



Town of Harpswell
Planning Board Minutes
October 15, 2014
Approved November 19, 2014

Members Present

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

Members Absent

Aaron Fuchs
Frank Wright, Associate Member

Staff Present

Carolyn Eyerma, Town Planner
Diane Plourde, Recording Secretary

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 and the board members introduced.

The Chair appointed John Papacosma a full voting member for this meeting.

Old Business: None

Public Hearing:

14-10-02 Matt Craig, Casco Bay Estuary Partnership (Applicant), Joseph McLean, Wright-Pierce (Representative) Wallace Shore Road Culvert Replacement Project – Wallace Shore Road, Harpswell

Joseph McLean, representative for the applicant, explained the wetland restoration process and the application for a culvert replacement. He said the a section of the road is made up of concrete debris and old timber cribs that get flooded easily with high tide and heavy storms thus making access difficult for residents. He explained how the salt water is not flooding the wetlands properly and the salt content is not as high thus fresh water is becoming more prevalent. The proposed structure will be a one lane bridge but wide enough for the natural exchange of water. Mr. McLean continued to explain the proposed construction of the road and culvert.

Matt Craig asked the Board of any questions. Ms. Levensailor asked about the overall benefits of the project. Mr. Craig said it is hopeful that this will restore tidal exchange and restore the hydrology of the habitat with more salt in the marsh, more sediment in the marsh and increase vegetation. Mr. McLean and Mr. Craig continued to answer the questions asked by the Board.

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

David Chipman moved seconded by Debora Levensailor that under the Basic Land Use Ordinance, Section 13.4.7.3 does not apply and under the Shoreland Zoning Ordinance, Sections 15.3.2, 15.3.4, 15.3.6, 15.3.8, 15.3.9, 15.8.1, 15.8.1.1 and 15.8.2 do not apply.
Unanimous Approval

Exhibit A - Section 13.4.7 of the Basic Land Use Ordinance

Section 13.4.7.1

David Chipman moved seconded by Paul Standridge that the project does maintain safe and healthful conditions, based on the fact that the proposed project is intended to remedy an existing unsafe and unhealthful condition by restoring natural flow to two areas of a wetland that currently have restricted flow. Unanimous Approval

Section 13.4.7.2

Burr Taylor moved seconded by David Chipman that the project will not result in water pollution, erosion or sedimentation, based on the following evidence: This upgrade will actually remedy an existing erosion problem due to a low road elevation that results in the tide washing over the road during larger storm events. Drawing C-5 shows that matting, silt fencing and hay bales will be utilized to prevent erosion. Unanimous Approval

Section 13.4.7.4

Burr Taylor moved seconded by Debora Levensailor that the project does not have an adverse impact on fisheries or other wildlife, based on the following evidence: The applicant submitted an email dated September 11, 2014 that was received from Scott Lindsay, Regional Wildlife Biologist for Maine Department of Inland Fisheries & Wildlife which states that there were no wildlife issues in this area. In addition, a form dated September 12 2014 was sent to the Maine Department of Marine Resources requesting comments. Unanimous Approval

Section 13.4.7.5

Burr Taylor moved seconded by David Chipman that the project does conserve shore cover and access to inland and coastal waters, based on the following evidence: The applicant states in the written text that there will be some minimal disturbance to the wetland. The access to the waters will not change significantly with this project. Unanimous Approval

Section 13.4.7.6

Burr Taylor moved seconded by David Chipman that the project does not adversely affect archaeological and historic resources, based on the following evidence: Letters dated September 17, 2014 were written to the Maine Historic Preservation Commission and all of the known Maine Indian Nations to confirm that no archaeological and/or historic resources exist at this site. Unanimous Approval

Section 13.4.7.7

Burr Taylor moved seconded by David Chipman that the project does not adversely affect commercial fishing, based on the following evidence: This project is specifically intended to improve fisheries by restoring the tidal flow to the marsh where fish species are located. Unanimous Approval

Section 13.4.7.8

Burr Taylor moved seconded by David Chipman that the project does avoid problems with flood plains, based on the following evidence: A pending floodplain permit, which is intended to comply with the ordinances, has been submitted to the Code Enforcement Officer for review. Unanimous Approval

Exhibit B - Sections 15.3, 15.8, 15.16, 15.17, and 15.18 of the Shoreland Zoning Ordinance

15.3. Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over or Below the Maximum High Water Line of a Water Body or Within a Wetland.

Section 15.3.1

Burr Taylor moved seconded by Debora Levensailor that the applicant has demonstrated that access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion, based on the following evidence: This proposed project is designed to remedy current restrictions to tidal flow and erosion. By replacing the existing culverts, existing erosion issues will be eliminated. Unanimous Approval

Section 15.3.3

Burr Taylor moved seconded by Debora Levensailor that the applicant has demonstrated that the facility shall be located so as to minimize adverse effects on fisheries, based on the following evidence: This project is specifically intended to improve fisheries by restoring the tidal flow to the marsh where fish species are located. Unanimous Approval

Section 15.3.5

Burr Taylor moved seconded by Debora Levensailor that the applicant has demonstrated that this is an existing structure which requires direct access to the water as an operational necessity, based on the following evidence: This is an existing road and existing culverts that are allowed by town ordinances as continuing access. Unanimous Approval

Section 15.3.7

Burr Taylor moved seconded by David Chipman that the applicant has demonstrated that there is no construction of any structure higher than the allowable maximum of twenty (20) feet, based on the following evidence: There are no structures proposed that exceed the 20 foot height limit. Unanimous Approval

Section 15.8 Roads and Driveways

Section 15.8.7.1 through 15.8.7.4

Burr Taylor moved seconded by Paul Standridge that the Board finds that the project does provide cross drainage culverts that are adequately sized and will be stabilized, based on the following evidence: The project description dated September 23, 2014, drawings C-3 and C-4, and the erosion and sedimentation control plan, C-5, all illustrate and explain the existing conditions and demolition plan of the existing undersized culverts to culverts that will allow for more appropriate tidal flow. Unanimous Approval

15.16. Earthmoving, Erosion, and Sedimentation Control

Section 15.16.1.1 through 15.16.1.3

Burr Taylor moved seconded by Debora Levensailor that the project does provide for mulching and re-vegetation of disturbed soil; temporary runoff control features such as hay bales, or silt fencing; permanent stabilization structures such as retaining walls or riprap, based on the following evidence: Drawing C-5 notes 3 through 13, of the proposed erosion control plan drawn by Wright Pierce describes the details for re-vegetation of disturbed soils, matting, hay

bales and silt fencing along the toe of the slope, and includes riprap in the form of geotextile and stone. Unanimous Approval

Section 15.16.2

Burr Taylor moved seconded by David Chipman that the project does provide for the least potential for erosion, based on the following evidence: Drawing C-5 erosion and sedimentation control notes of the proposed erosion control plan drawn by Wright Pierce shows or describes the details for re-vegetation of disturbed soils and the fit within the topography and the soils on site. Unanimous Approval

Section 15.16.3

Burr Taylor moved seconded by Debora Levensailor that the project does provide for erosion and sedimentation control measures that apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity; and the amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion, based on the following evidence: Drawing C-5 winter construction notes 1 through 9 of the proposed erosion control plan drawn by Wright Pierce shows or describes in the notes details for re-vegetation of disturbed soils, matting, hay bales and silt fencing along the toe of the slope, and riprap in the form of geotextile and stone. Unanimous Approval

Section 15.16.4

Burr Taylor moved seconded by Debora Levensailor that the project does provide for exposed ground area to be temporarily stabilized by use of riprap, sod, seed, and mulch, or other effective measures; provides for permanent stabilization within one (1) year of the initial date of exposure; provides for mulch application at a rate of at least one (1) bale per five hundred (500) square feet; provides anchoring for the mulch; and provides for additional measures to avoid siltation into the water, based on the following evidence: Drawing C-5 stream & wetland notes 1 through 11 of the proposed erosion control plan drawn by Wright Pierce shows or describes the detailed protection of the wetland and re-vegetation of disturbed soils, matting, hay bales and silt fencing along the toe of the slope, and riprap in the form of geotextile and stone. Unanimous Approval

Section 15.16.5

Burr Taylor moved seconded by Debora Levensailor that the project does protect erosion of natural or man-made drainage ways and drainage outlets, based on the following evidence: Drawing C-5 notes 3 through 13 of the proposed erosion control plan drawn by Wright Pierce shows or describes details for re-vegetation of disturbed soils, matting, hay bales and silt fencing along the toe of the slope, and riprap in the form of geotextile and stone. Unanimous Approval

15.17. Soils

Section 15.17

Burr Taylor moved seconded by David Chipman that the project is located on or upon soils in which proposed uses or structures can be established or maintained without causing adverse environmental impacts, based on the following evidence: This proposed project is reconstruction and remedy for two existing culverts that are inappropriately sized and are having current environmental impacts. This knowledge is based on review and study of the area by the Casco

Bay Estuary Partnership and is reported in a publication titled “Sea Level Rise and Casco Bay’s Wetlands: A Look at Potential Impacts: Harpswell Edition.” Unanimous Approval

15.18. Water Quality

Section 15.18

Burr Taylor moved seconded by David Chipman that the project does not deposit on or into the ground or discharge to the water of the State any pollutant nor does it discharge any treated, untreated, or inadequately treated liquid, gaseous, or solid materials, based on the following evidence: This project is for culvert replacement and is not/does not propose pollutant discharge of any materials whatsoever. Unanimous Approval

David Chipman moved seconded by Debora Levensailor that the applicant, Matt Craig, has met the standards of the Town of Harpswell Shoreland Zoning and Basic Land Use Ordinances. The Planning Board voted to approve the application with the following conditions of approval:

1. This approval is based on the approved plans listed below, and on all submissions and information provided by the applicant at final approval, whether referenced in any findings or conditions of approval.

All work shall be completed in conformance with the approved plans, drawn by Wright Pierce, dated June 9, 2014.

2. 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.
3. The applicant shall obtain all necessary State and federal approvals before the applicant commences any land use activity pursuant to this site plan approval. If a State or federal agency imposes any more stringent conditions on the applicant or if the other agency’s conditions of approval in any way impact the substantive site plan review criteria, the applicant shall return to the Planning Board for review and approval of an amended application.
4. All work shall be completed in accordance with Best Management Practices for Soil Erosion and Sedimentation Control.
7. All work shall be completed in accordance with Section 15.16 of the Shoreland Zoning Ordinance.

Unanimous Approval

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14-10-03 – Greg Tisdale (Applicant), Susan Black (Owner) Map 47 Lot 75 – 12 Muskegon Shore Road, Harpswell – Reconstruction of Nonconforming Structure – Tear Down & Rebuild of New Single Family Dwelling

Greg Tisdale said the owners proposed to replace the existing structure and they are not increasing the volume of cubic footage, will stay within the footprint but will be moving the structure away from the shoreline as much as possible.

Debora Levensailor noted that the house is 100% nonconforming and is eight (8) feet from the water and the proposal is to increase cubic footage by 27.29%. Mr. Tisdale said the increase is all in the roof for better drainage.

Charlie Goldstein representing Susan Black stated that the basement finished area will have a craft room, bedroom and bathroom. There is no kitchen in the basement. The CEO stated that a BUSSE system has been proposed but not permitted as yet.

Burr Taylor moved seconded by Paul Standridge to remand the application to the Code Enforcement Office. Unanimous Approval

Consideration of Minutes: September 17, 2014

John Papacosma noted in paragraph one, second sentence “*The explained the existing...*” should read “*He explained the existing ...*” This will be corrected.

Debora Levensailor moved seconded by David Chipman to accept the minutes as amended. Unanimous Approval

Planner’s Update: Ms. Eyerman will ask the Board of Selectmen if they would proclaim October as Community Planning month for Harpswell. An Open House is planned for Wednesday, October 22, 2014 from 9:00 – 11:00 AM in the Planning Office at the Town Offices.

A workshop is planned for Wednesday, November 5, 2014 at 6:30 PM – the public is invited to this workshop to discuss and get comments on the Ordinance amendments.

Ordinance Amendments: The Board discussed:

Home Occupations – Commercial Fishing: The proposal is to change Section 13.5 back to what it was previously and also to make home occupation easier and more understandable to grant out-of-town fishermen to lease land and to allow co-ops if the owners do not have a home on property.

Sign Ordinance: Bill Wells, CEO suggested using the same language in the Basic Land Use Ordinance and the Sign Ordinance. He based this on the enforcement aspect of the wording.

Definition of Structures: Ms. Eyerman sent a memo to Mike Morse at the DEP and the board discussed the definition of tree houses and tents and the reduction of square footage in the current definitions of structures.

Noise: Asking for input from construction companies and residents on this proposal.

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Parking: The Basic Land Use Ordinance has a section for non-residential parking and the Shoreland Zoning Ordinance allows parking that applies to seven (7) or more vehicles and the Site Plan Review Ordinance applies parking of 1,000 square feet or more. The proposal is to make the three ordinances consistent with each other.

Pesticides/Insecticides: There is concern about pesticide and insecticide applications in Harpswell. Can these be banned throughout the town and not just in Shoreland zone and how can this be enforced and what should be exempt?

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

Meeting adjourned at 8:25 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