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**A P P R O V E D**  
**LINCOLNVILLE PLANNING BOARD**  
**MEETING MINUTES**  
**Wednesday, March 14, 2012**

The Town of Lincolnville Planning Board convened on Wednesday, March 14, 2012 at 7:00 PM in the Lincolnville Central School.

PRESENT: Chair: Lois Lyman, CEO Frank Therio Members: Scott Crockett, Paul Crowley, Bobby Winslow.

**Agenda:**

**Shoreland & Commercial Site Plan Review Amendment:**

1. **Richard A. McLaughlin; Applicant/Owner**  
**Map 1, Lot 87; 12 McKay Road**  
**Re: Minor Amendment**

**Commercial Site Plan Review Amendment:**

2. **Viking, Inc.; Applicant/Owner**  
**Map 14, Lot 8, 2356 Atlantic Highway**  
**Re: Preliminary Review**

**Crowley: Motion:** to approve the portion of Minutes from February 29, 2012 that pertain to Mr. McLaughlin's application for Shoreland and Commercial Site Review.

**Second: Lyman.**

**Vote 3-0 in favor.**

**Shoreland & Commercial Site Plan Review Amendment:**

**Richard A. McLaughlin; Applicant/Owner**  
**Map 1, Lot 87; 12 McKay Road**  
**Re: Minor Amendment**

**Mr. McLaughlin:** Presenting a revised plan for constructing a 20' x 30' canopy. There is 200 sq ft of space that is allowed for expansion. We are proposing to mitigate 400 ft at the back of the building, noted on the plan in the red area. The green area is where the canopy is.

**Lyman:** What's there now, stone?

**McLaughlin:** Yes, there is stone there now. We going to make pervious ground in back of the building within the 75 ft zone to be mitigated against the tent.

**Lyman:** The calculations work out?

52 **Therio:** The calculations work out. I am requesting that we delineate it with  
53 stone around there, so people don't trample it down or drive over it. Water  
54 puddles there as it comes off the road, so it will work. The counterpart of  
55 Rich Baker is Mike Morse of Portland. I ran the proposal by him. He said  
56 that long as it's a temporary situation for 3-4 months, there is no problem.  
57 This satisfies what Mr. McLaughlin is looking for. Mr. Morse is a DEP  
58 representative.

59 **Lyman:** We denied the application previously because it would have been  
60 above the 30% expansion allowed. Now he has mitigated the land behind to  
61 offset that. So he has an offset here.

62  
63 **Therio:** He has 261 feet left, the balance of that will be mitigated out of the  
64 McKay road side of the business.

65  
66 **Lyman: Motion: Finding of Fact:** The mitigation an appropriate offset for  
67 the impervious surface that he's going to be adding to the plan.

68 **Crockett: Second.**

69  
70 **Crowley:** Suggests that the Planning Board accepts his amended application  
71 to erect this structure as complete. Once we've done that, we review the  
72 application and based on the 3 reviews we've done on this project, that we  
73 find there is sufficient evidence to show in the record that he's met the  
74 criteria for approval.

75  
76 **Therio:** This is a new application. His previous application was denied. This  
77 is an amendment.

78  
79 **Crowley:** Do we have to do the tedious thing? It's better to view as a  
80 reapplication so that we can say we've given a through review. We denied  
81 the application because he couldn't meet the 30% requirement, as his  
82 application was presented at that time. The Applicant has returned and  
83 shown us that he has found a legitimate way to meet the 30% requirement.  
84 So that is the only issue we need to review. We need to be clear that we  
85 have really thought about his proposal. The only thing we need to think  
86 about tonight is the 30%. He had one problem which we had to deny. Now  
87 he has presented a cure which we need to approve.

88  
89 **Therio:** That does make it faster.

90  
91 **Lyman: Motion Withdrawn.**

92  
93 **Crowley: Motion:** To consider the application for Commercial Site Plan as  
94 and Shoreland Review as an amendment and reconsideration to the  
95 application that was denied on 2.29.12.

100 **Crockett: Second.**  
101 **Vote: 3-0 in favor.**  
102

103 **Crowley: Finding:** The Board finds as a fact that the Applicant has produced  
104 sufficient uncontraverted evidence that the defect in his previous application  
105 has been cured through the creation of new vegetative surface as an offset.

106 **Lyman: Second.**  
107 **Vote: 3-0 in favor.**  
108

109 **Consulted and they have no objections. He has cured the application**  
110 **through mitigation.**  
111

112 **Lyman: Finding:** Because we have reviewed this site in many times past  
113 and this is a temporary structure that will only be up a few months a year,  
114 that we waive the further site plan review, which we did not go through  
115 previously on the Shoreland Zone. Because the site plan is not changing in  
116 any other way, I move that we skip the Site Plan Review, because we have  
117 already approved this Site Plan.

118 **Crowley: Second.**  
119 **Vote 3-0 in favor.**  
120  
121

122 **Commercial Site Plan Review Amendment:**

123 **2. Viking, Inc; Applicant/Owner**  
124 **Map 14, Lot 8; 2356 Atlantic Highway**  
125 **Re: Preliminary Review**  
126

127 **Gean Flanagan, Viking Lumber:** Went to pull a permit for a 16 x 24  
128 addition, and the CEO pointed out that the Board did not have a site plan for  
129 Viking Lumber. I had one made and am presenting it to The Board.  
130

131 **Therio:** The plan is as built, a fully grandfathered site plan.  
132

133 **Lyman:** Shed is marked on the plan. It's a paint shed?  
134

135 **French:** Retail area for paint.  
136

137 **Therio:** The setback from center of road is 60 ft plus.  
138

139 **Lyman:** Because this is an amendment to a grandfathered site. We have to  
140 go through the Standards and see if any are changed by this building.  
141

142 **Crowley:** This addition is so minor, it ought to be exempt. Given that we  
143 are here, I don't think we need to think of site walks, etc. It is an impervious  
144 area; he's putting a shed in it. We can do this in a summary fashion.  
145

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150 **Therio:** With the amended returns, whether his is an “as built” Commercial  
151 Site Plan or an amendment to an existing one, are you going to skim through  
152 each category for a finding of fact as it applies? Normally the applicant  
153 would give you a statement requesting at the pre-application that it’s not  
154 applicable. The Board should do it the same way every time.  
155

156 **Crowley:** There are different levels of these things. Another business could  
157 come along that has not been through Commercial Site Plan Review that  
158 would really have a substantial change and require a lot of review.  
159

160 **Lyman:** Then we’d find that we’d have to look at everything.  
161

162 **Crowley:** We’d have to do everything just as we would for any property that  
163 had not been reviewed. There may be an intermediate case of, yes, there is  
164 some change. Some businesses may require a hard look at certain issues.  
165 In this case, what is required is a “soft glance” because the change is so  
166 minor.  
167

168 **Therio:** How about a blanket statement? “Because the addition is merely a  
169 proposed shed it has no impact on any of the standards normally required in  
170 Sections 10 and 11 of the Ordinance.” This is not affecting any of the  
171 Standards, so therefore, by default, just list it that way. Agrees with  
172 Crowley. If in the future they came forward and decided to put a  
173 processing plant that would emit vapors and poisonous fumes, you still would  
174 glaze over most stuff except the areas pertaining to the Standards and  
175 Criteria.  
176

177 **Crowley:** Given the amount of developed area (85% of the property), and  
178 the number and size of the buildings. Not all of it is impervious, but the vast  
179 majority is. The significant number of buildings in relation to those, his  
180 square footage expansion might be 2%. It’s really trivial.  
181

182 **Therio:** For non Shoreland zoning we don’t have to consider the impervious  
183 except for coverage on the lot.  
184

185 **Crowley:** There are no drainage issues. It’s hard, dry fill land. The amount  
186 of runoff of the roof is insignificant, and this area was impervious anyway, so  
187 it won’t accelerate any flow anywhere. The site works as it is. The water  
188 drains well, they don’t have washouts there, and the road does not wash out.  
189 We know that the site works. Not certain what the best way to go through  
190 the Standards is. Perhaps group them?  
191

192 **Approval Standards and Criteria:**  
193

194 **Section 11.1 Utilization of the Site**

195 **Lyman: Finding:** The site has no impact on the Standards because there is  
196 no change to the existing plan. The site is already built.  
197

200 **Crowley: Second.**  
201 **Vote: 3-0 in favor.**

202  
203 **Section 11.2 Traffic Access and Parking**

204 **Lyman: Finding:** The site has no impact on the Standards because there is  
205 no change to the existing plan. The site is already built.

206 **Crowley: Second.**  
207 **Vote: 3-0 in favor.**

208  
209 **Section 11.3 Stormwater Management**

210 **Lyman: Motion:** The site has no impact on the Standards because there is  
211 no change to the existing plan. The existing plan works for Stormwater  
212 management and this small building will have no impact.

213 **Crowley: Second.**  
214 **Vote: 3-0 in favor.**

215  
216 **Section 11.4 Erosion Control**

217 **Lyman: Motion:** Meets the standards of Section 11.4; has no impact on the  
218 standards because there is no change in the plan.

219 **Crockett: Second**  
220 **Vote: 3-0 in favor.**

221  
222 **Section 11.5 Water Supply Provisions**

223 **Lyman: Motion:** Meets the standards of Section 11.5; has no impact on the  
224 standards because it does not affect the water supply.

225 **Crockett: Second.**  
226 **Vote 3-0 in favor.**

227 **3-0**  
228

229 **Section 11.6 Sewage Disposal**

230 **Lyman: Motion:** Meets the standards of Section 11.6; has no impact on the  
231 standards because it does not affect sewage disposal.

232 **Crockett: Second.**  
233 **Vote 3-0 in favor.**

234 **3-0**  
235

236 **Section 11.7 Utilities**

237 **Lyman: Motion:** Meets the standards of Section 11.7 and has no impact on  
238 the standards because the utilities will not be changed.

239 **Crowley: Second.**  
240 **Vote 3-0 in favor.**

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242 **Section 11.8 Natural Features**

243 **Lyman: Motion:** Meets the standards of Section 11.8 and has no impact on  
244 the standards because it does not affect the natural features.

245 **Crowley: Second.**  
246 **Vote 3-0 in favor.**

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250 **Section 11.9 Groundwater Protection**  
251 **Lyman: Motion:** Meets the standards of Section 11.9; has no impact on the  
252 standards because it does not affect the groundwater protection.  
253 **Crowley: Second.**  
254 **Vote 3-0 in favor.**  
255  
256 **Section 11.10 Hazardous Materials**  
257 **Lyman: Motion:** Meets the standards of Section 11.10; has no impact on  
258 the standards because there will not be hazardous materials.  
259 **Crowley: Second.**  
260 **Vote 3-0 in favor.**  
261  
262 **Section 11.11 Shoreland Relationship**  
263 **Lyman: Motion:** Meets the standards of Section 11.11; has no impact on  
264 the standards because it is not in a Shoreland zone.  
265 **Crowley: Second.**  
266 **Vote 3-0 in favor.**  
267  
268 **Section 11.12 Solid Waste Management**  
269 **Lyman: Motion:** Meets the standards of Section 11.12; has no impact on  
270 the standards because it does not impact the Solid Waste Management plan  
271 of the property already in place.  
272 **Crowley: Second.**  
273 **Vote 3-0 in favor.**  
274  
275 **Section 11.13 Historic and Archeological Resources**  
276 **Lyman: Motion:** Meets the standards of Section 11.13; has no impact on  
277 the standards because there are no known historic or archeological resources  
278 on the property.  
279 **Crowley: Second.**  
280 **Vote 3-0 in favor.**  
281  
282 **11.14 Floodplain Management**  
283 **Lyman: Motion:** Meets the standards of Section 11.14; has no impact on  
284 the standards because the site is not in a floodplain.  
285 **Crowley: Second.**  
286 **Vote 3-0 in favor.**  
287  
288 **11.15 Fire Protection**  
289 **Lyman: Motion:** Meets the standards of Section 11.15; has no impact on  
290 the standards because of this change. The Applicant has a fire pond.  
291 **Crowley: Second.**  
292 **Vote 3-0 in favor.**  
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299 **Section 12 Good Neighbor Standards**  
300 **12.1 Exterior Lighting**  
301 **Lyman: Motion:** Meets the standards of Section 12.1; has no impact on the  
302 standards because there will be no additional exterior lighting.  
303 **Crowley: Second.**  
304 **Vote 3-0 in favor.**  
305  
306 **12.2 Buffering,**  
307 **Lyman: Motion:** Meets the standards of Section 12.2; has no impact on the  
308 standards because it is an existing site. There aren't any neighbors close by.  
309 **Crowley: Second.**  
310 **Vote 3-0 in favor.**  
311  
312 **12.3 Noise**  
313 **Lyman: Motion:** Meets the standards of Section 12.3; has no impact on the  
314 standards because no noise is created from the addition.  
315 **Crowley: Second.**  
316 **Vote 3-0 in favor.**  
317  
318 **12.4 Storage of Materials**  
319 **Lyman: Motion:** Meets the standards of Section 12.4; has no impact on the  
320 standards because paint for retail sale is the only thing that will be stored in  
321 the new addition.  
322 **Crowley: Second.**  
323 **Vote 3-0 in favor.**  
324  
325 **Lyman: Motion:** The Good Neighbor Standards have not been impacted by  
326 this application.  
327 **Crowley: Second.**  
328 **Vote: 3-0 in favor.**  
329  
330 **Section 13 Design Standards**  
331  
332 **Lyman: Motion:** The site is already designed, the design is not changing,  
333 and there is no impact on any of the standards in Section 13.  
334 **Crowley: Second.**  
335 **Vote 3-0 in favor.**  
336  
337 **Lyman: Motion:** To approve this amendment for reasons stated in findings  
338 because it has minimal impact on the site as it now exists.  
339 **Crowley: Second.**  
340 **Vote: 3-0 in favor.**  
341  
342 **Crowley:** Is this an amendment? It's the Applicant's first site plan. We are  
343 going to approve this topographic sketch and site plan as a final approved  
344 plan?  
345  
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348

349 **Therio:** It's an amendment to the existing site.

350

351 **Lyman:** We are approving the amendment and accepting the plan as is  
352 because it is grandfathered.

353

354 **Therio:** The ordinance does not delineate how to handle this. There is  
355 nothing that says the Applicant has to bring this plan to the Board. This is  
356 the first time Board has been approached like this for an existing site.

357

358 **Crowley:** It's the first time with anything this minor with an amended plan.  
359 Would we want to say that this is a grandfathered site that hasn't had  
360 commercial site review? Or, do we say, we are approving this site, then  
361 when he comes back he's doing an amendment to an approved site instead  
362 of making a change on a site that has not been reviewed. That's the  
363 distinction.

364

365 **Lyman:** What to do with a grandfathered site is not clear. We could review  
366 the whole thing as if it were a new plan.

367

368 **Therio:** That's not valid, because any one of these commercial activities  
369 could have valid function in their sites; they are grandfathered, because  
370 that's who they are.

371

372 **Crowley:** Agrees that it is grandfathered.

373

374 **Therio:** It's an amendment to an "as is" commercial site plan. The verbiage  
375 should delineate from a pre-existing site plan. You're only affecting what is  
376 new to the site. It's like the building code. If the existing building is not built  
377 to code, but there is an addition to the plan, the new part has to be built to  
378 code and the rest is forgiven.

379

380 **Lyman:** Standards can't be retroactively applied to existing sites.

381

382 **Lyman: Motion:** To approve this amendment to the existing grandfathered  
383 site.

384 **Crowley: Second.**

385 **Vote 3-0 in favor.**

386

387 **Lyman: Motion: To approve the minutes of February 29, 2012.**

388 **Crowley: Second:**

389 **Vote 3-0 in favor.**

390

391 **Crockett: Motion to adjourn.**

392 **Lyman: Second.**

393 **Vote 3-0 in favor.**

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399 Respectfully Submitted,

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401 L. Jaye Bell

402 Recording Secretary

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