

Town of Lincolnville  
Planning Board Meeting Minutes  
March 10, 2021  
7:00 pm

1. Call to order: The meeting of the Planning Board convened at 7:01 pm. The meeting was held remotely with a video of the meeting available at the office.

Members present: ◇ Elizabeth Eudy, Chair	Others: CEO Frank Therio
◇ Sandy Delano, Vice-Chair	Scott Harrison
◇ Dick Vermeulen	Richard McLaughlin
◇ Janis Kay	Nancy Weser, Scribe
◇ Jay Foster, Alternate	
◇ Bill Norfleet, Alternate	

Scott Harrison as a presenter, not a voting board member for the first agenda item. Chair Eudy opened the meeting suggesting the approval of older minutes being approved at the end of the meeting. Chair Eudy asked that J. Foster & Bill Norfleet participant in the meeting but only one Alternate was needed to vote. B. Norfleet would be the voting member. Votes will be as roll call. S. Harrison stated he would like to stay for the second half of the meeting and resume his voting status.

Last meeting S. Harrison requested from the Board to have a commercial site plan of record. The Board went through the Submissions Requirements from Section 10, tonight the Board will address the Standards of Sections; 11, 12, 13.

CEO Therio stated that applicant Harrison came into the office and addressed the issues of the existing plat plan and that the CEO heard from the DOT on the recertification concerning the egress driveway from the Duck Trap Motel onto to RT 1. CEO Therio contacted the Town Attorney Sally Daggett, he asked, "Should the Board sign on the first plan showing the existing site as it is?"

Attorney Daggett's response: "Planning Board should not sign the existing conditions plan; the Town just wants documentation of the existing conditions, but it does not want to turn that into a site plan (and existing conditions would likely not meet current site plan review standards)." In other words what if there was no amendment to be submitted just a commercial site plan to have on record of the existing site? "No, again, the Town just wants documentation of the existing conditions. Anything new is what requires site plan review and approval."

S. Harrison believes this is the best course of action to receive a permit for the proposed screened porch and finalize a commercial site plan of record. J. Foster mentioned after the review of the standards, address the amendment under Section 18 Amendments to approved plans.

Addressing 11.1 Utilization of the Site. J. Foster as a participant stated this was an existing motel, twenty year ownership with no changes, and no issues from the Town. Vice-Chair Delano made a motion that 11.1, a. meets the criteria of the standards, seconded by D. Vermeulen. Motion passed a vote of 5, 0 opposed.

11. b. The plat plan map with contours show no wetlands, environmentally sensitive areas, plants & animals.

Vice-Chair made a motion that 11.1b as non-applicable, seconded by D. Vermeulen. Motion passed by a vote of 5, 0 opposed.

11.2 Traffic Access & Parking. DOT was notified and owner Harrison has a current recertification on the egress driveway onto Rt. 1. Vice- Chair Delano made a motion that from the information submitted 11.2 meets the criteria, seconded by D. Vermeulen. Motion passed by a vote of 5, 0 opposed.

11.3 Storm Water Management. Information from Exhibit C-1 that was submitted shows the adequate provisions for standard 11.3. Vice-Chair Delano made a motion that 11.3 meets the criteria of the Standard, seconded by J. Kay. Motion passed by vote of 5, 0 opposed.

11.4 Erosion Control. The existence of the buildings, parking lots, driveways and natural vegetation are in a mature state, no development planned. Vice-Chair Delano made a motion that 11.4 meets the criteria of the Standard, seconded by J. Kay.

11.5 Water Supply Provisions. Determined by the Board the Lincolnville fire Dept. has several tanker trucks that can be dispensed for fires. Owner Harrison stated each unit has a working extinguisher. Vice-Chair Delano made a motion 11.5.meets the criteria of the standard, seconded by J. Kay. Motion passed by a vote of 5, 0 opposed.

11.6 Sewage/ Wastewater Disposal. Owner Harrison stated Interstate Septic CO. is under contract to manage the system and remove sewage. Interstate told S. Harrison the sewer system is larger than necessary. The leech field is on the C-1 plan. Vice-Chair Delano made a motion 11.6 meets the criteria of the Standard, seconded by J. Kay. Motion passed by a vote of 5, 0 opposed.

11.7 Utilities. No change of existing electrical, telephone and telecommunication. Vice-Chair Delano made a motion 11.7 meets the criteria of the standard, seconded by J. Kay. Motion passed by vote of 5, 0 opposed.

11.8 Natural Features. No plans to disrupt the existing landscape. Vice-Chair made a motion 11.8 meets the criteria of the standard, seconded by J. Kay. Motion passed by vote of 5, 0 opposed.

11.9 Groundwater Protection. Existing site. Vice-Chair Delano made a motion that 11.9 ( 1.2.3) a grandfathered site meets the criteria of the standard, seconded by J. Kay. Motion passed by vote of 5, 0 opposed.

11.10 Hazardous, Special and Radioactive Materials. Vice-Chair Delano deemed 11.10 as non-applicable to this application, seconded by J. Kay. Motion passed by vote of 5, 0 opposed.

11.11 Shoreland Relationship. Site isn't in shoreland. Vice-Chair Delano made a motion that there is no shoreland connected to this site, 11.11 deemed non-applicable, seconded by J.

Kay. Motion passed by a vote of 5, 0 opposed.

11.12 Solid Waste Management. S. Harrison stated he removes all the waste to the Transfer Station. Vice-Chair Delano made a motion that 11.12 has been satisfied by the statement from the owner, seconded by J. Kay. Motion passed by a vote of 5, 0 opposed.

11.13 Historic & Archaeological Resources. B. Norfleet made a motion that the existing site has no historic or archaeological resources, 11.13 is deemed non-applicable, seconded by Vice-Chair Delano. Motion passed by a vote of 5, 0 opposed.

11.14 Floodplain Management. Vice-Chair Delano moved that 11.14 is non-applicable due to not being in a flood zone. Motion passed by a vote of 5, 0 opposed.

11.15 General Fire Protection Provisions. No security gates, no obstruction hampering entrance and exiting of fire trucks and personnel. Fire Dept. checks out business each year. Open space for turning trucks & equipment. Vice-Chair Delano made a motion that 11.15 meets the criteria of the standard, seconded by J. Kay. Motion passed by a vote of 5, 0 opposed.

12. Good Neighbor Standards.

12.1 Exterior Lighting. S. Harrison told the Board the only additional lighting will be a light on the proposed covered screened porch. All other lighting on the grounds has been there for many years. Vice-Chair Delano made a motion 12.1 meets the criteria of the standard, seconded by J. Kay. Motion passed by a vote of 5, 0 opposed.

12.2 Buffering. S. Harrison stated there is no plans for adding any new landscaping, trees, structures that would impede visual screen of the existing site, nothing is to change. Vice-Delano made a motion 12.2 is satisfied, seconded by J. Kay. Motion passed by a vote 5, 0 opposed.

12.3 Noise. Vice-Chair moved that 12.3 is non-applicable, seconded by J. Kay. Motion passed by a vote of 5, 0 opposed.

12.4 Storage of Materials. Vice-Chair Delano made a motion Exhibit C-1, the plat plan meets the criteria of 12.4, seconded by J. Kay. Motion passed by vote of 5, 0 opposed.

13. Design Standards.

13.1 Landscaping. The existing design is on the plat plan. Vice-Chair Delano made a motion 13.1 satisfies the criteria of the standard, seconded by B. Norfleet. Motion passed by a vote of 5, 0 opposed.

13.2 Business signs. One sign on the plat plan, Town approved. Vice-Chair Delano made a motion 13.2 satisfies the criteria of the standard, seconded by J. Kay. Motion passed by a vote of 5, 0 opposed.

13.3 Roadside and Parking Lot Buffers. S. Harrison stated that the roadside and parking lot buffers have been in existence for seventeen years at least. Vice-Chair Delano made a motion 13.3 meets the criteria of the standard, seconded by J. Kay. Motion passed by a vote of 5.

13.4 Site Considerations. A. Setback & Alignment of Buildings  
B. Building Orientation  
C. Building Scale  
D. Parking Lot Placement

Exhibit C-1 expressed A-D. Vice-Chair Delano made a motion 13.4 meets the criteria of the standard, seconded by J. Kay. Motion passed by a vote of 5. 0 opposed.

13.5 Canopies & Drive- Through Facilities. J. Foster stated from the standard, canopy applies to the amendment, S. Harrison is requesting under 13.1 Site Conditions. S. Harrison told the Board the roof would not exceed the 600 square area. There is an existing deck that the proposed screen porch will be erected upon. Vice-Chair Delano made a motion 13.5 meets the criteria of the standard, seconded by J. Kay. Motion passed by a vote of 5, 0 opposed.

13.6 View Protection

13.7 Ridgeline Protection

13.8 Hillside Development

13.9 Shoreland Development, all Standards were deemed non-applicable to this application.

Vice-Chair Delano made a motion to approve the plan which met the requirements of the ordinances, seconded by J. Kay. Motion passed by a vote 5, 0 opposed. The Commercial Site Plan of record has been approved, the Board moved to the amendment. Under Section 18 amendments to approved plans.

Vice-Chair made a motion to approve the amendment, seconded by J. Kay. Motion passed by a vote of 5, 0 opposed.

S. Harrison board member resumed his capacity as a voting member for the second half of the meeting.

Agenda 2.

Lobster Pound Takeout

Owner: Richard McLaughlin

Map 1 Lot 87

12 McKay Rd

Project description for an extension of existing canopy

Reference: Section 18, subsection 18 Commercial Site Plan ordinance.

Exhibits: a. Commercial site Plan Review Application

b. List of Abutters within 500 feet of site

c. Department of Transportation/ Right of Way Map dated January 2005

- d. Approved Plat Plan dated 12/28/2005
  - ii. Existing canopy and the proposed extension dated 4/12/2017
- e. map with red highlight depicting the MDOT parking lot
- f. Project Narrative letter
- g. Need for project letter
- h. Lincolnville Land Use Ordinance Section 12, B. 4

Mr. McLaughlin presented his request to the Board on extending the existing canopy to an additional 30x30 feet. His reasoning was due in part because of what the Covid 19 has impaired the restaurant businesses of Maine. The restrictions have altered the business and Mr. McLaughlin is doing his best to find a way around to bring back the business that he lost this past year but being aware of the possibility of the restrictions for this summer season as well. The 30x 30 would increase the impervious surface by 900+ sq. feet. Crushed stone would replace the existing grass underneath the proposed extension. He contends that the loss of vegetated space can be mitigated in consideration of section 12, B4. He has submitted a map detailing the amount of land the MDOT used for the parking lot. 14,639 sq. feet of Map1 Lot 87 was owned by McLaughlin, MDOT by eminent domain took the square footage. His business has continued with the good neighbor policy by constructing a 320 sea wall, to stop erosion from high rising sea levels, part of the beach for public use and offering a seasonal business adjacent to recreational facilities.

After a lengthy discussion, CEO Therio, reminding the board its Shoreland and the 900sq. ft. needs to be mitigated. The conclusion was, for the CEO to call the DEP and list the reasons for the extension and get the Department's opinion or recommendations for the proposed project. Mr. McLaughlin doesn't have any property left to mitigate thanks to the DOT taking his land. The Board will wait to receive comment from the MDOT before they make final decision on the proposed project. J. Kay made a motion to table this application, seconded by Vice-Chair Delano. Motion passed by a vote of 5, 0 opposed.

Review of Meeting Minutes; December 30, 2020. Vice-Chair Delano moved to approve the minutes of 12/30/20 with two corrections at the March 10, 2021 meeting. Motion passed by a vote of 6.

February 24, 2021. Vice-Chair Delano made a motion to approve the meeting minutes of February 24, 2021 with two corrections at the March 10, 2021 meeting, seconded by D. Vermeulen. Motion passed by a vote of 4, 2 abstained, 0 opposed.

Next meeting March 31, 2021

Vice-Chair Delano made a motion to adjourn the meeting at 8:45, seconded by J. Kay. Motion passed by a vote of 7.

Respectfully submitted,

Nancy Weser, Scribe

Chair Eudy made a motion to approve the Meeting Minutes of March 10, 2021 as presented,

seconded by Vice-Chair Delano on March 31, 2021. Motion passed by a roll call vote of 5, 0 opposed.