



**Town of Harpswell**  
**Planning Board Minutes**  
**April 20, 2016**  
Adopted May 18, 2016

**Members Present**

David I. Chipman, Chair  
Paul Standridge, Vice Chair  
Burr Taylor  
Aaron Fuchs  
Debora Levensailor  
John Papacosma, Associate Member

**Members Absent**

Frank Wright IV, Associate Member

**Staff Present**

Mark Eyerman, Planner  
Diane Plourde, Recording Secretary

The Town of Harpswell Planning Board meeting was called to order at 6:30 p.m. by David Chipman, Chair. The Pledge of Allegiance was recited and Board members were introduced.

The Chair asked to change the agenda to move Charity Shore Community Dock application to the end of the evening.

**New Business – 16-04-01** – Diane Bibber-Oden (Applicant) Gary Vincent (Owner) Map 39 Lot 54 – 8 Dirigo Lane, Harpswell – Consideration of the Board's exercising jurisdiction for the review of the application to reconstruct a nonconforming structure

**16-04-01** - Diane Bibber-Oden (Applicant) Gary Vincent (Owner) Map 39 Lot 54 – 8 Dirigo Lane – Jurisdictional – Tear Down/Rebuild of Nonconforming Structure

Diane Bibber-Oden told the Board the applicant would like to tear down all the existing structures and rebuild a totally conforming structure.

**David Chipman moved seconded by Debora Levensailor to remand this application to the Code Enforcement Office. Motion carries 5-0.**

**16-04-02** – Brad & Mary Power (Applicant) Steve Normand (Representative) Map 28 Lot 66, 9 Grace Lane, Orr's Island - Consideration of the Board's exercising jurisdiction for the review of the application to reconstruct a nonconforming structure

**16-04-02** – Brad & Mary Power (Applicant) Steve Normand (Representative) Map 28 Lot 66, 9 Grace Lane, Orr's Island – Jurisdictional – Tear Down/Rebuild of Nonconforming Structure

Steve Normand showed the Board the plans of 9 Grace Lane and explained that the applicants want to rebuild the structure expanding 30% and rebuild on concrete piers. He explained the building plans and after discussion with the Board,

**Burr Taylor moved seconded by Paul Standridge to remand this application to the Code Enforcement Office. Motion carries 5-0.**

Continued from meeting of March 16, 2016:

**16-03-01** – Charity Shore Road Association Inc. (Applicant) Emile Clavet (Owner) Map 48 Lot 92 East Shore Drive, Harpswell – Community Wharf System

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Emile Clavet told the Board that the concerns the Board had at the March 16<sup>th</sup> meeting have been met. He met with the Planner and shared what he has done to bring the application into compliance.

**Land Use Standards:**

**David Chipman moved seconded by Debora Levensailor that this does meet the standards since there are no minimum lot area and it does have a sixty (60) foot frontage. Motion carries 5-0.**

**Setbacks:**

**Aaron Fuchs moved seconded by David Chipman that the setbacks requirements have been met. Motion carries 5-0.**

**Standards for Piers, Docks and Wharves that extend below the HAT:**

**Under Section 15.3.1 of the Shoreland Zoning Ordinance:**

Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

**David Chipman moved seconded by Paul Standridge that access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion. Motion carries 5-0.**

**Section 15.3.2**

The location shall not interfere with existing developed or natural beach areas.

**David Chipman moved seconded by Debora Levensailor that the location shall not interfere with existing developed or natural beach area and that there is no beach that this section is not applicable. Motion carries 5-0.**

**Section 15.3.3**

The facility shall be located so as to minimize adverse affects on fisheries.

**David Chipman moved seconded by Paul Standridge that the facility shall be located so as to minimize adverse effects on fisheries and that it meets that. Motion carries 5-0.**

**Section 15.3.4**

The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area.

Section 15.3.4.1 Noncommercial private piers, docks and wharves shall have a maximum width of 6 feet and shall not extend below the low water line (not including ramps and floats).

**David Chipman moved seconded by Paul Standridge that the facility shall be no larger in dimension than necessary and for noncommercial docks and wharves it is six (6) feet and that it is designed for six (6) feet and meets that requirement. Motion carries 5-0.**

**Section 15.3.5**

No new structure shall be built on, over or abutting a pier, wharf, dock, or other structure extending beyond the maximum high water line of a great pond, stream, tributary stream, HAT of the coastal wetland or within a freshwater wetland described in Section 3 of this Ordinance. Commercial fishing structures requiring direct access to the water as an operational necessity are allowed.

**David Chipman moved seconded by Paul Standridge that no new structure shall be built that no structure is proposed on the dock so this is met. Motion carries 5-0.**

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## **Standards for Community Piers, Docks and Wharves**

### **Section 15.23.1**

Community piers, docks and wharves shall have a maximum width of 6 feet and shall not extend below the mean low water mark (not including ramps and floats). The proposed community pier, dock or wharf shall not otherwise prohibit or unreasonably impede legitimate passage along a beach or through navigation over the waters for recreational or aquacultural purposes.

**David Chipman move seconded by Paul Standridge that the maximum width is six (6) feet and the proposed dock is six (6) feet and conforms to that Section. Motion carries 5-0.**

### **Section 15.23.2**

For community piers, docks, and wharves located wholly within a subdivision, the sideline setbacks shall be ten (10) feet. For community piers, docks and wharves that abut a parcel located outside of the subdivision, the sideline setback from that adjoining parcel shall be increased to twenty-five (25) feet. The Planning Board may permit the sideline setback to be reduced if the abutter(s) agree in writing and it is duly recorded in Cumberland County Registry of Deeds.

**David Chipman moved seconded by Debora Levensailor that it meets this given that the abutter has given an easement to be closer. Motion carries 5-0.**

### **Section 15.23.3**

The applicant shall provide sufficient legal documentation to demonstrate right, title or interest in the location of the community pier, dock or wharf and that the community pier, dock or wharf will remain as a community pier, dock or wharf for the life of any such community pier, dock or wharf. The applicant shall submit to the Planning Board the proposed easement deed or declaration of protective covenants demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the use of the community pier, dock or wharf, which shall be reviewed by the Town Attorney as to form. Upon approval by the Planning Board, the easement deed or declaration of protective covenants shall be recorded in the Cumberland County Registry of Deeds prior to the issuance of any building permit for the community pier, dock or wharf.

**David Chipman moved seconded by Debora Levensailor that the applicant shall provide sufficient legal documentation to demonstrate right, title or interest in the location and this has been accomplished. Motion carries 5-0.**

Discussion:

Aaron Fuchs noted that this Section should be made a condition of approval to have the easement deed recorded in the Cumberland Registry of Deeds.

**Aaron Fuchs moved seconded by David Chipman to make this a condition of approval. Motion carries 5-0.**

### **Section 15.23.4**

An area where the float(s), if any, will be stored shall be designated on the plan.

**David Chipman moved seconded by Debora Levensailor that this meets the requirements. Motion carries 5-0.**

### **Section 15.23.5**

Parking areas shall be adequately sized for the number of lots to be served by the Community pier, dock or wharf, with a minimum of one parking space for every three non-common open space lots within the subdivision to be served by the community pier, dock or wharf. Parking areas shall be designed to minimize runoff and erosion. Where feasible, runoff will be retained on site and

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prevented from flowing directly into the coastal wetland, stream, tributary stream, or freshwater wetland.

**David Chipman moved seconded by Paul Standridge that this meets that requirements. Motion carries 5-0.**

**Section 15.23.6**

The design and construction shall not interfere with recreational intertidal lateral access.

**David Chipman moved seconded by Paul Standridge that this meets that requirement. Motion carries 5-0.**

**Section 15.23.7**

The landward approach to a community pier, dock, or wharf shall minimize harm to vegetation on a coastal wetland, freshwater wetland or coastal bank.

**David Chipman moved seconded by Debora Levensailor that the landward approach to a community pier, dock, or wharf shall minimize harm to vegetation on a coastal wetland, freshwater wetland or coastal bank and there is a narrow access footpath with erosion control mix. Motion carries 5-0.**

**Aaron moved seconded by David Chipman that the application has met all the requirements subject to the one condition. Motion carries 5-0.**

**Other Business:** A workshop is scheduled for May 4, 2016 at 6:30 PM.

**Consideration of minutes:** March 16, 2016

Burr Taylor moved seconded by Paul Standridge to accept the minutes as presented.  
Motion carries 5-0.

**Communication:** None

**Planner's Update:** The Planner asked the Board if they wish to keep the site visits on the Friday prior to the meetings. The Board agrees this should be kept as is.

The entire Board would like to thank Debora Levensailor for her dedication and hard work with the Planning Board and they all wish her well in her new home in Brunswick.

**Adjournment:** Meeting adjourned at 7:10 PM

Respectfully submitted by:

Diane E. Plourde  
Recording Secretary