

LINCOLNVILLE PLANNING BOARD  
MEETING MINUTES  
March 26, 2014

The Town of Lincolnville Planning Board convened on Wednesday, March 26, 2014, at 7:30 PM in the Town Office Meeting Room.

PRESENT: Chairman: Lois Lyman; Vice Chair Scott Crockett; Members and Shane Laprade; and CEO Frank Therio

ABSENT: Members Paul Crowley and Ben Hoops; Alternate Member Jay Foster

**SHORELAND ZONE PERMIT**

**1. New Single Family Dwelling**

**Michael Geisler: Map 12 Lot 64-A: 34 Griffin Road: Penobscot Bay**

Mr. Geisler represented himself before the Board seeking permission to construct a new residence within the 250' Shoreland zone of the bay. The CEO went over the criteria judged in a Shoreland application:

- The area of the lot within the shoreland zone is 55,000SF in area and he is allowed to cover 20% in impervious surface. The main residence will be only 1025SF -- he is not close to that 11,000SF limit
- There is an existing barn which is just outside the 15' foot side setback to the north and a shed near the barn that is within the side setback – all other setbacks including that from the centerline of the road (Route 1 is ¼ mile away) are easily met
- There is a buffer required by the deed along the southern boundary and he is outside that setback
- After consultation with the applicant CEO has determined that the house does not exceed the 32' height restriction which applies in the shoreland zone (height information has been added to a single copy of a revised Plan that is serving as the Plan under review). Height is determined by using the horizontal average of original grade. Mr. Geisler has explained the house will sit at grade. Mr. Therio would normally add the height of a foundation to the heights shown on the elevations supplied with the application. Those show the house at just under 32' in height. Now that he knows the foundation will be at grade level, Mr. Therio agrees the house meets the maximum height requirements
- Because the shore here is classified as Unstable Coastal Bluff, the 75' setback line begins at the top of the bluff and comes much further up into the property than it would if it were measured from the Mean High Water Line
- A portion of the residence and the garage will sit within the 250' zone but there will be no construction within the 75' setback

In this area of the bay, shore property is steep in grade and drains all of the inland areas upslope of the property – stormwater is a major problem for property owners along this part of the shore. Controlling this runoff is Mr. Therio's major concern and a focus of Mr. Geisler in developing this proposal with Gartley and Dorsky Engineering and Surveying engineers. Mr. Therio has reviewed the Site Plan prepared by Gartley and Dorsky (Plan C-1 dated February 5, 2014). He spoke with company representatives to discuss his concerns about stormwater:

- The water coming from the roof gutter system and the foundation drains both connect to a 6" line that comes to daylight closer to the shore at a retention pond with a riprap apron. Overflow would drain down the property to the shore over the bluff. Mr. Therio is concerned that heavy rains might result in some erosion on the downhill side of the retention pond – this would be reason to expand the capacity of the pond
- There is another 6" pipe coming to daylight a bit further from the bluff that is picking up stormwater at three points: a catch basin in the parking area at the bottom of the driveway; a catch basin connected to an under-drain on the uphill side of a retaining wall in front of the house; and a catch basin connected to a curtain drain at the top and uphill sides of the septic field (intended to decrease the flow of water over the field). There is also a rip-rap apron at this exit point. Mr. Therio is concerned that very heavy rains could result in erosion at this exit point as well and the rip rap may have to be fortified

Mr. Therio has done calculations and found that 1" of rain over the 1360SF roof surface will result in over 1600 gallons of water being sent to the pond. He estimates 500 gallons coming off the driveway in the same rain scenario. He has reservations that the capacity of the retention pond is sufficient to handle the roof, overflow from the catch basin drain that exits just uphill from this pond, and other stormwater draining over this property. The CEO will ask Mr. Geisler to monitor the pond's effectiveness for six months once it has been established to determine if additional controls are necessary – it may be necessary to enlarge the retention pond. The Applicant agreed to do so.

Discussion followed about more effective alternatives to the retention pond:

- Mr. Geisler asked about the overflow discharge pipes he sees on neighboring properties coming out of the bluff at the shore. Mr. Therio commented that less damaging run-off results from overflow systems because the oxygen-depleting nitrate levels are greatly decreased.
- Gartley and Dorsky could design the system which would require a DEP Permit-by-Rule. No Board review is required for this installation. The design will require someone who can do storm water calculations and design the make-up of the rip-rap to handle the flow – probably an engineer or Landscape Architect
- Mr. Geisler noted that a neighboring property along the shore had a newly installed overflow pipe coming from a retention pond and asked if that had required a permit. Mr. Therio was not aware of this work and will visit the site to assess compliance
- Mr. Therio recommended that Mr. Geisler go forward this evening and obtain Board approval for the plan as presented. If the design is enhanced later on with an overboard discharge system that will not require his returning for approval

The Plan reviewed consists of a revised C-1 dated February 21, 2014, (Site Plan) and C-2 dated February 5, 2014 (Civil Details) prepared by Gartley and Dorsky. The revised C-1 addresses the stormwater concerns expressed by Mr. Therio and shows the enlarged catch basins added to the design. New Buildings Elevations, EL-1, shows that the building meets the shoreland height restrictions. The septic system has been designed and is in place.

**MOTION by Ms. Lyman seconded by Mr. Laprade** that because the placement of the house within the Shoreland Zone as shown on Plan C-1 meets the required setbacks, and because changes

made at the request of the CEO will improve stormwater flow, the Board should approve this Application.

**VOTE: 4-0-0**

## MINUTES

November 13, 2013:

There is not a quorum of those present on 11/13 – review was deferred.

January 8, 2014:

Page 2 Line 38 now reads: “Mr. Therio and the Chair agreed that nothing...”

Page 5 Line 2: The word “byproducts” should be singular.

**MOTION by Ms. Lyman seconded by Mr. Laprade** to approve the Minutes of January 8, 2014, as amended.

**VOTE: 4-0-0**

### *Other Business*

#### 2. Other Meeting Agenda Items

2013-2014 Election of Officers

No action taken

#### 3. Annual Fees Review

The Board was given the schedule of Land Use and Development Fees approved by the Board of Selectmen in March of 2013. The CEO recommends that the Board consider adding a flat \$100 fee to *all* Shoreland applications that are to be heard by the Board. There is a great deal of work in preparing applicants for this review. Although there are fees for other applications heard by the Board like Site Plan Review and Subdivision, there is no fee at this time for any of the Shoreland applications.

The Board usually passes the fee schedule without changes, but discussed Mr. Therio’s suggestion for a flat fee for Shoreland applications: Ms. Lyman realizes there is a great deal of work involved in processing these applications for review but is not sure that a \$100 flat fee would be fair to everyone because some of the project requiring review are quite minor in scope – a deck addition for example. Mr. Laprade noted there is already a flat fee for excavation within the Shoreland. He would like more discussion on the ramifications of adding these fees before making any changes. The Chair agreed and suggested discussing the schedule with the CEO in the future.

**MOTION by Mr. Laprade seconded by Mr. Crockett** to approve the current fee schedule without any modifications.

**VOTE: 4-0-0**

#### 4. Other Training Opportunities

FEMA is holding hearings in Belfast on the proposed changes to the regional Flood Insurance Rating Maps. There will copies in the Town Office available for review.

There being no further business before the Board they adjourned at 8:00 pm.

Respectfully Submitted,

Jeanne Hollingsworth, Recording Secretary