

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Melissa Horner, Carmela Braun.

Also Present: David Galbraith, Planner; Kristina Goodwin, Land Use Planning Assistant.

Absent: Christine Bennett (excused), Ed Cieleuszko (excused), Bill Olsen – Alternate (excused).

Voting members: Dennis Lentz, Melissa Horner and Carmela Braun.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

A moment of silence was observed in light of the pandemic impacting the world.

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

There was no public input.

ITEM 5 – REVIEW AND APPROVE MINUTES

Ms. Braun moved, second by Ms. Horner, to approve the minutes of April 29, 2020, as amended.

VOTE

3-0

Motion approved

ITEM 6 – OLD BUSINESS

A. 787 Main Street (Map 6/Lot44) PB19-15: Shoreland Zoning Permit Application: Application for a 4'X4' landing, a 4'X30' accessway, a 6'X100' fixed pier, a 3'X45' gangway, a 6'X35' landing float, and an 8'X30' main float. Applicant: Jesse Realty, LLC. Owner: Jesse Realty, LLC.

Received: September 3, 2019

1st Heard: October 29, 2019

Public Hearing: November 19, 2019

2nd Hearing: November 19, 2019 (Tabled)

3rd Hearing: May 5, 2020

Public Hearing: _____, 2020

Site Walk: _____

Approval: _____, 2020

Mr. Steve Riker (Ambit Engineering), Kris Glidden (owner), and Ms. Kuerstin Fordham and Mr. Doug Anderson (Riverside & Pickering Marine) were present for this application.

Mr. Lentz apologized for the delay in hearing this application as we transitioned to remote meetings. We last heard this application November 19, 2019 and felt that it was complete at that time. We did find some issues that Mr. Galbraith outlined and asked for PB member questions.

Ms. Braun said that there was a question about the lot size and asked if that had been corrected and do we have the corrected deed for that.

Mr. Galbraith said that we do have the corrected deed. He clarified that the lot size, itself, wasn't an issue. We got three cases, sort of, from the one property. One is a subdivision, which we are not currently dealing with, that was a simple lot split into two lots and the only issue we had is that they had split the original frontage in half between the proposed two lots. We did get the corrected deed and the current entrance permit. I had asked that a couple of conditions be placed on this project, which were no additional tree-cutting permitted on the site unless approval is granted, in writing, by the Town's Code Enforcement Officer and/or the Maine DEP, a dock permit may be issued for 787 Main Street provided the primary structure remains, and any required tree re-planting must be in accordance with the Maine DEP (if required).

Mr. Lentz said that we have permits from the Maine DEP and Army Corps of Engineers (ACE).

Mr. Galbraith agreed, reiterating that we do have the corrected warranty deed we need for this project and the following project and, so, we seem to have everything. This is an existing legally, non-conforming lot and 787 Maine Street does have a residence on it. Providing that residence stays, we are able to issue the dock permit through the Code Enforcement Office once they get final PB approval.

Mr. Lentz said that there is a compensation fee, asking if the applicant is in agreement with that and it would be paid prior to construction.

Mr. Riker said that I believe that was at the direction of the Maine DEP and I believe that has been paid.

Mr. Glidden said that as far as he knows all fees have been paid.

Mr. Lentz thanked Mr. Glidden, saying that that is not a concern of the PB but will be for the CEO when the applicant goes for permits.

Ms. Horner asked if the applicant was in agreement with the non-cutting of the trees and the re-planting at the direction of the Planner.

Mr. Glidden said that there is no other tree-cutting to be made other than what is required or what Riverside needs as part of the permit process to put the actual dock structure in, which is all part of the drawings. Also, any tree planting, if we go forward with any sort of building structure, is agreed upon to be part of the plan to re-plant anything that's required.

The Public Hearing is scheduled for May 19th.

Mr. Glidden asked, to clarify, that the only thing we need to confirm is that payment to the DEP.

Mr. Lentz said yes.

B. 0 Main Street (Map 6/Lot 154) PB19-17: Shoreland Zoning Permit Application: Application for a 4'X24' accessway, a 6'X100' fixed pier, a 3'X45' gangway, a 6'X35' landing float, and an 8'X30' main float. Applicant: CPN Realty, LLC. Owner: CPN Realty, LLC.

Received: September 26, 2019

1st Heard: October 29, 2019

Public Hearing: November 19, 2019 (Opened to table application.)

2nd Hearing: November 19, 2019

3rd Hearing: May 5, 2020

Public Hearing: _____, 2020

Site Walk: _____

Approval: _____, 2020

Mr. Steve Riker (Ambit Engineering), David and Laurie Chase, and Mr. Doug Anderson (Riverside & Pickering Marine) were present for this application.

Mr. Lentz said that this application, too, was put on hold until we cleared up some issues. He said that the deed needed to be corrected, it is now in compliance with the Town's back lot provisions, and there are four recommended conditions: no additional tree-cutting permitted on the site unless approval is granted, in writing, by the Town's Code Enforcement Officer and/or the Maine DEP; no dock permit (accessory structure) will be issued until a permit has been issued for a primary structure (single family residence) and has been substantially completed as determined by the Town's CEO; building permits are required for the proposed dock and residential structure; and any required tree replanting must be in accordance with the Maine DEP. He asked if we had a foundation, framing, and that sort of thing that we would be able to call it substantial.

Mr. Galbraith said no. I discussed this with the Town's CEO and, usually, if we have a foundation and starting to work on the framing (project well underway), I think he and the CEO could look at that and determine that it is substantially completed. I'm not expecting the property to be completely buttoned up and doing interior work at that time. Apparently, there is no work underway on the property. The problem also falls back to

the deed issue. We needed the corrected deed because this lot was illegally non-conforming, which basically freezes up the permit process. They can now apply for a building permit under the Town's back lot provision, so, they can pull a permit for the house now, start construction and, once we have a foundation, for example, in place and the framing started, then we would issue the dock permit as the accessory structure.

Mr. Lentz said that this dock permit becomes a condition of approval.

Mr. Galbraith said correct. I have requested that that become a condition of approval along with the three other items in my memo. It is basically the same as the last case with the exception of when they can get their dock permit. I can give approval for the dock permit as soon as they go through the approval process with the PB and I could do the same on 0 Maine Street (even issue the dock permit) providing PB approval, they pull permits to do the house and start and substantially complete the house.

Ms. Braun asked if it would be a provisional permit based upon them starting the work or would it be a permanent permit based upon them starting the work.

Mr. Galbraith clarified that starting the work on the house would be a condition placed on us issuing the dock permit. Once this deed correction is in place, we would allow them to apply for a building permit. Once that is under construction and we determine it is substantially complete then we would issue the dock permit.

Ms. Horner said I don't understand why we are issuing a permit if we need the house permit first to issue the permit.

Mr. Galbraith said it falls under the Town's accessory use provision, which a dock is, and I can't pursue an accessory structure permit until I have a primary use, a residential structure for example, on-site.

Ms. Horner agreed. She asked why we are seeing this application tonight if there's no primary structure on-site yet.

Mr. Galbraith said that we can approve it under a condition. We can approve the dock but it is contingent upon them building a house. So, I can go through the approval process, get everything lined up. Now we have the corrected deed and, if they apply for a residential permit to construct a house, we would issue that permit. It's really just a matter of timing to get this right; so, I have no problem with putting that condition on there. The CEO has been involved in this entire process; that we didn't have to wait for them to apply for the dock permit. I thought it was appropriate to run these two things contingent, get the lot situation sorted out and, when this dock application first came in, it wasn't noticed by the previous folks who had worked on this case that there had been an illegal lot split.

Mr. Lentz asked if we had a tentative schedule (for construction).

Mr. Chase said that, currently, we do not have any plans and nothing to submit at this time. I thought we only needed a foundation going in and now you're talking about a house majorly completed.

Mr. Galbraith reiterated that as long as some of the framing is starting to go up, I think we would be okay with that. I'm not expecting it to be under a roof and shingled but a foundation and some framing.

Mr. Chase said that at this time we are not ready to move forward because we do not have any plans and design.

Mr. Galbraith said okay. Again, I don't think this would stop us from approving this dock. It will go in the property file and the CEO and I will make sure all the paperwork transfers over to there. It would just be a matter of if-and-when Mr. Chase is ready to pull a permit for a house; that he could come in, get a permit issued. The CEO would be going out to do various inspections and, as long as we are comfortable that it's a real project that is happening, then we could issue the permit for the dock.

Mr. Chase asked, for clarification, if I show up with a print within the next 48 hours of a house design, we can get on with the PB on the 29th.

Mr. Lentz said that I would be willing to push this to the next step, which is a public hearing on the 19th, and I think I would be willing to push the approval as long as it's documented that we are not putting one stick in the water until we see some kind of a foundation. That would cover our action on the PB and it would be legally what you need to do. If everyone is in agreement, I would move that we push this to the next step, which would be the Public Hearing on the 19th. I think we can do that.

Ms. Horner said that I think it's important that the applicant, the Planner, and the Chair are all on the same page as far as what is 'substantial' because the Planner just said that it needs to be framing and the Chair said it just needs to be foundation. I would hate for the applicant to be under the wrong impression and then come back to us and say that the PB said 'this' at this meeting. My follow-up question to all of this is whose decision is it, ultimately, of what is 'substantial'. If there were a house being built here and they came before the PB, my understanding is that it is the PB's decision to decide what 'substantial' is because we are the ones who have to approve the application.

Addressing Ms. Horner, Mr. Lentz said, first of all, I was talking in generalities. I totally agree with you. When I said foundation and some framing, I have no idea what the CEO considers 'substantial'. I agree that it should be defined someplace and probably is not. I think the main point for me is that I don't see holding it back anymore in the PB realm. We accepted it as being complete with a few issues, which they've cleaned up. As long as it's controlled by the CEO and there's no permit issued until they feel it is substantially constructed, whatever that means, then I think we could go ahead and approve this, eventually, also. It should be documented. I agree with you, it should be defined.

Mr. Galbraith said that I think, from an approval point-of-view, we could go all the way through the Public Hearing and approve this. My suggest is that I work with the CEO and Mr. Chase on what is acceptable to all parties as 'substantially complete'. I could certainly work this out with the CEO and Mr. Chase, revise the memo language, and give the PB a new staff report for the 19th. I do not want to have this come back to the PB to get into an argument over if it is or is not substantial and I would like Mr. Chase to have the opportunity to have some input and go into this project with the knowledge of what the Town is expecting.

Mr. Lentz asked if the PB feels we can take this to a public hearing.

Ms. Horner noted that 'substantially complete' is a fairly common term in construction and it's typically everything except for the punch list. She emphasized that it's important that a standard is maintained in Town; that 'substantially complete' is a term and I would think any contractor would agree that there is a level of completion that that's what that means. Hopefully, you guys can just get on the same page as that because it would be awful to set a precedent, now, that's been different in Town through all these years and then moving forward just to get a dock in; that that seems a little risky to me.

Mr. Lentz asked the Planner to work with the CEO in the next couple of weeks and, then, if you can come back with a better definition.

Mr. Galbraith said sure. I've seen it before where the foundation and the first-floor framing has to be in place. That's not plumbing, not electrical, just the absolute framing of the outside of the house and any interior walls needed.

Mr. Lentz said that somewhere I've read the term 'substantially started', which kind of says that the contractor or owner has a stake into finishing it.

Ms. Horner said that 'substantially started' and 'substantially complete' are pretty different.

Mr. Lentz said that he would go on record to say 'substantially started'. He asked if the PB agreed and if we can move this forward, letting Mr. Galbraith and the CEO come up with something.

The PB members agreed.

Mr. Glidden said that he sees a little bit of difference on what completion and starting is here, suggesting we put a monetary value on that of \$25,000 beyond the foundation. That I think is substantial, moving forward, instead of just leaving a foundation in the ground.

Mr. Galbraith said that he could work with Mr. Glidden and the CEO on that and get this wrapped up well in advance for the 19th.

Public Hearing scheduled for May 19th.

ITEM 7 – NEW BUSINESS

There was no new business.

ITEM 8 – CORRESPONDENCE

There was no correspondence.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

Discussion regarding future agendas (tentative):

Mr. Lentz said that all the applications were reviewed and a tentative schedule set up for the next couple of months:

May 12th – PB20-4 Surrey Lane (4-lot subdivision), PB20-5 McClellan Drive (8,000 sq. ft. expansion/mixed use), and PB20-6 352 River Road (dock – new application).

NOTE: Ms. Goodwin will email the excel spreadsheet she developed showing all applications coming before the PB. She will also send out packets for the upcoming meetings.

May 19th – Public Hearings for 787 Main Street and 0 Main Street.

May 26th – PB19-23 0 Harold Dow Highway continued review (Old Business), PB20-2 Site Plan Amendment Public Hearing, PB20-6 River Road (dock) Public Hearing.

June 16th – Public Hearing for PB19-23.

Mr. Galbraith discussed a meeting he attended today offered through the American Planning Association regarding remote PB meetings, summarizing general information that would apply to this PB, such as documenting public input in whatever form it takes.

Ms. Lemire said that one thing we've been working hard on is having people create a written document of their comments and email it to me. Then, I can just plug it right into the minutes. A suggestion is to add a request within the agenda that anyone who has comments to please create a written document so that it can be placed into the record.

Mr. Galbraith said that we can certainly do that.

Mr. Lentz agreed, saying that it was accurate, also.

Ms. Lemire said yes.

There was discussion regarding the remote meetings and the pros and cons.

Ms. Braun wasn't clear how public hearings would go remotely.

There was general agreement that it would be a potential challenge.

Ms. Goodwin discussed how she was re-aligning the agendas, abutter notifications, and public hearing notices to give the public viewing and meeting participation information. On the public hearing notification, itself, it does say that written communication can be received at the Town Hall. We will also send out electronic copies of applications when requested so they can be reviewed ahead of the particular meeting.

Ms. Horner asked if our Town web page could have the rules, and schedule, and application material available there. It seems like it would be easier to direct people to the Town website PB section.

Ms. Goodwin said that, typically, I post a packet online before the meeting. She agreed that, when we know what we are going to be reviewing, we could put that information up ahead of time.

Ms. Horner said that I don't know how user-friendly it is but I think the PB has its own 'tab' and maybe all that stuff you just talked about could go on there as an updated COVID-19 policy for the PB, having information on how we're doing the meetings, where people can find information, generally, and then a link to specific documents for specific meetings.

At this time, Ms. Goodwin showed the PB what the PB web page looks like and how information is, and could be, placed on that page as well as the public notice that goes out. Abutters could be provided a link to remote in to the particular meeting, if that is okay with the PB.

Mr. Lentz said that I think it is excellent.

Ms. Horner agreed. She added her concern for making sure that everyone knows we are now having virtual meetings and where to find information be specifically placed on the website.

Ms. Goodwin brought the web page up and showed where that information might be placed.

Ms. Horner suggested possibly putting it directly under the blue banner that says that all meetings are now virtual and to please click on the agenda to see how to participate for that particular meeting.


After some further discussion, it was suggested that what is posted regarding public access to meetings in the agendas could be posted on the web page, with specific dial-in information posted on the agenda, as that changes with each meeting. Ms. Goodwin will

work on re-formatting the web page and send out a draft to the Chair and Planner for their review and feedback.

The next regular Planning Board Meeting is scheduled for May 12, 2020 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:05 PM.


Dennis Lentz, Chair
Date approved: 5/26/20

Respectfully submitted,

Ellen Lemire, Recording Secretary

