



Town of Harpswell
Planning Board Minutes
September 17, 2014

Members Present

David I. Chipman, Chair
Burr Taylor
Debora Levensailor
John Papacosma, Associate Member
Frank Wright, Associate Member

Members Absent

Paul Standridge, Vice Chair
Aaron Fuchs

Staff Present

Carolyn Eyerman, Town Planner

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

The Chair appointed John Papacosma and Frank Wright full voting members for this meeting.

Old Business: None

Public Hearing:

14-09-01 Victor Trodella (Applicant), Susan & Anthony Santare (Owners), Map 60 Lot 44 – 46 Hen Cove Road – Reconstruction of Non-Conforming Structure

Victor Trodella, Architect, spoke for the applicants and explained that the project is to tear down the existing cottage which is beyond repair and replace it but to pull it back from the shoreline beyond the seventy five (75) foot setback. The existing septic system will be expanded; the design by Steve Robbins is in the application. He explained the existing buffer of trees that will be kept to eliminate erosion on the property. He said they increased the area by 16% and the volume by 27% and the house would be as far back from the shoreline as possible.

Burr Taylor moved seconded by Debora Levensailor to remand the application for Susan & Anthony Santare to the Code Enforcement Office. Unanimous Approval

14-09-02 Russell Turner & Sophia Gabriel (Applicants/Owners), Map 38 Lot 120 – 15 Little Crow Point Road – Reconstruction of Non-Conforming Structure

Russell Turner said the existing house is in need of improvements because of the lack of a bathroom upstairs, proper heating upstairs and downstairs and the need to structurally firm up the house to make it more energy efficient. The expansion is forty-two (42) square feet within the 30% expansion. The existing footprint will not change, the house will be kept on posts to minimize excavation and the roof line will be changed.

Ms. Levensailor questioned the lack of information received on the Land Use Building Application even though some of the information was on the plans. She felt there was not enough information given the Board regarding the percentage of increase of building allowed. Mr. Turner noted that they were allowed one-hundred twenty (120) square feet but will only be expanding by forty-two (42) square feet. It was again noted that the house will remain on posts.

Burr Taylor moved seconded by Frank Wright to remand the application for Russell Turner & Sophia Gabriel to the Code Enforcement Office. Unanimous Approval

14-09-03 Maine Drilling & Blasting Inc. (Applicant), John F. McGuigan Jr. (Owner), Map 6 Lot 62 Blasting more than 300 cubic yards at 596 Harpswell Neck Road and creation of an orchard

Andrew Tufts, property manager, spoke for the applicants saying that they would like to start an apple orchard on property using Harpswell Heritage and Maine Heritage apple trees and they are working with Rob McIntyre and John Bunker regarding the trees. The bedrock on the back half of the site has to be removed to allow the trees enough soil to grow; two (2) to three (3) feet of soil is optimal. A pond will be dug on the back of the property to retain as much water on site for watering the trees. The Board asked questions about the top soil and the closeness of any wells to the blasting site. Mr. Todd Beaulieu, Project Superintendent for Maine Drilling & Blasting, stated that the closest well is about two-hundred fifty (250) feet and water quality testing was done at properties within two-hundred (250) feet of the blasting site.

Debora Levensailor moved seconded by David Chipman that the application is complete. Unanimous Approval

4.1 Under Section 4.1 Hours of Blasting of the Blasting Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does meet the hours of blasting requirements of the Blasting Ordinance, based on the fact that the application states that the hours for blasting will occur between 8 am and 7 pm from September 22, 2014 to October 3, 2014, Monday through Friday. Unanimous Approval

4.2 Under Section 4.2 Water Quality and Quantity Protection of the Blasting Ordinance:

David Chipman moved seconded by Debora Levensailor that the project does meet the groundwater quality and quantity requirements of the Blasting Ordinance, based on the fact that the applicant has taken water samples from the two wells within 250 feet.

Discussion: Mr. Wright noted that the Blasting Ordinance states the monitoring of groundwater is within five-hundred (500) feet. Mr. Chipman read **Section 4.2 Water Quality and Quantity Protection (a)** *“The Code Enforcement Officer may require monitoring of groundwater quality and quantity to assure no adverse impacts to any water supplies or wells within 500 feet of the blasting location.”* He noted that the CEO did not require testing to 500 feet but the Maine Drilling & Blasting did the testing to 250 feet. **Unanimous Approval**

4.3 Under Section 4.3 Ground Vibrations of the Blasting Ordinance:

David Chipman moved seconded Frank Wright that the project does meet the ground vibrations requirements of the Blasting Ordinance, based on the fact that the distance of the closest structure is approximately 50 feet away. The first blast will be a test blast and will fall within the allowable limits by State law. They will monitor each blast with a seismograph and make adjustments as needed. Unanimous Approval

David Chipman moved seconded by Frank Wright that the applicant, John & Mary McGuigan, have met the standards of the Town of Harpswell Blasting Ordinance and to approve the blasting permit application. Unanimous Approval

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Mr. Beaulieu gave the Board a list of abutters notified of the blasting.

Consideration of Minutes: July 16, 2014

Burr Taylor moved seconded by Debora Levensailor to accept the minutes as drafted.

Unanimous Approval

Communications: None

Planner's Update: The Board discussed:

Accessory Residential Unit: The Board accepted the change of size from 750 square feet to 1,000 square feet.

Timber Harvesting: The Planning Office and Board of Selectmen are working on repealing the Timber Harvesting section from the Shoreland Zoning Ordinance and adding in the Basic Land Use Ordinance that the Code Enforcement Office gets notification of any timber harvesting.

Home Occupations re: Commercial Fishing: It is suggested that this be split off from the Home Occupations section in the Shoreland Zoning Ordinance, giving the Commercial Fishing its own section for more clarification.

Subdivision Ordinance: Recording length of time and liquidation harvesting. This may not be ready for the next Town Meeting.

Sign Ordinance: A request was made of the enforcement of placing signs. The Code Enforcement Office asked the Planner to work on this.

Definition of Structure: The Planner is in conversation with Mike Morse, DEP, about the definition but it has to be approved by DEP. The Board discussed what kind of structures to exempt, limit in size, etc., including but not limited to, temporary tents, dog houses, tree houses, picnic tables.

Noise: Associated with construction noise. After discussion, the Board agreed that there should be an Ordinance that deals with the extremes but provides for exceptions.

Impermeable Surface/LID: The Planner made notes and suggestions and gave these to the Board from May 9th and June 18th. After discussion, the Planner said she will develop Ordinance language and make changes to create discussion for a workshop planned in November. The following will be invited to that workshop: Conservation Commission, CPIC, Board of Selectmen, Marine Resources Committee and the business community.

The Board discussed bicycle paths along Route 24 & Route 123.

David Chipman moved seconded by Debora Levensailor to adjourn the meeting. Unanimous Approval

Meeting adjourned at 8:10 PM

Workshop scheduled for November 5, 2014 at 6:30 PM

Next regular meeting will be November 19, 2014 at 6:30 PM

Respectfully submitted by:

Diane Plourde
Recording Secretary