

.LINCOLNVILLE PLANNING BOARD  
MINUTES of MEETING  
May 13, 2105

The Town of Lincolnville Planning Board convened on Wednesday, April 8, 2015, at 7pm.

**PRESENT:** Lois Lyman, Chair; Vice Chair Shane Laprade; Members Scott Harrison, Ronald Moran and Dorothy Lanphear; and CEO Frank Therio

**ABSENT:** Alternate Member Jay Foster

Consideration of the Minutes was deferred until later in the meeting.

**1. PUBLIC HEARING: Proposed Ordinance Amendments**

The Planning Board sent forward to the Select Board proposed amendments to the Land Use Ordinance and to the Subdivision Ordinance; after holding a Public Hearing, the Select Board included them on the June Town Warrant. The Planning Board is also required to hold a Public Hearing, and the Chair briefly described the changes and opened the floor to comments:

Article 27:

Will Gartley of Gartley and Dorsky Engineering and Surveying, and Michael Geisler were both present and spoke to the change to the Land Use Ordinance at Section 15: Town-Wide Land Use Standards and the definition of "Maximum Height." Mr. Gartley works with towns around the mid-coast and Lincolnville's definition very confusing compared to others. He does not believe that the intention is use the "mean original grade" as the lowest point, and wonders if "average grade" isn't more in keeping with the intent of the definition to find a clear description of how to measure height. Mr. Geisler also finds the definition confusing, and wonders if the measurement point is intended to be the lowest point on the rear-facing side of the structure. This would take into consideration any back abutters that may have their viewed blocked depending on the rear elevation.

No substantive changes can be made to the amendment at this point -- the Warrant has already been printed. But the Chair will pass these comments along to the CEO so the change to "average" or "median" grade can be made next fall. It was suggested that drawings or illustrations showing various situations be included to provide even more clarity.

**MOTION by Ms. Lanphear seconded by Mr. Laprade** to adjourn the hearing.

**VOTE: 5-0-0**

**1. SHORELAND: Expansion of a Conforming Structure**

Michael Geisler: Map 12 Lot 64A: 34 Geisler Shore Drive: Penobscot Bay

Mr. Geisler is asking permission to expand the existing water-side deck by 1200SF as a surround to a new 40' x 16' swimming pool and to construct a new 12' x 16' pool house. The existing structure is 175' from the high water mark. All of the drainage systems proposed with the original construction are in place and have been improved by the addition of a DEP approved overboard discharge system to take storm-water off the lot entirely. There is a 100' grassed area between the top of the unstable bluff and the location of the site of the silt barriers that will be

put in place. Mr. Geisler will also be adding a 3' stone retaining wall to manage the transition in grade between the edge of the deck and the downhill slope.

Mr. Therio has visited the site to inspect the drainage system and has no concerns about the additional impervious surface that is being added -- he believes the system is more than adequate to handle any additional storm water run-off. No one on the Board had further questions, and noted that this kind of application - construction entirely outside the 100' setback - will no longer come to the Board if one of the proposed amendments is approved by the voters.

**MOTION by Mr. Laprade seconded by Mr. Harrison** to approve the Application as submitted.

**VOTE: 5-0-0**

## **2. SHORELAND APPLICATION: Construction of a conforming structure**

**Marshall Cary: Map 14 Lot 40B: Lot 2 Harbor Pointe Subdivision: Penobscot Bay**

Will Gartley of Gartley and Dorsky Engineering and Surveying was present to represent the Applicant who is seeking permission to construct a new single family residence with attached garage on a shorefront lot in the subdivision off Route 1 -- the entire is within the 250' Shoreland Zone. The deed describes a 75' "No Build Zone" from the top of the original unstable bluff and the structure is well beyond that line. The owners obtained permission to stabilize the entire frontage along the bluff and have done so and have already stabilized the area with planting.

The lot is fairly level except at the water's edge and the CEO has no concerns with the drainage system proposed by the Applicant -- it includes an outfall at the shore that will take storm water -- from the roof and building drains and the two lawn drains that catch the water sheeting off the drive and parking areas -- off the lot. The CEO asked to be allowed to come back in six months from construction to check the effectiveness of the drainage system.

There will be underground propane tanks on site installed to specifications. The home is designed to be year-round and propane will be the sole source of heat.

The Board noted, again, that this Application, like the one before, will not come before the Board if the proposed amendment passes. Mr. Gartley thanks the Board for this amendment - it will save applicants a great deal of time and money in preparing these applications.

**MOTION by Mr. Harrison seconded by Mr. Moran** to approve the Application.

**VOTE: 5-0-0**

**MOTION by Ms. Lyman seconded by Mr. Moran** to add a condition of Approval that permits Mr. Therio to return to the site post construction to check on the drainage system to ensure it is working properly.

**VOTE: 5-0-0**

## **3. MINUTES:**

**April 8, 2015:**

Page 1 Line 20 now reads: "Mr. Ernest explained that they want to demolish their seasonal camp and build a new year-round building for use by the family."

Page 2 Line 62 now reads: "Clarify how to measure the maximum allowable height of a structure in the General District"

**MOTION by Mr. Harrison seconded by Ms. Lanphear** to approve the Minutes of April 8, 2015 as amended.

**VOTE: 4-0-1 with Mr. Laprade abstaining due to his absence**

**4. TRAINING OPPORTUNITIES:**

1) The Chair noted that she and Ms. Lanphear had attended the Maine Municipal Association training session for Planning Board members, and Ms. Lanphear had also attended a training workshop for new members serving on the Board of Assessment Review.

**5. OTHER:**

**MOTION by Ms. Lanphear seconded by Mr. Laprade** that in the event that this is the last meeting where Ms. Lyman will serve on the Planning Board, the members should take this opportunity to thank her for her many years of service since 2002 when she has served on the Board and as Chair.

**VOTE: 4-0-0**

There being no further business before the Board they adjourned at 8pm.

Respectfully Submitted,

Jeanne Hollingsworth,  
Recording Secretary