

EDGECOMB PLANNING BOARD
MINUTES, JUNE 19, 2008

1. Call to Order

Chairman David Boucher called the meeting to order at 6:30 p.m.

2. Roll Call

Members present were David Boucher, Vice chairman Katharine Braid, Barry Hathorne and Anne Peaslee and alternates Jarryl Larson and Jack French. Bruce Cameron was absent and Jarryl Larson was appointed to act in his absence.

3. Review and approval of minutes of June 2, 2008

Katharine Braid moved, Barry Hathorne seconded, to approve the minutes. Vote 5-0. There were no clarifications.

4. Brief statement re purpose of the Planning Board and sworn duties, option to appeal (possibly public comment for very limited time)

This item was postponed to Other Business at the end of the agenda.

5. Christopher Perry (represented by Sue Carlson) - Application for building permit in Shoreland (Limited Residential) for garage/shop building, Parsons Point Road, Cross River, Map R-4, Lot 1.01

Sue Carlson presented plans for a garage/workshop; a house and small shed are already on the property. The first page of the application was corrected to indicate the height of the proposed building was 31 feet. There is an existing new septic system and electricity will be run via underground conduit from the existing house. The building is approximately 1000 feet from the property line and 115 feet from the water. With regard to erosion, Carlson said because of the steep slope, two sedimentation barriers were proposed. She read the Shoreland review criteria and her responses, which will be filed as part of the application. Katharine Braid moved, Barry Hathorne seconded, that the proposed application meets the requirements of the findings of fact set out in the ordinance. Vote 5-0. Katharine Braid moved, Barry Hathorne seconded, to find the application complete. Vote 5-0. Barry Hathorne moved, Katharine Braid seconded, to approve the application. Vote 5-0. The Planning Board fee was paid.

6. Ronald and Claudia Carey - Application for building permit in Shoreland (Limited Residential) for replacement garage on Fort Road, Map U-6, Lot 23.2

Mr. Carey presented plans for a 24' x 28' garage that will replace a small garage on the parcel. The plan shows the proposed garage is set back 63 feet from the centerline of the right of way; the Land Use Ordinance requires a setback of 75 feet from the ROW. Mr. Carey said if the garage were moved back, trees would have to be removed, which he was trying to avoid. However, because the Planning Board cannot grant a waiver for the setback, he agreed to move the building back to comply with the 75-foot setback. Katharine Braid advised the applicant that because there would be some excavation for the concrete slab, an erosion control plan in writing would be necessary. In a review of

the application materials, it was found that a deed, an erosion control plan and survey map were still needed, and it would be necessary to submit a plan showing the new location of the garage with adequate setbacks. It was suggested that he make the necessary corrections and make copies for the Board while the next application was being heard.

7. Neil R. and Donna L. Ames - Rolling Hills Subdivision application for three lots in Marine II, Rural and Woodland Districts, Map R-5, Lot 22

(See Minutes of May 15, 2008 for previous presentation to the Board.) Mr. Ames presented an amended application for the three-lot subdivision together with a memo asking for four waivers. David Boucher read from the May 15, 2008 minutes the list of items that were needed to complete the application: the deed, current zoning, sizes of buildings and setback, location and size of existing sewers, water mains, drainage courses and culverts, and homeowners' association road agreement, all of which had been received. In addition, the plan has been amended to provide 100 feet of road frontage for Lot 3. The map and an oral statement from the applicant satisfied the lack of contiguous holdings requirement.

The maximum grade requirement (3%) was discussed inasmuch as the grade of the proposed road is 6% at the beginning of the road for 40 feet and increases to 12% before leveling off to approximately 6%. Mr. Ames said he had a State permit and the sight distance was 465 feet. Barry Hathorne said the grade requirement constituted a hardship and he was in favor of granting the waiver. Also discussed was the impracticability of providing four-foot shoulders on the steep road.

Barry Hathorne moved, Anne Peaslee seconded, to bypass the preliminary application and go to the final subdivision application based on the fact that there are fewer than five parcels. Vote 5-0.

Barry Hathorne moved, Jarryl Larson seconded, to approve waiver request no. 1 with the conditions based on Note 3 on the plan. Katharine Braid moved, Barry Hathorne seconded, to amend the motion to waive the requirement to map contour lines at two-foot intervals on that portion of Lot 3 westerly of the garage. Both the amendment and the motion as amended passed 5-0.

Anne Peaslee moved, Barry Hathorne seconded, to waive Item 2 (the requirement of any pavement material on any of the roads in the subdivision as set forth in Article IV, Section 1.4.13.1.3. The roads in the subdivision will remain private roads and will be maintained by the road association and the stipulated language appears on the proposed plan in note #4). Jarryl Larson moved, Barry Hathorne seconded, to amend the motion as follows: the waiver is based on the fact that the homeowners' agreement (Item 6) does provide that the homeowners will maintain the roads and on note 4 on the plan. The amendment and the motion as amended passed 5-0.

Katharine Braid moved, Barry Hathorne seconded, that the Planning Board waive the requirement in Article IV, Section 1.4.13.1.5 that the street within the subdivision maintain a four-foot shoulder for that portion of the road extending 100 feet located at the first turn of the subdivision road from the River Road. Vote 5-0.

Katharine Braid moved, Anne Peaslee seconded, to waive the requirement set out in Article IV, Section 1.4.13.1.10 which requires a maximum grade of 3% within 75 feet of the intersection as long as the road remains a private road as indicated in Note 4 on the plan dated May 13, 2008. Vote 5-0.

The Board reviewed the application requirements and found that the bylaws and regulations of the homeowners' association had not been submitted. The bylaws would determine how the association is governed. A stormwater management plan had not been submitted, and Katharine Braid recommended that no building permit be issued for Lot 3 until a storm water management and erosion and sedimentation control plan was in place. With regard to the base flood elevation data, which did not appear in the application, Barry Hathorne moved, David Boucher seconded, to waive the requirement for the base flood elevation data because the subdivision is not in or adjacent to a flood plain shown on the FEMA map. Vote 5-0.

Katharine Braid moved, Anne Peaslee seconded, that the application of Neil R. and Donna L. Ames for the Rolling Hills Subdivision plan, which is being dealt with as an application for final subdivision approval, pursuant to a waiver of the requirement of a preliminary subdivision previously granted, be found complete with the exception of a copy of the bylaws of the homeowners' association, the erosion and sedimentation control plan required in Section 1.4.14 and stormwater management plan. Vote 5-0. Barry Hathorne moved, Anne Peaslee seconded, to approve the application subject to the filing of the bylaws of the homeowners association and with the stipulation that no building permit for Lot 3 be issued until the stormwater management and erosion and sedimentation control plans are filed. Vote 5-0. The fee was paid and the plans were signed. Barry Hathorne left the meeting.

6. Continuation of Ron Carey application

Mr. Carey submitted the items requested by the Board: the warranty deed, the warranty deed showing joint tenancy, an amended application, an amended plan showing the increased setback from Fort Road and the erosion and sedimentation control plan.

Jarryl Larson moved, Katharine Braid seconded, to find the application complete as amended. Vote 5-0.

The Shoreland requirements were reviewed to find if the proposal (with the applicant's responses) will:

1. Will maintain safe and healthful conditions - no septic;
2. Will not result in water pollution, erosion or sedimentation to surface waters - the lot is level, no drainage, and erosion and sedimentation plan submitted;
3. Will adequately provide for the disposal of all wastewater - no wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat - replacing existing garage;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters - lot does not abut water;
6. Will protect archaeological and historic resources as designated in the comprehensive plan - no archaeological or historic resources known;
7. Will avoid problems associated with flood plain development and use - not in flood plain; and

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

Katharine Braid moved, Anne Peaslee seconded, to approve the application as amended today, 6/19/08, of Ronald and LaVonne Carey for building permit for a replacement garage in Shoreland. Vote 4-0. The \$100 fee was paid.

8. Announcements and Correspondence

The chairman has emailed a draft announcement setting out ground rules for meetings to Board members and asked for their input.

9. Other Business

David Clifford said he would like to sell a lot and was advised by his attorney that he needed Planning Board permission to sell the five-acre parcel, which he had bought from an abutter four years and one month ago. The sale took place before the five-acre lot zoning was approved. He asked whether he could sell the property and was advised that the Board had no authority to grant that permission. Byron Johnson said that it appeared from Clifford's documents that it was a condition of the deed that he could not resell the parcel within five years without first getting subdivision approval. He added that the original sale to Clifford was exempt from the subdivision regulations because the original owner, Bob Brown, had sold it to Clifford who was an abutter. Mr. Clifford was advised that this was a legal question for his attorney and the buyer's attorney, and if they decide that a subdivision is required, the original owner would need to be contacted for the necessary information to subdivide.

10. Adjournment

Katharine Braid moved, Anne Peaslee seconded, to adjourn the meeting at 10:10 p.m. Vote 4-0.