TOWN OF HARPSWELL
PLANNING BOARD MINUTES
October 21, 2009
ACCEPTED

MEMBERS PRESENT	**MEMBERS ABSENT**
John Papacosma, Chair	Dorothy Carrier
Roberta Floccher, Vice Chair	Robin Brooks
Joanne Rogers	**STAFF PRESENT**
Debora Levensailor, Associate	Carol Tukey, Town Planner
Burr Taylor, Associate	Melissa Moretti, Recording Secretary

The Town of Harpswell Planning Board meeting, being duly advertised in the Brunswick *Times Record,* was called to order at 6:30 PM by John Papacosma, Chair. Introductions were made of Board member and the Pledge of Allegiance was recited. The Chair then read the Agenda, and said that "Old Business" would be moved to the end of the meeting. He then reviewed the meeting procedures. He then appointed the two associate members as full voting members for the meeting, since there were two regular members absent.

CONSIDERATION OF MINUTES
The Chair asked for a motion to accept the Minutes of September 16, 2009 as printed. Ms. Rogers made the motion and it was seconded; the Minutes were accepted unanimously as printed.

NEW BUSINESS

09-10-01 Hallmark Homes Corp. (Applicant), Stephen & Janice Reynolds (Owners), Reconstruction of a Non-Conforming Structure, Tax Map 7 Lot 21, 229 Neil's Point Rd., Harpswell

The Chair said there had been a site visit to the property which was attended by Ms. Rogers, Mr. Taylor, Mr. Brooks, Mr. Papacosma and Ms. Tukey, the Town Planner.

Stephen Reynolds addressed the Board. He complimented the efforts of the Town personnel he had dealt with and also the Town's website.

Mr. Reynolds summarized the description of their project, and said the property was "in pretty sad shape right now." He said the structure was not economically feasible to repair, so they wanted to replace it. He said it was almost entirely within the 75 ft. setback and very close to the property line. Mr. Reynolds referred the Board to their packets for the specific measurements. He said they would be moving it back to 53 ft. from the shoreline setback (for the deck); the house "starts about 61 ft. back." He referred to the neighboring community lot, owned by a neighbor (who was present), and stated that it was "pretty much a non-buildable lot." He said that the existing garage, approved in 2004, was about 13 or 14 feet back from the property line. They wanted to match that same setback on the new structure. He referred to the wooded area on the side of the property and said he wanted to try to preserve as many trees/natural habitat as possible. Mr. Reynolds had also discussed that issue with the Code Enforcement Officer, William Wells.

Mr. Reynolds said that the square footage was very close to the existing footprint, but was a little larger. He gave figures of the square footage expansion and the cubic footage expansion, and stated that both were well within the 30% expansion allowed.

Regarding lot usage, Mr. Reynolds said the existing structures covered 11% of the lot; the new structure would cover 12%. The Chair informed him that the driveway should be included in the 20% allowable coverage, which would still not be near the 20%. Mr. Reynolds agreed, and said he would hope to eventually "grass that over anyway."

Mr. Reynolds said he was still working with Mr. Wells, but he had a new septic design application in process that had been submitted in September; they were to meet at the site the following day. The Chair asked whether there was an existing septic system or a tank. Mr. Reynolds explained that he had been unable to get clear information as to the existing septic situation from the previous owner thirty years ago, when he purchased the property.

The Chair asked if the Code Enforcement Officer had commented on the distance from the proposed septic field to the well. Mr. Reynolds responded affirmatively, and said that was why they were to meet at the site the following day; to resolve that issue and "make everything safe." He said his well was 55 ft. and his neighbor's well was 75 ft.

The Chair referred to the site visit and said there had been standing water at a place between the septic field and the well. Mr. Reynolds explained that there was a pine tree there and a dip in the ground; there could be standing water (a "low spot"). Mr. Reynolds agreed with the Chair that it was a grading issue and could be corrected.

The Chair asked when the cottage had been occupied the last time. Mr. Reynolds responded that they used it every year; however, in anticipation of project approval, they had cleared out personal belongings. Hence, it probably looked "deserted." The Chair asked what was above the garage; Mr. Reynolds said "nothing" and that it was "open storage."

The Chair asked the Board if there were any other questions. Ms. Rogers said she had noticed "the excavation as five feet," and asked if Mr. Reynolds was including three feet over that for the basement or was the five feet the height of the basement? He explained that it should be two feet above ground and five feet on top of that; it was a seven foot basement. Ms. Rogers clarified that the two feet above ground was part of the 27 ft. height, and it was basically three stories. Mr. Reynolds agreed; the pitch of the roof would make that the case. Ms. Rogers clarified that the proposed structure was one story underneath (the basement), a middle story and a top story.

The Chair asked if there were any further questions from the Board; there were none. He asked if there were questions from the audience; there were none.

Ms. Rogers clarified that there was not yet a permit for the septic system. The Chair asked for any comments. Ms. Levensailor said she thought it was important that the applicant had included the additional coastal bluff information. Mr. Reynolds mentioned that, according to the current flood maps, his property was located in Zone C.

Ms. Rogers made a motion that, as the applicant met the standards of shoreland zoning on §10.3.1.2, §10.3.1.2.1, §10.3.1.2.2, §10.3.1.2.3 the Board would approve with the standard conditions of approval with the condition that no approval would be given until the appropriate documentation for the septic system was received. The motion was seconded; there was no further discussion. The Board voted unanimously to approve the project.

OTHER BOARD BUSINESS
Consideration of Planning Board exercise of jurisdiction over applications(s) pursuant to Site Plan Review Ordinance §16.4 and/or Shoreland Zoning Ordinance §10.3.2.3.

The Chair explained to the audience the purpose of the Planning Board's consideration of jurisdictional matters.

Blackbird Cafe
Walter Norton addressed the Board, and stated that he and his wife owned the Blackbird Café. He explained that they would propose removing the existing 6 ft. x 8 ft. platform at the entrance and the associated bricks and railroad tie. They would be replaced with granite paving blocks. He also said there was some landscaping.

Jim Townsend, the Contractor for the project, addressed the Board. He apologized for beginning the project without Planning Board approval; he said he had received the initial permission to proceed from the Code Enforcement Office and had been unaware that any other approval was necessary. He referred the Board to the drawing in their packets and stated the stone to be used was actually "bluestone," not granite. He also said that the stairs would probably have to be rebuilt.

The Chair explained to the applicants why it was necessary for them to have gone before the Board. He stated that the project had previously been approved by site plan review and that when a change is proposed, it typically would go before the Board again. He asked if there were any questions; there were none.

Ms. Rogers made the motion that the Board decline to accept jurisdiction over the application for the Blackbird Café. The motion was seconded; there was no further discussion. The Board voted unanimously to not accept jurisdiction of the project.

Mr. Townsend clarified with the Chair that he should go back to the Code Enforcement Office in order to proceed.

Keith & Jeanne Smith
Keith Smith addressed the Board, and said that he and his wife owned the forty year old property for the past twenty years. He explained that one side of the deck had deteriorated over the years, and they wanted to rebuild the deck with pressure treated wood. He referred to an "as built" which he said he had given to Ms. Tukey, and said the building was within the 75 ft. setback at the rear corner; there was also a side setback issue on another side.

The Chair clarified that the reconstruction would be the same dimensions; Mr. Smith said "exactly." The Chair asked the Board if there were any questions; there were none.

Ms. Rogers moved that the Board decline to accept jurisdiction over the application of Keith and Jeanne Smith. The Chair asked if there was further discussion; there was none. The Board voted unanimously to decline jurisdiction over the project.

Mr. Smith complimented the Town staff of the Planning Office and the Code Enforcement Office.

Paul E. Smith (Applicant), Joe King & Maureen Harvey (Owners)
Paul Smith addressed the Board, and explained that the proposal was to tear down a cottage on the Garrison Cove Road on Bailey Island. He said it needed a lot of repair and had a "westerly lean." He stated they wanted to put about a four foot crawl space underneath (not any sort of basement) and a solid foundation. Mr. Smith said that the proposed structure would be about 75 sq. ft. smaller than the 780 sq. ft. existing structure. The lot is very small and expansion would not be allowed; he also said they had used some of the 30% expansion allowance. He also stated the property currently had an overboard discharge system; they had obtained a 2009 permit for an updated overboard discharge system.

Ms. Levensailor asked for clarification of Section 5(C) of the Land Use Permit Application. Ms. Rogers clarified that the additional square footage would be in the top portion of the structure; Mr. Smith said they had not expanded the footprint at all. Ms. Rogers mentioned that she had visited the site.

Ms. Rogers moved that the Board decline to accept jurisdiction over the application of Paul E. Smith for the rebuilding of Joe King and Maureen Harvey's project. The motion was seconded; there was no further discussion. The Board voted unanimously to decline jurisdiction over the project.

Mike Gotto (Applicant), Gary and Betty Grimmel (Owners)
Mike Gotto addressed the Board, and stated that the Grimmel's had a small lot and wanted to rebuild the existing cottage. He described the site, and said that the lot was very narrow and had a wetland in the back and the ocean in the front. Mr. Gotto explained that the footprint of the proposed structure would be expanded about 111% in volume. He said the building would have to be built at an elevation of 12 (ft.) to allow for water to flow under the building; it would have a concrete foundation that was designed by a civil engineer. He said there would be a story and a half above the flood elevation. Mr. Gotto said they had submitted survey plans, design plans and building plans, and also had a review of the existing septic system that was put in years ago.

Ms. Rogers clarified that the height of the building made it a one-story building. Mr. Gotto said there was no second floor, but it did have a "storage level." He explained that the roof would be done with a "ten on twelve pitch" which would create a small loft. He referred the Board to building plans from Hammond Lumber.

Ms. Rogers moved that the Board decline to accept jurisdiction over the application of Mike Gotto for Gary and Betty Grimmel; the motion was seconded. The Chair asked for further discussion; there was none. The Board voted unanimously to not take jurisdiction over the project.

OLD BUSINESS

Blasting Ordinance Review
Ms. Tukey addressed the Board and said she had not invited any [professionals] to the meeting because she didn't know how long it would take the Board to address the applications on the Agenda. She inquired of the Board whether they might want to have a "workshop meeting night" where blasting professionals would be invited. There was discussion among the Board members regarding scheduling and the tentative agenda for November. Ms. Tukey informed the Board that the Board of Selectmen had requested that any ordinance [to go to Town Meeting] should go before them at their November 12th meeting for a workshop; they also wanted to hold another meeting on December 10th. She asked the Board if they felt they had enough information to present the ordinance to the Selectmen and also to the public.

The Chair commented that the Board had discussions and that they had been provided information by Mr. Taylor. Mr. Taylor commented that he thought it would be important to hear from professionals such as Don Newberg. There was further discussion regarding the information provided by Mr. Taylor, the language of the ordinance, the intent of the ordinance, notice area, etc. Ms. Rogers' personal experience with blasting affecting her water supply was discussed.

The Chair commented on the insurance issue as presented in the materials from Mr. Taylor. Ms. Tukey said that insurance had been addressed in the September 9th revision of the proposed blasting ordinance she had given them. Ms. Floccher suggested Ms. Tukey e-mail the ordinance to the Board for their review with the realization that it would be updated/revised again. Ms. Tukey informed Ms. Levensailor that Section C(6)(b) addressed insurance. The issue of pre-assessment was discussed.

Ms. Tukey said she would e-mail the Board all the "reiterations" of the proposed ordinance so they could see what they had already "dropped out" during previous discussions. She discussed the issue of timing with regard to getting the proposed ordinance to the Selectmen.

Ms. Rogers made the motion to send the last revision of the proposed ordinance to the Board of Selectmen; it was seconded. The Board unanimously agreed.

Ms. Tukey suggested the Board invite Code Enforcement Officer Williams Wells to their next meeting for a workshop on blasting.

TOWN PLANNER'S UPDATES

Ms. Tukey mentioned the issue of "form based codes" and said she had been approached as Town Planner for Harpswell to sponsor a workshop for Planners of this region. She explained the meaning of form based codes: the setting aside of a district in a town and deciding what it would look like (what the form of it would be). Ms. Tukey clarified that the event would be a forum for educational purposes. She said the presenter would be someone in economic development from the Town of Bridgton. She was unsure whether any towns in Maine had actually adopted the concept. It was clarified that the Planning Board members should probably attend the forum.

Ms. Tukey asked the Board if they would like to have the forum at their next regular meeting; scheduling and the agenda were addressed. She said she wanted to invite the Mitchell Field Committee; perhaps they could co-sponsor the forum. There was discussion, and the Board decided it should be held separately from a Planning Board meeting. Ms. Tukey said she would work on the date, and also ask the speaker when he would be available. Ms. Rogers requested a Wednesday evening in November. The Chair suggested Ms. Tukey invite other committees as well. It was decided the venue would be the largest conference room at the Town Office.

The Chair asked if there were any other matters to discuss; there was none. Ms. Rogers made a motion to adjourn which was seconded.

The meeting adjourned at 7:42 PM.

Respectfully Submitted,

Melissa Moretti
Recording Secretary