

**LINCOLNVILLE PLANNING BOARD
MINUTES OF MEETING
October 14, 2015**

PRESENT: Chair Ron Moran; Member Scott Harrison; Alternate Member Jay Foster; and CEO Frank Therio

ABSENT: Members Dorothy Havey, John Ianelli and Robert Bickford; Alternate Member Mark Thurlow

The meeting of the Planning Board convened at 7:00 pm. These minutes are a summary of the Board's discussions and were transcribed from a taped recording of the meeting. A video record of this meeting is not available.

The Chair appointed Mr. Foster to serve as a full member for the evening's business.

**1. SHORELAND APPLICATION: Demolish and Rebuild Non-conforming Camp
Tom and Nancy Ford: Map 3 Lot 13: 22 Billings Point Road**

SITE WALK: The three members voting on the Application had all been present at the Site Walk earlier in the day. The Minutes of the Site Walk were reviewed, amended and accepted:

Discussion: The Minutes of the Site Walk Minutes incorrectly characterized the expansion footprint of the replacement camp as coming no closer to the existing septic field; the replacement *will* come closer to the toe of the slope and the tank than the existing situation. The CEO noted that Mr. Ford may have to either adjust the plans or move the septic tank because a new building can come no closer [to the toe] than the existing without creating the risk of damaging the current system. If he can find no other solution, Mr. Ford stated that he is willing to move the tank.

The Recording Secretary will revise the Minutes to clarify this discussion.

MOTION by Mr. Foster seconded by Mr. Harrison to approve the Minutes of the Ford Sitewalk as amended.

VOTE: 3-0-0

SECTION 12 SECTION C. Nonconforming Structures:

The Application under review consists of the following documents:

Submission Packet dated September 16, 2015:

A 1-2: Land Use Application

B: Site Location Map

C: Site Plan showing existing and proposed structures

D 1-3: Existing Camp: Photos, Floor Area and Volume Calculations

E: Proposed Camp: Floor Plan

F: Proposed Camp: Elevations

G: Proposed Camp: Area and Volume Calculations compared to existing

H: Section 21 (D) - Narrative

I: DEP Permit-by-Rule

J: Subsurface Wastewater Plan and approvals

K: Lincolnville Tax Bill: Proof of ownership to show standing

Mr. Ford provided the following information:

- The new frost wall and footings will be poured concrete and the resulting 5' 11" high "crawl space" will be enclosed
- Mr. Ford intends to raise the camp in elevation the 3' permitted by the Ordinance. He will not blast if he runs into ledge. In that case, the foundation will conform to the grade
- They will not be adding gutters to the new roof, but the Fords will install rip-rap and/or a retention pond to catch run-off from the larger roof surface along its length
- According to the CEO, the Fords can apply for a Permit-by-Rule to install a 3'- 4' stone wall between the camp and the shore and backfill it to create a retention wall to decrease the slope and further slow the sheeting of water from the house site toward the pond. Mr. Therio also added that he will check the site a few months after the area has been stabilized to see if there are any issues with drainage patterns resulting from the construction that require mitigation

The Board proceeded to Section 12 C. Non-Conforming Structures: 3. Reconstruction or Replacement:

FINDING 1: There is no other suitable location on the lot that could serve as an alternative location for the new structure: The area directly behind the camp is taken by the septic field and tank; moving the structure to the left (facing the water) would create a non-conforming side setback; the disturbance of previously undisturbed soils; the loss of even more trees; and the relocation of an established seasonal water supply line.

FINDING 2: A Deed has been provided showing that the property in question, located at Map 3 Lot 15, 22 Billings Point Road, in Lincolnville, is owned by Tom and Nancy Ford; they have established standing to make this Application.

FINDING 3: The Applicants own a seasonal camp on Norton Pond which is located within the Shoreland Zone 100' setback. A permit is required to demolish the existing structure and replace it with a new seasonal camp within the Shoreland Zone because more than 50% of the market value of the property is being removed.

Article 12 Section

Reconstruction or Replacement:

A structure which is located less than the required setback ... which is removed by more than 50% of the market value ... may be reconstructed provided that:

1) Permission is obtained within 18 months of the date of removal; *N/A: The structure has not been removed*

2) The reconstruction is in compliance with the setback to the greatest practical extent per 12(C)(2): In determining whether the building meets the setback to the greatest practical extent, the PB made the following Findings of Facts required by the Ordinance:

i) *The size of the lot:* FACT: The lot is 50' x 100' or 5000SF

ii) *The slope of the land:* FACT: There is a 6% - 7% grade from the road to the shore with the steepest grade at the road boundary in toward the existing cottage.

iii) *The potential for soil erosion:* FACTS: There will be more water running off the site than presently occurs because of the increased impervious surface from the larger roof and increased footprint of building; the lay of the land from the road toward the shore currently directs water to the sides of the lot and that grade will not change; new erosion controls (rip rap, possible retention pond and/or retention wall) will be installed to mitigate the increased flow; and Best Management Practices will be followed during construction. The CEO notified the Fords that any soil excavated for the new foundation must be stockpiled on the road side of the excavation. Mr. Ford replied that there will be no stockpiling of soil on the lot.

iv) *The location of other structures on the lot and on adjacent properties:* FACTS: There is an existing tool shed that will remain in place; Neighboring structures are well away from the boundary lines on each side; The existing cottage is outside of the setback on the right side (facing the water) and 7' from the boundary on the other - they hope to gain 3' toward compliance on that side with the new construction; There is an above ground water-line serving an across-the-road neighbor running close by the cottage on the right side to a pump-house that sits on the Ford's property at the shore. There is no deed referencing an easement for this line, but the Ford's do not intend to make any changes that would impact the neighbor. Both neighbors have been noticed but neither have commented, and neither are at this meeting.

v) *The location of the septic system and any other potential locations for septic:* FACT: The Fords have an approved design for a new septic, and will attempt to relocate the existing tank further away from the proposed cottage.

vi) *The type and amount of vegetation to be removed* (If vegetation is removed the re-plantings must comply with 12 (C)(a) and (b): FACT: Three trees will be removed: New trees will be replanted close to the current location - or closer to the water if possible - to recreate the canopy that has been lost.

FACT: The computation of the expansion figures for square footage and volume provided by Mr. Ford at submission D3 have been verified by Mr. Therio, and have been found to comply with the limits of expansion allowed by the Ordinance at 12 (C) (1).

MOTION by Mr. Foster seconded by Mr. Harrison that based on the Facts and discussion with the Applicant, the Board finds that a permit for a reconstructed building can be issued.

VOTE: 3-0-0

2. MINUTES: August 26, 2015

MOTION by Mr. Foster seconded by Mr. Harrison that the Minutes of August 26, 2015, be approved as amended.

VOTE: 3-0-0

3. UPCOMING MEETINGS: October 21, 2015: Harbour Pointe Subdivision Sitewalk - 4:30; October 28, 2015: Workshop for new Board members

There being no further business before the Board they adjourned at 9:15pm

Respectfully submitted, Jeanne Hollingsworth, Recording Secretary