

Town of Lincolnville
Planning Board Meeting Minutes
August 25, 2021
6:00pm

SITE WALK: Location 173 Marriners Drive

Map 2 Lot 6

Members present: Jay Foster, alternate	Others: CEO Frank Therio
Dick Vermeulen	Will Gartley & Jim Dorsky
Janis Kay	John Cunningham, Esq.
Bill Norfleet, alternate	Sally Daggett, Town Esq.
Scribe: Nancy Weser	Cohen family

At 6:15, the PB looked over the entire site. Will Gartley conveyed information to the PB on what would be proposed in the application. The original camp was 7.3 feet from the lake shoreline. The proposed plan is to move it back three more feet. There is an existing septic system. The application states that the lot is 100ft by 100ft., with a right-a-way from the upper lot. A question was raised by the PB about the upper lot next to Marriners Drive, who owns the upper lot. Completing the inspection of the site, the PB returned to the Town Office to resume the meeting at 7:00pm.

Call to order: The meeting of the Lincolnville Planning Board convened at 7:00 pm. These Minutes are a summary of the Board's discussions. A video recording of this meeting is available at the Town Office.

Members present: ◇ Jay Foster, alternate	Others: CEO Frank Therio
◇ Bill Norfleet, alternate	Will Gartley & Jim Dorsky
◇ Janis Kay	John Cunningham, Esq.
◇ Dick Vermeulen	Sally Daggett, Town Esq.
	Alex & Kathryn Cohen & family
	Nancy Weser, Scribe

Absent: Elizabeth Eudy, Chair
Sandy Delano, Vice-Chair
Scott Harrison

Agenda: Proposed to reconstruct the recently demolished residential building & deck and move it back from the pond at the greatest practical extent.

Location: 173 Marriners Drive

Map 2 Lot 6

Owners: Alex and Kathryn Cohen

References: Section 12 Non-Conformance

12(C) 1, 12 (C) (1) (a)

Will Gartley presenting

- 47 Exhibits: Submission List dated March 22, 2021
48 1. Cover Letter
49 2. Land Use Application
50 3. Abutters Map - March 18, 2021
51 4. Letters from Abutters – March 19, 2021
52 5. Warranty Deed Book 3838, Page 250 - February 27, 2013
53 6. Title Research Letter, from Katherine Gibson (Camden Law) -March 22, 2021
54 7. Town of Lincolnville Tax Map 2 – April 1, 2020
55 8. Site Photographs – March 22, 2021
56 9. Architectural Plans, by Scholz & Barclay Architecture – December 13, 2017
57 10. Site Plan C1 – March 19, 2021
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60 Jay Foster opened the meeting by welcoming all who were present. He requested those who
61 would speak during the meeting to come to the podium and speak into the microphone. There
62 were two items that Jay Foster needed to complete before the meeting could continue. First item
63 of business was the appointment of Jay Foster as the facilitator for the meeting. J. Kay made a
64 motion that the PB appoint J. Foster as the facilitator for meeting, seconded by D. Vermeulen.
65 Motion passed by a vote of 4. Bill Norfleet as an alternate will participate and vote during the
66 meeting, which makes the quorum for the evening. Second item was the letter from the Chair
67 Elizabeth Eudy. J. Foster read the letter from the Chair and requested the letter be added into the
68 record.

69 *Letter from Elizabeth Eudy to Lincolnville Planning Board*
70 *RE: Cohen Case, 25 August 2021*
71 *August 23, 2021*

72 *For the record, please include this letter in the file for case to reviewed at the Planning Board meeting August 25*
73 *and regarding the Marriner's Drive camp belonging to Alex and Kate Cohen.*

74 *As referenced in my email dated 16 April 2021 to the Planning Board, I believe it in everyone's best interest if I*
75 *recuse myself from any proceedings involving the Cohens and their property on Marriner's Drive. I am concerned*
76 *that a phone conversation I had with the Cohens after the Board meeting of December 30, 2020 and my empathy*
77 *and desire to be of help, may have been misinterpreted as bias in the case.*

78 *Also, please know that I had, several months ago, informed the Board and Mr. Therio that should there be any cases*
79 *scheduled for August 25, I would not be available to participate due to a previous commitment. Of course, the*
80 *Cohen case was not scheduled for that date until only recently. Jay Foster has agreed to act as facilitator for the*
81 *evening.*

82 *Exhibits submitted: 1. Email on January 7 2021, between Chair Eudy and Cohens*
83 *2. Email on January 7, 2021 between Kate Cohen and Chair Eudy*
84 *3. Email on January 5, 2021 between Kate Cohen and Ken Holt*
85 *4. Email on January 8, 2021 between Alex Cohen and Chair Eudy*
86 *5. Email on April 16, 2021 Chair Eudy and the Planning Board*

87 J. Foster gave a background on the time sequences of this application starting with the meeting
88 minutes of April 25, 2018. First speaker was the attorney for the Cohens, John Cunningham. A
89 Title attorney who at great length tried to explain about Maine history with Titles and the many
90 errors that occur. He gave examples of the different deeds, iron bolts that come up missing in
91 reading the survey boundaries and human errors with Realtors, tax accessors, town maps and
92 owners of the properties not being aware of what their deed states. Regardless, he couldn't
93 inform the PB that the Cohens owned the lot behind lot 6. Will Gartley stated that a survey
94 wasn't going to be done but after the demolition of the existing camp, he asked his partner Jim
95 Dorsky to do an in depth survey of the lot. The original deed goes back to 1947 and the property

96 has had several owners. Due to the uncertainty, Attorney Daggett would like legal letters from
97 Surveyor Dorsky and Attorney Cunningham to be submitted for her review. Attorney Daggett
98 stated this issue appears to have two distinct problems of which the Planning Board can't
99 approve the application as written. Once reviewed, Attorney Daggett will give the PB something
100 vital to move forth on this application. The Board gave the CEO Therio authorization to contact
101 Colin Clark from the DEP, to receive the States technical review on the site area. J. Foster for the
102 benefit of the Planning Board read from Title38, 12.- Non-Conformance (C) 4.- Reconstruction
103 or Replacement. From the ordinance read, the PB can't make a determination at this meeting.
104 Janis Kay made a motion to reschedule the application, wait to receive a legal determination
105 from the Town Attorney Sally Daggett and/or a legal boundary. Seconded by Dick Vermeulen.
106 Motion passed by a vote of 4, 0 opposed.

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109 Review of Minutes: Janis Kay made a motion to approve the minutes as written, seconded by Jay
110 Foster. Motion passed by a vote of 4, 0 opposed.

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114 Adjournment: J. Foster made a motion to adjourn the meeting at 8:20, unanimously approved.

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117 Respectfully submitted,
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119 Nancy Weser, Planning Board Scribe

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121
122 DRAFT