

EDGECOMB PLANNING BOARD
MINUTES, OCTOBER 19, 2006

Chairman Erin Cooperrider called the meeting to order at 6:34 p.m. Board members present were Dave Boucher, Katharine Braid, Bruce Cameron, Erin Cooperrider and Lisa McSwain. Alternates David Clifford and Amy Winston were absent. Although the agenda was full, there was a consensus that the Sawyer application would be heard if time allowed before 9 p.m.

1. Review Minutes of October 2, 2006

Lisa McSwain moved, Bruce Cameron seconded, to approve the minutes of October 2, 2006. Vote 5-0.

2. Sheepscot Harbour Village and Resort Phase IIB - Final Subdivision, Shoreland and Site Plan Review, Map 116, Lot 12.1 and 29

One outstanding item at the September 21, 2006 meeting was the amended condominium documents, which had been submitted. Additional information had been received from the State Historical Society, which determined there would be no impact on Fort Edgecomb and 29 Fort Road. This had been provided to the chairman by telephone and will be submitted in letter form. A letter from Steve Roberge regarding his review of the stormwater management plan and erosion and sedimentation control plan had been received which identified items, most of which were minor, that needed attention.

Danielle Betts, Sebago Technics, had reviewed the letter and had no objections to the recommendations. Steve Roberge, SJR Engineering, who was referred to the Town of Edgecomb by the Knox/Lincoln Soil and Water Conservation District, has also reviewed the application for the DEP. In response to Bruce Cameron's question, Danielle Betts explained that a non-wooded buffer was one which was not forested at the time of application, but will be created by the developer. In response to other questions, she said that a NRPA permit would be obtained for clearing in the 75-foot setback from the water, that the sewer lines can be lowered or insulated, that the entrance on Island Way is temporarily for construction vehicles but will be gated upon completion.

The application had previously been found complete, a public hearing was held and additional information requested had been received. The State Subdivision Law Review Criteria (M.R.S.A. Section 4404, as amended) were read to determine if the proposed subdivision development:

1. Will not result in undue water or air pollution. In making this determination, the Board shall at least consider:
 - The elevation of the land and its relation to flood plains;
 - The nature of the soils and subsoils and their ability to adequately support waste disposal;
 - The slope of the land and its effects on effluents;
 - The availability of streams for the disposal of effluents; and
 - The applicable State and local health and water resources regulations.

Finding: Positive as evidenced by Steve Roberge's review.

2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

Finding: Positive - public water and reserve capacity.

3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

Finding: Positive - public water and reserve capacity.

4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

Finding: Positive - covered by Steve Roberge's review.

5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

Finding: Positive - No urban compact area, traffic analysis did not trigger MDOT permit.

6. Will provide for adequate sewage disposal and will not cause an unreasonable burden on municipal services if they are utilized;

Finding: Positive - Public sewer.

7. Will not cause unreasonable burden on the ability of the Town of Edgecomb to dispose of solid waste if municipal services are to be utilized;

Finding: NA - there are no municipal services for solid waste disposal..

8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

Finding: Positive - Receipt of letters from IF&W, State Historic Preservation Commission and Department of Conservation.

9. Is in conformance with the subdivision ordinance, comprehensive plan, zoning ordinance, floodplain management ordinance or other duly adopted town ordinance or regulation. In making this determination, the municipality may interpret these ordinances and plans;

Finding: Positive

10. Subdivider has adequate financial and technical capacity to meet the required standards;

Finding: Positive - Financial information, letter from bank and description of technical team.

11. Will not adversely affect the quality of water or unreasonably affect the shoreline of that body of water whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, Article 2-B,

Finding: Positive - Covered by Steve Roberge's review.

12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater and aquifers;

Finding: Positive - Covered by Steve Roberge's review.

13. If in or any part of it is in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

Finding: Positive - Development is above the 100-year flood elevation.

14. Has any freshwater wetlands within the its proposed boundaries which have been identified on any maps submitted as part of the application, regardless of the size of these wetlands;

Finding: Positive – Wetlands are delineated on site plan.

15. Has any river, stream or brook within its boundaries or abutting the subdivision, as defined in Title 38, section 480-B, subsection 9, which has been identified on any maps submitted as part of the application;

Finding: Positive – delineated on site plan.

16. Will provide for adequate storm water management;

Finding: Positive - Covered by Steve Roberge's review.

17. Will have no lots with shore frontage on a river, stream, brook or great pond as defined in Title 38, section 480-B, with a lot depth to shore frontage ratio greater than 5 to 1.

Finding: Positive – parcel is not being divided, land to be held in common by HOA.

18. The long-term cumulative effects of which will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision.

Finding: NA

19. Which crosses municipal boundaries, will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Finding: NA

20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S.A. Section 8869(14). (If a violation of the rules adopted by the Main Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that the five (5) years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel.

Finding: Positive

Bruce Cameron moved, Dave Boucher seconded, that the Board makes a positive finding of fact with respect to all items. Vote 5-0.

The following standards were read to determine if the proposed use:

1. Will maintain safe and healthful conditions

Finding: Positive - public water and sewer, stormwater management plan

2. Will not result in water pollution, erosion or sedimentation to surface waters

Finding: Positive - Covered under Steve Roberge's review.

3. Will adequately provide for the disposal of all wastewater

Finding: Positive - public sewer

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat

Finding: Positive - Letters from IF&W, Department of Conservation

5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters

Finding: Positive - Covered under erosion and sedimentation control plan.

6. Will protect archaeological and historic resources as designated in the comprehensive plan

Finding: Positive - Letter from State Historic Preservation Commission

7. Will avoid problems associated with flood plain development and use

Finding: Positive - No development in flood plain.

8. Is in conformance with the provisions of Section 1.9, Land Use Standards

Finding: Positive - Covered in application

Katharine Braid moved, Dave Boucher seconded, to make a positive finding of fact with respect to the items in the Shoreland Ordinance. Vote 5-0.

Dave Boucher moved, Lisa McSwain seconded, to approve the Subdivision and Shoreland applications of Sheepscot Harbour Village and Resort Phase IIB subject to the receipt of any and all state approvals and a final letter from Steve Roberge stating that plans have been corrected to his satisfaction. Vote 5-0.

3. Tom and Sue Tiller - Expansion of dock and float in Shoreland, Map R-3, Lot 33

The Tillers submitted an application to add four floats to the existing dock and float and install four dolphins. A DEP permit will be required. The following requirements were read to determine if the proposed use:

1. Will maintain safe and healthful conditions

Finding: Positive

2. Will not result in water pollution, erosion or sedimentation to surface waters

Finding: Positive

3. Will adequately provide for the disposal of all wastewater

Finding: N/A

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat

Finding: DEP requirement

5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters

Finding: Positive

6. Will protect archaeological and historic resources as designated in the comprehensive plan

Finding: N/A

7. Will avoid problems associated with flood plain development and use

Finding: N/A

8. Is in conformance with the provisions of Section 1.9, Land Use Standards

Finding: Positive

Katharine Braid moved, Lisa McSwain seconded, that having made a positive finding of fact, the Board approves the application subject to DEP approval. Vote 5-0. The \$150 fee will be paid to the Code Enforcement Officer.

4. Richard and Rose Studholm - Building Permit for Garage in Shoreland, Map U-6, Lot 008,027

Rose Studholm submitted an application for a 28' x 24' garage on Fort Road. The proposed building is outside the 75-foot setback from the centerline of the road. The application was found to be complete. The Chairman cautioned the applicant to make sure that the setback is met and suggested that she might ask the Code Enforcement Officer to stake the corners since the building is proposed to be located so close to the setback line. The following requirements were read to determine if the proposed use:

1. Will maintain safe and healthful conditions

Finding: N/A

2. Will not result in water pollution, erosion or sedimentation to surface waters

Finding: Positive - Adequate setback from water.

3. Will adequately provide for the disposal of all wastewater

Finding: N/A

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat

Finding: N/A

5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters

Finding: N/A

6. Will protect archaeological and historic resources as designated in the comprehensive plan

Finding: N/A

7. Will avoid problems associated with flood plain development and use

Finding: N/A

8. Is in conformance with the provisions of Section 1.9, Land Use Standards.

Finding: Positive - complies with setback and lot coverage requirements.

Erin Cooperrider moved, Lisa McSwain seconded, to make a positive finding of fact with respect to Items 1.10.3.1 through 1.10.3.8 [of Article III of the Land Use Ordinance]. Vote 5-0. Lisa McSwain moved, Bruce Cameron seconded, to approve the application of the Studholms for a garage in Shoreland. Vote 5-0. The \$167.20 fee was paid.

5. James Thomas - Pre-application sketch plan discussion for subdivision

Mr. Thomas asked whether dividing a 36-acre parcel of land he inherited from his mother would constitute a subdivision. Before her death, Mr. Thomas's mother sold one lot in 2003 and another lot in 2004. Neither sale was to an abutter or relative. Erin Cooperrider said that any further division of the land would create a subdivision, unless he waited five years from the date of the last sale to divide his lot. Erin Cooperrider suggested that he have a surveyor determine building envelopes and whether there is adequate road frontage for the lot that he intends to sell if he proceeds to subdividing his lot.

6. Corning and Tita Townsend - Modification of previously approved application for dock and float.

The Townsends were not present.

7. Other Business

Mr. Sawyer discussed with the Board his plans to demolish and rebuild a home in the Resource Protection District on Lily Pond. The present building is 37 feet from the pond. He was advised that he could remodel the building, but he could not tear down the house and rebuild in the same area - the house would have to be moved outside the 75-foot setback from the water. Mr. Sawyer withdrew his application.

Bobbi Carleton asked about the tree cutting and was informed that she should contact the Code Enforcement Officer or Selectmen, as the Planning Board had no jurisdiction.

Erin Cooperrider said the application received from Robert Jawitz, Mgr., Edgecomb Shore Road LLC, for Building Permit in Shoreland was incomplete and he was so notified. An application from Lois and Lawrence Omland for pier,

ramp and float will be on the November 16 agenda and was assigned to Katharine Braid. Richard Ortisi-Best will also be on the November 16 agenda. A letter from him has been distributed to Board members.

Erin Cooperrider said the following permits had been received: DEP for pier and float for Corning and Tita Townsend; a DEP Permit by Rule for Robert Burns; DEP Permit by Rule for Malcolm Beyer for steps to access dock; stormwater management, NRPA and water quality certification for Davis Island Housing, L.P.; and NRPA permit and water quality certification for pier, ramp and float for Thomas Moore.

Dabney Lewis, CEO, had informed the chairman that the Blasting Ordinance referenced the wrong section of the Land Use Ordinance and asked that the latter be amended.

Erin Cooperrider said the Lincoln County Planning Office would be developing a job description and advertising for a planner to be shared by Edgecomb and Waldoboro. It will also screen applicants before interviews by a Planning Board member and Selectman from each town plus the Waldoboro Town Manager.

Bob Faunce will speak at the November 6 meeting on design standards for big box stores.

Katharine Braid expressed concern about the delay in hiring a planner and revising the Comprehensive Plan, which are necessary before the ordinances can be amended. In the meantime, the Planning Board will be trying to implement the current ordinances, which do not work, at least for another year.

At 8:55 p.m. Lisa McSwain moved, Bruce Cameron seconded, to adjourn the meeting. Vote 5-0.