

Standish Town Hall

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Planning Board Meeting Minutes 09-10-2012

Standish Planning Board Meeting Minutes September 10, 2012

The meeting was called to order by Chairman Brian Libby at 7:04 p.m. Present were Alta Harding, Carol Billington, Steve Nesbitt, Bruce Smith, Wayne Newbegin, Town Planner Bud Benson and Jackie Dyer, Secretary to the Planning Board. Absent was Diana Allen.

Mr. Libby welcomed new Board members Bruce Smith and Wayne Newbegin.

The first item on the agenda was to approve the August 06, 2012 meeting minutes. A motion was made by Mr. Nesbitt to approve the minutes, seconded by Mrs. Harding. All in favor.

Approval for Finding of Fact:

Paul & Candace Thompson/14 Oak Hill Rd., Map 36, Lot 9 Site Plan Review

Mr. Libby asked for a motion to approve the Finding of Fact for the above applicant. Mrs. Billington made a motion, seconded by Mr. Nesbitt to waive the reading. All in favor. Mrs. Billington made a motion, seconded by Mrs. Harding, to approve the Finding of Fact. All in favor. Mr. Libby signed the Finding of Fact.

Burning Rose Land Dev. /70 Ossipee Trail E/Map 64, Lot 70 Subdivision Amendment/Site Plan Application

Mr. Libby asked for a motion to approve the Finding of Fact for the above applicant. Mr. Nesbitt made a motion, seconded by Mrs. Harding to waive the reading. All in favor. Mr. Nesbitt made a motion, seconded by Mrs. Harding to approve the Finding of Fact. All in favor. Mr. Libby signed the Finding of Fact.

Mr. Libby stated that the Finding of Facts can be viewed at the Town Office at any time.

Old Business:

Frank & Donna Roethel/ 11 Forrest St, Map 47, Lot 19 Shoreland Zoning Application

Frank Roethel was present to represent himself and his wife Donna. He stated briefly what they are proposing to do. The Board did do a site walk and asked for another plan showing the trees and shrubs to be planted as well as a final footprint of the plan, which he has already submitted. Mr. Libby asked for comments from the Board. Mr. Nesbitt said he doesn't have the plan with the new layout, which Mr. Roethel believed he had submitted, but he does have one with him. The stairs have been changed so they no longer go towards the water, but towards the other building on the site. The Board had asked, at the site walk, that the septic be placed on the new site plan, which has been done along with the rotation of the stairs and the new building which will be slightly smaller than the original plan. Mr. Nesbitt said he remembered discussions that the proposed building would be moved slightly further away from the property line. Mr. Roethel said that was correct and that it would go approximately one and half feet further away. The increase would be another 5 ½ feet further from the lake. Mr. Nesbitt said the ledge cropping and some trees were originally not part of the plan, but after the site walk, he understands why this is being done. Mrs. Billington said she had visited both shoreland zoning sites before the meeting tonight. Mrs. Harding asked about the current foundation and Mr. Roethel said one corner sits on a boulder and the rest of the building sits on the ground. He is proposing to put a full basement under the new building and raise it off the ground. Mrs. Harding asked if that would make it more non-conforming and within the hundred foot line. Mr. Benson said it would, but only if it wasn't moved back to the maximum practical extent. The way they can get the basement is by moving it back to the maximum practical extent. Mr. Roethel said he knows the basement must be 50% in the ground and he knows the limitations as he has met

several times with the contractor. There would be approximately 2 feet of the basement above ground and the rest he would have to live with. Mr. Benson said Mr. Roethel needs to confirm with the Code Enforcement Officer the elevations and area volume along with other details. Mr. Newbegin asked where he has not been on the site walk if he could vote. Mr. Libby told Mr. Newbegin that in reality, he should not vote until he is fully up to speed on all issues. If he hasn't physically seen the sites, he should not vote. Mr. Benson said he had drafted some new Finding of Fact for the Board and he finds that some of the information is applicable and some are not. The biggest issue the Board needs to decide on this application is, is the building moved back to the maximum practical extent? Is the basement on this application at least 50% in the ground? Mr. Libby asked for more comments from the Board or from the public, there were none. Mr. Nesbitt wanted to know if the movement of the building from the sideline would be a condition. Mr. Roethel said it would be an additional 1 ½ feet further away than it is now. There could be a sideline setback added if needed. Mrs. Billington said that she doesn't see why the Board would have to condition everything on this application as long as everything is shown. Mr. Nesbitt agreed. Mrs. Billington made a motion to approve the application with conditions 1-5, as stated in Mr. Benson's memo. This was seconded by Mr. Nesbitt. All in favor. **The conditions of approval are :**

1. Per standards found in *237-12 C (1) b* the Planning Board approval of this site plan is limited to structure setbacks to the maximum practical extent. Existing structure, with scaled setback from apparent normal high water line of 51 ft to a set of stairs connected to the bunkhouse deck, to be demolished and a new structure with proposed structure setback of 57 ft to the edge of the attached deck is to be built on a new foundation.
2. The following plans and calculations must be submitted by the applicant and approved by the Code Enforcement Officer before permits are issued:
 - a. Structure expansion 30% maximum both floor area and volume calculations per *§ 237-12 C. (1)*
 - b. Maximum 20% percent impervious lot coverage per standards found in *§ 237-15 B.(4)*,
 - c. Stormwater design to reduce runoff and encourage infiltration per standards found in *§ 237-15 J.(1)*,
 - d. Erosion & sediment control plan per standards found in *§ 237-15 Q*.
 - e. Clearing and a re-vegetation plan (include plantings on the lake side of the property) *per § 237-15 P. (2) (a)*
 - f. Final grading plan detailing that more than 50% of basement volume will be below existing grade. *per § 237-15*
3. Per standards found in *§ 237-15 B (3)* , the applicant's proposed new structure appears to be within the FEMA delineated 100-year flood plain and will, at minimum, need an (Elevation Certificate) to prove to the Code Enforcement Officer that the lowest floor is at least 1 ft above the 100-year flood elevation. Per site plan existing finish floor is at elevation 275.7. Per the letter from Dennis Harmon received Aug 1st, 2012 a proposed finished floor elevation of 278.7 and basement floor elevation of 270.7 being more than one foot above the FEMA 100 year flood elevation of 268.
4. This approval and any permits issued under this approval shall lapse and become void unless the start of construction or operation as defined in *§ 237-16. Administration. F "Expiration of permit."* A permit of the Zoning Ordinance begins within one year from the date of this approval. The Planning Board may extend this permit upon a showing of hardship, provided that the written request for extension is made before the expiration of the one year period.
5. The approval is dependent on and limited to the plan and proposals submitted by the applicant either orally or in writing. Any variation from the plans or proposals is subject to review and approval from the Planning Board, in writing, except for minor changes which the Code Enforcement Officer may approve.

Christopher & Sandra Ward/97 Wards Cove Road, Map 51, Lot 37 Shoreland Zoning Application

Mr. Chris Ward was present to represent himself along with Charlie Brown from Sebago Technics. They are proposing to move the existing structure and put in on a full foundation. Mr. Nesbitt felt that it was a very good plan and thought it was being moved back to the maximum practical extent. Mr. Libby said the lot looked really small until you get on it and see how much space there is on it. Mr. Benson asked Mr. Brown about the flood elevation certificate and he said they will present it to the Town when the foundation is put in and capped over. They will have the upper floor and the lower floor at that time. The basement floor is 1.2 feet above the flood elevation. The finished basement must be above elevation of 269. Mr. Brown said they are at 275 with a finished basement, that is the first floor elevation. Mr. Brown said the proposed elevations are on the plan and they will be able to give more definite calculations once the basement is in and capped. They might be off a few inches, but that is not the intent. Mr. Smith said the lowest floor level must be above the base flood. Mr. Brown said the lowest floor level is 269.1, which is one point above base flood. Mrs. Harding asked about the trees being cut and would they be replanted. Mr. Ward said they will replant when they are finished. Mr. Benson said it's up to the Code Enforcement Officer to calculate what size the trees need to be to be replanted; they must be a certain caliper and meet his requirements. They must be sizeable. Mr. Libby asked for comments from the Board and the public. Mr. Ward asked about a condition of approval #2. Mr. Libby told him that it is up to the Code Enforcement Officer and should be taken up with him. The main issue with that condition is that they do not increase their impervious area. A motion was made by Mrs. Billington to approve the application, seconded by Mrs. Harding with conditions 1-5 as stated in the memo. All in favor. **Conditions of approval are :**

- Per standards found in 237-12 C (1) b the Planning Board approval of this site plan is limited to structure setbacks to the maximum practical extent. Existing structure, with scaled setback from apparent normal high water line of 20' ft, to be demolished and a new structure with proposed structure setback of 28' ft. is to be built on a new foundation.
- The following plans and calculations must be submitted by the applicant and approved by the Code Enforcement Officer before permits are issued:
 - Structure expansion 30% maximum both floor area and volume calculations per §-237-12 C. (1) (a) ,
 - Maximum 20% percent impervious lot coverage per standards found in §-237-15 B.(4),
 - Storm water design to reduce runoff and encourage infiltration per standards found in §-237-15 J.(1),
 - Erosion & sediment control plan per standards found in §-237-15 Q.
 - Clearing and a re-vegetation plan (include plantings on the lake side of the property) per §-237-15 P. (2) (a)
- Per standards found in §-237-15 B (3) , the applicant's proposed new structure appears to be within the FEMA delineated 100-year flood plain and will, at minimum, need an (Elevation Certificate) to prove to the Code Enforcement Officer that the lowest floor is at least 1 ft above the 100-year flood elevation. The site plan shows a proposed building footprint with proposed finished floor elevation of 275 ft being more than one foot above the FEMA 100 year flood elevation of 268
- This approval and any permits issued under this approval shall lapse and become void unless the start of construction or operation as defined in 237-16. Administration. F "Expiration of permit." A permit of the Zoning Ordinance begins within one year from the date of this approval. The Planning Board may extend this permit upon a showing of hardship, provided that the written request for extension is made before the expiration of the one year period.
- The approval is dependent on and limited to the plan and proposals submitted by the applicant either orally or in writing. Any variation from the plans or proposals is subject to review and approval from the Planning Board, in writing, except for minor changes which the Code Enforcement Officer may approve.

There are two slight modifications that Mr. Benson will make on the Finding of Fact before the next meeting. Mrs. Billington asked about 2-b. Should they make an amendment to change that or leave it alone? Mr. Benson feels that changing it would make it more complicated and the applicant needs to work with the Code Enforcement Officer on this. The Code Enforcement Officer has some flexibility and will work with them on what is needed as far as any expansion. They can make changes but need to work with him.

Norma Peters/17 Bonny Eagle Pond Rd., Map 22, Lot 25 Shoreland Zoning Application

Susan Duchaine from Design Dwellings in Gorham was present to represent the applicant. Mrs. Peters was present also. Mrs. Duchaine explained that Mrs. Peters would like to expand an oversized shed and make it into a garage. There were 3 trees that the roots had grown into the floor of the garage that have now been removed. Mrs. Duchaine said that the CEO, Mr. Hill, had said that they could take those down. They wanted to make a bigger garage, but it can't be as big as they wanted to do. Mrs. Duchaine said that the Code Enforcement Officer had visited the site and had signed off from the plans that they gave him. They would like a waiver on the site walk so that Mrs. Peters can get into the garage before winter comes and enter her house more easily. There is a small garage across the street that Mrs. Peters owns and that will be sold to an abutter, as the property was divided some time ago and the abutter would like to put the property back together. Mrs. Duchaine feels this is a pretty simple expansion that doesn't go near the water or the septic system. She again said the CEO had been up there several times. Mr. Smith asked them to explain the vegetative and non-vegetative coverage. Mrs. Duchaine thought that there was a plan submitted to Dan. She said the same amount of coverage that is on the plan now, will remain the same. Mr. Smith said that's okay as long as the numbers don't change. She said the CEO has the new sheet with the final numbers, has allowed the trees to be removed as they were growing into the foundation, and the expansion doesn't take as much room as the trees did. Mr. Newbegin asked what the side set back on the garage is. Mrs. Duchaine said it's about 5 feet and will stay the same. Mr. Nesbitt asked what the minimum set back was from the road, Mr. Benson said its 20 feet, but with an existing building, it's grandfathered to where it is now. The road is a very narrow camp road that might be 25 feet wide. Mr. Newbegin asked if it would make any difference on the side setback one way or the other. Mrs. Duchaine said Mrs. Peters does not want to move the garage the other direction as it would block the view from the only window she has now. She has a little walk way and some vegetation. The road or driveway now just comes off from the road. Mrs. Peters said her family has owned the cottage for over 50 years. Mrs. Harding asked how long the new structure is; Mrs. Duchaine said its 21 feet. She said the CEO had made a couple of changes to that when they were calculating the volume. Mr. Nesbitt said the Board doesn't have those calculations. Mrs. Harding said it doesn't appear that the Board has those revisions. Mrs. Duchaine said the CEO has those and Mr. Benson said that the Board doesn't have a copy of those yet. Mrs. Duchaine said the plan should show a 22'x14' garage. Mrs. Harding said that she assumes the measurement from the water is 73'. Mrs. Duchaine said it should be 109', depending on where you want to use the high water mark. Mrs. Harding said she is not open to waive a site walk on the property as that is why they have come before the Board because this is a shoreland zoning application and they have always scheduled a site walk. Mr. Nesbitt agreed with no waiver

and the rest of the Board agreed. Mrs. Duchaine said she feels that a site walk should have been done prior to the meeting as she said the application has been in for over two months. A site walk was scheduled for Monday, September 17th at 6:00pm and then continue the meeting at 7:00pm. All in favor. Mrs. Duchaine will have a corrected copy of the plan and the figures. She will follow up with the CEO and stated the trees removed were growing into the foundation and also into the neighbor's garage. Mrs. Duchaine said she will meet with the CEO.

There was no other business. There will be an ordinance committee meeting on Tuesday September 18, 2012 at 7 :00 pm. Mr. Newbegin asked about doing site walks on their own as opposed to as a group. Mr. Benson said that they can do a site walk on their own, but they can have no conversation with the applicant. Meeting was adjourned at 7:50pm.