

Town of Lincolnville
Planning Board Meeting Minutes
April 28, 2021
7:00 PM

1. Call to order: The meeting of the Planning Board convened at 7:00 pm. The meeting was held remotely with a video of the meeting available at the office.

Members: ◇ Sandy Delano, Vice-Chair Others: CEO Frank Therio
 ◇ Scott Harrison Amber Hanson, James & Sarah Nelson
 ◇ Dick Vermeulen
 ◇ Janis Kay/present but with computer difficulties
 ◇ Bill Norfleet, alternate
 ◇ Jay Foster, alternate

Absent: Elizabeth Eudy, Chair

Vice-Chair Delano welcomed all to the Planning Board meeting. Vice-Chair made a motion to have alternate Foster as the facilitator for the meeting and alternate B. Norfleet as a voting member, seconded by D. Vermeulen. Motion passed by a vote 4, 0 opposed. J. Foster began by asking the Board's approval to change agenda item 3 to 1. Motion by S. Harrison to approve the changes in the agenda, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

3. Application: Additions to a non-conforming camp

Location: 10 Loon Cry Lane
 Map 3 Lot 33
Owners: James & Sarah Nelson
 PO Box 174
 Searsmont, Maine 04973

Reference: Section C.c of the LUO.

Exhibits: 1. Land Use Application

2. Sketch plan
3. Diagram of the sq. footage & elevation (1046.55)
4. Sunsite Design, drawing of the camp design
5. Copies of the subsurface wastewater disposal system application
6. Subsurface wastewater disposal system variance request (James Marple, Lic.)
7. Form with additional information about system & HHE -200 Form

Proposed project: Add a 6 foot concrete foundation, raise the roof to conform to the 20 foot height limit, move the camp back 9 feet to accommodate a 8'x 4' x 27'x4' deck.

Contractor will be Brothers in Arms masonry.

CEO Therio gave the Board the breakdown in the square footage from the application, the applicant is in compliance.

Discussion on section C. c, with the new proposed foundation. Setback requirement to meet the greatest practical extent as determined by the PB. There was a question on the side setback in the drawing. S. Harrison said that he didn't see anything that could prohibit this proposal to be achieved. B. Norfleet agreed. S. Harrison made a motion the Board accept and approve the

application, contingent on a new drawing with the re-alignment of the right side setback of the deck to be in compliance within the section C.c. (page 5), seconded by Vice-Chair Delano. Motion passed by a roll call vote of 4, 0 opposed.

2. Agenda: Shoreland Zoning application

Owners: Alexander & Kathryn Cohen

Will Gartley, from Gartley & Dorsky was to present

CEO Therio received word that the applicants weren't ready to come to the Board meeting.

Review at a later date.

1. Commercial Site Plan; Guns & Roses/ proposed firearm dealer

Location: 55 Vancycle Rd

Map 32 Lot 122

Owner: Garo Armen

Amber Hanson will be presenting.

Reference: Commercial Site Plan Ordinance Section 18: subsection 11

This application was presented to the PB on November 12, 2020, the Board deemed this Application complete contingent on the abutters' letters and any responses from the abutters. J. Foster made a motion that the Board finds the preliminary submissions as complete with dated receipt certified letters, seconded by S. Harrison. Motion passed by a vote of 5, 0 opposed.

On December 9, 2020 the Board reviewed the application from Garo Armen. Reference Section 18 subsections, 11, 12, & 13, Standards and Criteria. Board did ask if the certified letters were sent out. All the standards were approved for the overall purpose of the application. CEO Therio is to receive a copy of the Fire Marshall response and all certified abutter letters.

On March 3, 2021, CEO Therio was informed from the Board of Appeals a decision was made concerning this application. The complaint came from an abutter who stated they were never notified of this application. The Board of Appeals found applicant in violation of Section 18 subsection 7.3.b

April 28, 2021 CEO Therio was asked by the Board that eight copies of the letter from the Board of Appeals be distributed amongst the Board. CEO Therio is to check to see if Garo Armen received the Board of Appeals decision. J. Foster's opinion is to review the application completely, Vice-Chair Delano agreed. B. Norfleet asked Amber Hanson has all the abutter letters been sent and returned. A. Hanson tried to explain the process she encountered in Lexington MA USPO. Unfortunately, all that was produced was a list of tracking numbers, no sure proof in compliance with Ordinance 7.3 b.

"Applicant shall give written notice of date, time and place meeting to abutting property owners and anyone within five hundred (500 ft.) of the property as shown on the most recent tax records, and parties who have filed notice of interest. Notice shall be by certified mail,

return receipt requested. Applicant shall provide as evidence of said mailing the receipts to the CEO. This notice shall indicate the time, date, and place of the Planning Board consideration of the application. The review will not take place until this requirement is met.”

The Board decided to review Section 18 subsection 10. 1 to determine which information will be required in the new application and those requirements that can be waived.

10.2 a.,b.,c.,d.,e.,f.,g.,h.,i.,j can be waived.

10.3 a., b., c., d., g., h., i., k., can be waived
e., f., j., l. required

10.4 a., b., d., e., g., l. can be waived
c., f., h.,i., k., m. required.

J. Foster made a motion the PB accepts that the application needs those requirements in the new application, seconded by D. Vermeulen. Motion passed by roll call vote of 4, 0 opposed. J. Foster expressed to those who were listening and watching the meeting, that due to the interest this application has generated, a public hearing will be prudent. The Planning Board must cover the LUO Town Ordinances and make their decision, on all the information which the ordinance is requiring for that application. The PB can't say NO to the application if everything is in compliance. The LUO was voted on by the Town residences. The PB must follow it as written.

Next meeting a vote to have a public hearing will be needed. If a Public Hearing, 3 minute limit to comments and they must be pertinent to the ordinance.

Review of Meeting Minutes April 14, 2021. S. Harrison made a motion to accept the minutes as written, seconded by B. Norfleet. Motion passed by a roll call vote of 4, 0 opposed at the April 28, 2021 meeting.

Motion so moved to adjourn the meeting at 8:10 pm. Motion passed by a vote of 5, 0 opposed.

Respectfully submitted,
Nancy Weser, Scribe

S. Harrison made a motion to approve the minutes of April 28, 2021 as amended, seconded by Vice-Chair Delano.

Motion passed by a roll call vote of 6, 0 opposed at the May 12, 2021 meeting.