was built at the time of the 75' setback from the abutters property line. One corner, when it was built, was just a bit into the setback then. It was built to close to the lake and the deck there now, is to close to the lake. The 100' setback runs about 2/3 of the existing structure and this is inside the setback. Mr. Benson said it will be much easier to understand when they are at the sitewalk. Mrs. Harding asked if this was a year round home now and the answer is yes.

Mrs. Billington said the whole decision is about making sure they are set back to the maximum practical extent. Mr. Fisher asked if they could get a conditional approval at the site walk or come back to the Board in a week. Mr. Fisher said they are behind schedule and would like to start ASAP. Mrs. Harding said she would say no to this request, have the site walk and they can come back in January. Mr. Fisher said there are power lines involved and would like to do this quickly, as the Doherty's are retiring. Mrs. Billington asked about a continuance and the Board felt that with the holiday season upon us, they could come back to the January meeting.

- **Bruce Coulombe, Map 16, Lot11A, 961 Richville Road, Site Plan Application-Tradesman: Proposed Insect Control Business**

Bruce Coulombe was present to represent himself. He said that he was wishing to move his business from Portland to his home. He does fertilizing; weed control, pest control, etc. His home site is a commercial site already.

Mrs. Harding asked if customers were going to be coming to his home. He said no, maybe he would have an occasional walk in. He said he is licensed by the state and keeps everything in metal storage containers.

Mrs. Byrnes asked about him putting a sign out about the business, but he said he had no apparent plans for any at this time. Mr. Ordway said this is a huge lot. Mrs. Billington made a motion seconded by Mrs. Harding that the application is complete. All in favor.

The following are the conditions of approval, which the Board waived the reading on as they were read once before. Mrs. Harding made the motion seconded by Mrs. Billington to waive the reading. All in favor. Mrs. Billington made a motion seconded by Mrs. Harding to approve the conditions as a group. All in favor of approving conditions A through L.

*are found to exist regarding said plan:*

*A. 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.*

*B. 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*

*C. The provisions of on-site landscaping and screening do provide adequate protection to neighboring properties from detrimental features of the development.*

*D. The site plan adequately provides for the soil and drainage problems that the development will create.*

*E. 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*

*F. The applicant has provided reasonable evidence of his financial capabilities to complete the development as planned and approved.*

*G. 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.*

*H. The proposed development has made adequate provision for sewage disposal*

*I. 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.*

*J. The proposed development has made adequate provision for water supply, including an adequate supply of water for fire-protection purposes.*

*K. No plan shall be approved by the Planning Board as long as the applicant is in default on a previously approved plan.*

*L. 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.*

- **Robert Beedle, 185 Whites Pt. Road, Map 57, Lots 3 & 105, Shoreland Zoning Application**

**Matt Eck from Sebago Technics was present to represent the Beedles. The Beedles daughter Tracy was also present.**

**The Beedles purchased this property and two others at the same time. The property across the street has the septic system on it. Two of the structures on the property are not really inhabitable, but the main house is. They would like to use the existing foundation to build on and do an expansion, less than 30%. They are looking to renovate the main house and a guest cottage with one bedroom and a bathroom. They will remove a deck and a shed. The roof height would remain the same and they would have just one story in the main house. They are looking to downsize what is there. They looked at the property for a long time and then decided to buy it because of their love for the lake and its surroundings.**

**Matt said they are keeping the same foundation height and its well above the hundred year flood plan. A site walk was scheduled for Saturday, 12-13-2014 at 10:45. A motion was made by Mrs. Billington and seconded by Mrs. Byrnes to table the KJK Wireless item to the next months meeting. All in favor.**

**The meeting was adjourned at 8:04pm.**