



**Town of Harpswell**  
**Planning Board Minutes**  
May 18, 2016  
Adopted June 15, 2016

**Members Present**

David I. Chipman, Chair  
Paul Standridge, Vice Chair  
Aaron Fuchs  
John Papacosma  
Allan LeGrow, Associate Member  
Frank Wright IV, Associate Member

**Members Absent**

Burr Taylor

**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.

**New Business – 16-05-01** – Whitten Architects (Applicant) Paul & Anne Mankiewich (Owners) Map 7 Lot 115 – 401 High Head Road – Consideration of Board’s exercising jurisdiction for the review of the application to reconstruct a nonconforming structure.  
16-05-01 – Whitten architects (Applicant) Paul & Anne Mankiewich (Owners) – Jurisdictional – Tear Down/Rebuild of nonconforming structure.

Rob Whitten agent representing the Mankiewichs introduced Jessie Carol, Project Architect and Chip Thorner, General Contractor both to be working on the project presented. He indicated that Whitten Architects has worked in Harpswell before and with this application there are concerns regarding the stability of the coastal bluff. Summit Engineering has been retained to review and evaluate the bluff and their findings indicate that the bluff is stable, but potential erosion should be addressed and will be added in the report prepared by Walsh Engineering putting out a Permit-By-Rule. The structure on the property is nonconforming and will be demolished to make the structure conforming.

David Chipman made note that one of the abutters was at the site visit and told the Board that her concern was to keep the thicket of the shrubs bordering the property to keep the privacy. Alan LeGrow asked Mr. Whitten about the stability of the bluff and erosion areas on property. Is the stability separate & independent of the erosion areas? Mr. Whitten said they are separate & independent. How do Summit conclusions differ from Maine Geological Survey (MGS)? Mr. Whitten said MGS did the survey in 1991 criteria and in part reads “*Limitations of the Data*” *This map is intended to provide only general information on the overall stability of bluffs. It is not intended to be the sole basis upon which specific land-use decisions are made. The information portrayed on this map is based on visual inspection of the coast from offshore and part of the shoreline may have changed slightly since the field work was completed. Because of the map scale, shoreline characteristics are generalized into 150-foot segments. It is important to realize that the bluff classification only shows the average stability inferred for each section of the shoreline. For an evaluation of specific shoreline erosion risks, landslide potential or historical trends, certified geologists or geotechnical engineers should conduct site-specific studies.*” He said that he contacted Walsh Engineering and they have drawn the conclusion that the bluff is stable.

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**Discussion:** The Board asked questions about the seventy-five (75) foot setbacks, the bluff, and vegetation on the banking, ledges and the building envelope. Mary Ann Nahf, representing the Conservation Committee asked for information on erosion control on property.

The Chair appointed Allan LeGrow a full voting member for this meeting.

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

**16-05-02** Sharon Saxton (Owner) Andrea Hunter (Representative) Map17 Lot 36 – 6 Malcolm Drive, Harpswell – Site Plan Review – Proposed of three commercial wharves

Andrea Hunter told the Board they wish to add 8' x 20' finger floats on their existing floats. One existing was not permitted with DEP and Army Corp but this is in process. The additional floats are needed for retail lobster business. These will be seasonal floats but they are permitting for year-round use. The existing 16' x 30' floats are for commercial use. The additional 8' x 20' floats will free up the commercial floats for the public. Large boats can maneuver the waters.

The Chair read an email response from the Jim Hays, Harbormaster to Burr Taylor which states: *"I do not see any issues with Erica's Seafood's application to install additional floats to their dock system. The new floats will be fronting their property and will not interfere with navigation or unreasonably interfere with the rights of others in regards to fowling, fishing or navigating. I am working with Erica's and the Dolphin to resolve any issues in regards to their mooring fields and the only moorings affected by the installation of the new floats are registered and owned by Erica's Seafood. Please let me know if you have questions."* (Copy attached)

**Aaron Fuchs moved seconded by Allan LeGrow that Sections 15.3.2, 15.3.5 15.3.7 from the Shoreland Zoning Ordinance and Sections 15.3.1, 15.3.11, 15.3.2, 15.5, 15.7.1, 15.8, 15.9, 15.1, 15.14.1, 15.14.2, 15.16, 15.17 from the Site Plan Review Ordinance do not apply. Motion carries 5-0.**

**Aaron Fuchs moved seconded by Allan LeGrow that the following sections do not need to be considered because the applicant is not planning on changing any item that are relevant to these sections: Sections 15.3.1 of the Shoreland Zoning Ordinance and Sections 15.4, 15.6, 15.7.2, 15.11, 15.12.1-6, 15.13, 15.15, 15.19 of the Site Plan Review Ordinance. Motion carries 5-0.**

**Shoreland Zoning Ordinance:**

**David Chipman moved seconded by Aaron Fuchs that this standard is met since the location of the new floats will extend the length of the facility and provide additional space for restaurant patrons thereby reducing conflicts with the commercial fisherman using the wharf. Motion carries 5-0.**

**David Chipman moved seconded by Aaron Fuchs to allow a sixteen (16) foot float rather than a twelve (12) foot float. Motion carries 5-0.**

**David Chipman moved seconded by Aaron Fuchs that the standards for 15.3.4.2 have been met and that the larger float will be similar to the existing float. Motion carries 5-0.**

**Site Plan Review Ordinance:**

**Aaron moved seconded by David Chipman that 15.1 Dimensional Requirements have been met since the lot is located in the SB District and meets the minimum lot size requirements and a water-dependent use and the floats do not need to meet the 75 foot setback.**

**Motion carries 5-0.**

**15.2 Utilization of the Site**

**David Chipman moved seconded by Paul Standridge that the standards have been met since the proposed activity is confined to the existing wharf area with no change in the overall utilization of the site. Motion carries 5-0.**

**15.10 Erosion Control**

**David Chipman moved seconded by Aaron Fuchs that 15.10 is not applicable.**

**Motion carries 5-0.**

**15.18 Solid, Special and Hazardous Waste Disposal**

**Aaron Fuchs moved seconded by Paul Standridge that 15.18 does not apply.**

**Motion carries 5-0.**

**15.20 Floodplain Management**

**Aaron Fuchs moved seconded by David Chipman that this standard is met since the site is within a special flood hazard area and the applicant has applied for Flood Hazard Development Permit. Motion carries 5-0.**

**15.21 Technical and Financial Capacity**

**Aaron Fuchs moved seconded by David Chipman that they are in compliance.**

**Motion carries 5-0.**

**David Chipman moved seconded by Paul Standridge that the Planning Board find that the applicant Thomas Butler – Erica’s Seafood, Inc. has met the standards of the Town of Harpswell Shoreland Zoning Ordinance and Site Plan Review Ordinance. The Planning Board approves the application and site plan with the standard conditions of approval.**

1. This approval is not final until such time as final plans, showing all conditions of approval and any waivers granted, have been signed by the Chair of the Planning Board.
2. This approval is based on the approved plans, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.
3. This approval is dependent upon and limited to the proposal and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plan, proposals, and supporting documents, except *de minimis* changes as determined by the Town Planner that do not affect approval standards, is subject to the review and approval of the Planning Board prior to implementation.

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4. The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval and shall comply with the requirements of those permits and approvals.
5. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sedimentation Control.

**Motion carries 5-0.**

**Other Business:** Election of Officers

**Aaron Fuchs nominated the current Chair, David Chipman and Paul Standridge current Vice Chair to serve another term. Motion carries 4-0.**

**David Chipman nominated Aaron Fuchs as Corresponding Secretary. Paul Standridge seconded. Motion carries 4-0.**

**Consideration of minutes:** April 20, 2016

**Aaron Fuchs moved seconded by Paul Standridge to accept the minutes of April 20, 2016 as presented. Motion carries 4-0.**

**Communication:** The Planner noted that the campground on Orr's Island is for sale and there have been inquiries as to potential development with that property.

**Planner's Update:** The Planner asked the Board to plan workshops in September and to not schedule workshops during the summer months.

Frank Wright told the Board that he will have surgery in June and will not be able to attend the Board meetings until the fall.

**Adjournment:** Meeting adjourned at 7:25 PM

Respectfully submitted by:

Diane E. Plourde  
Recording Secretary