

**AGENDA**  
**Planning Board Meeting**  
**January 3, 2008**  
**Harbor House Building**

I. Call to Order/Roll Call 6:05 p.m. Chris Rawls, Dennis Dever, Vice Chair, Molly Lyman, Sharon Howard, Carolyn Maling, Anna Demeo, Chair, John Carr

II. Visitors to be heard not on the agenda - none

Visitors:       Ralph Dunbar, Jr.  
                  Greg Johnston, CES  
                  Frank Vicherson, CES

The chair stated that the applicant will be heard until 8PM at which time the Board will take up the ordinance workshop.

III. Applicants:

          CES, Inc., Agent for Tim Gott, 110 Bass Harbor Road, Map 15, Lot 78, Zone C;  
          Purpose: after the fact permit for addition of approximately 4350 cu yds of fill with an access driveway.

          CES: Johnston - Gott obtained a permit some time ago for fill and exceeded the limit. The current CEO, Mr. LaGrange, stopped the application for a driveway permit based on the excessive fill. That brought the applicant to the planning board. The CEO has the original permit for the original fill. The chair asked if the driveway was to no where? CES confirmed that it was. The reason stated for the driveway was to gain access by large vehicles, to grass over and seed the filled property. Chair asked for an explanation of the second driveway – the applicant doesn't want to bring heavy equipment over the newly asphalted driveway on his daughter's property in order to bring in loam and grass. The purpose is for the use of his grandkids for soccer and other games – no immediate plans to build on the lot. Carolyn - suggested that Mr. Gott should know the law and asked if he had applied for any DEP permits – Johnston said he did not, because none were needed – and on the plan the soils scientists have walked the property – Carolyn wanted to know how the board could possibly know that there was no wetland under the site – there is also a problem with Mr. Gott's respect for the Town and the Land Use Ordinance to apply for a permit for 500cu yds and then fill 4350 cu yds. Molly said the concern is not that it is after the fact, but to know what the site was originally. It is not possible to do a site visit in the current weather. Johnston said the applicant wants to re-vegetate. Mr. Dunbar informed the Board that he had just received the notice to abutters, and it was discovered that the notices were mailed late. The Chair asked Mr. Dunbar as an abutter to speak. He said there has been fill being hauled for years – water was running into Eric Clark's boat yard – the park traded with the Gotts a few years ago for a piece of land beyond the fill area–Jody's acres access – Chair asked Mr. Dunbar if he feels there will certainly be a road through to access the back property – the lot that the daughter owns can't be subdivided but it was – he is afraid that the next step will

be to go out back to the other property. Are there any existing elevations of that property before the fill – what was there – Johnston said USGS data is available and CES used that to determine the amount of fill. Demeo asked if there is a minimum size that goes on the GES inventory – no according to Johnston. He gave the Board a copy of the national wetlands inventory map. Molly suggested that the board look at the original application. Demeo noted: as an abutter what was the property – it was a gravel pit. Johnston said if there is any adverse impact it is the intent to fix that – Mr. Dunbar’s description of run off is opposite of the applicants. Demeo asked: should we continue if the abutter notices did not give them 7 days notice. For a notification to the abutters Carolyn would like to make sure that Mr. Clark gets the opportunity to attend this meeting. Demeo said yes – there are at least four to table the application with new notification be sent out. Should the applicant be notified that there will need to be DEP input - . Howard requested more information on why the fill was 7 ‘ high. Demeo suggested to Mr. Johnston that having Mr. Gott present at the next meeting would be most helpful. It was Moved (Lyman) and Seconded (Maling) to end the hearing of the application for Tim Gott because the abutters weren’t notified in a timely manner. Refer to section D 3 a of the LUO Section VIII. 7 – 0 in favor

The next meeting will be Jan. 17<sup>th</sup> at 6pm at the Town Office.

Johnston asked if there was anything else needed to facilitate the meeting. Mr. Dunbar suggested getting a copy of the deed for the property and when the original permit was issued.

Second notice and new abutters notices to be sent out by Walsh on Friday Jan 4<sup>th</sup>. There was discussion of the types of remedies that are available for after the fact permits. Lyman suggested that the discussions upcoming with the Selectmen should be the level of cost of after the fact permits. Demeo said this is important information and would like to keep this issue separate from the ordinance meeting. J. Carr asked for the original Jody’s subdivision information to be provided by the CEO and a copy of the permit originally used.

IV. Ordinance Workshop: at 7pm the Board reviewed the votes taken. First item was: in the Certificate of Occupancy ordinance it should state: The Code Enforcement Officer is authorized to issue one temporary certificate of occupancy not to exceed six months, before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied Discussion: Molly – the way this is written it is a blanket authorization.

It was Moved (Lyman) and Seconded (Dever) to accept the Certificate of Occupancy Ordinance as amended - 7 – 0 in favor

Regarding the ordinance revision for submitting applications to the planning board – this was already approved – is the wording introducing the article acceptable? Yes.

It was Moved Sharon and Seconded to accept the ordinance change to the site plan review as amended Carolyn 7 – 0 in favor

Review authority Moved Howard and Seconded Lyman to accept as amended Vote in Favor 7 – 0

Exterior Lighting : changes to #2 Exterior lights shall be appropriately shielded to prevent direct light from being visible outside the property line. Luminance will not exceed 0.1 foot candles at the property line.

It was Moved (John) and Seconded (Chris) to accept Section 3 as written and amended – Vote in Favor: 7 – 0

It was moved (Dennis) and Seconded (John) that the Section 8 definitions of wetlands and forested wetlands be accepted as amended Vote in Favor: 7 – 0

Various changes and suggestions were discussed concerning the buffering amendment to the LUO – these changes will be drafted and circulated to planning board members prior to the next meeting, at which time it is expected to be reviewed and ready for vote.

It was Moved (Chris) and Seconded(Dennis) that changes to LUO Section III 3 be accepted as amended. : Discussion of authority was held. The Motion was removed. Further discussion was held on the authority

Don Lagrange provided the planning board with the shoreland ordinance changes that are being required to be changed by the State as of July 1, 2009. This preliminary work was appreciated by the Planning Board. Don explained the package and suggested ways to review.

This ordinance change was tabled till the next meeting and a new draft circulated  
Accessory structure Section III E: 1. Change as follows from a, b, c: these get re-numbered 1, 2, 3, and Chair will forward all other changes to Walsh.

Discussion on the authority of this would be with the planning board for a year and then review and decide within that time whether or not to continue.

V. Next Meeting Date/Information.. The board will meet on January 17<sup>th</sup> at 6:00 p.m. at the SWH Town Office. These ordinances will be re-circulated , reviewed and voted on at that Planning Board Meeting, and will be on the Selectmen’s agenda for the 22<sup>nd</sup> of January. All planning board members are encouraged to attend the Select Meeting on the 22<sup>nd</sup> of January – agenda of that meeting will be e-mailed to members as soon as it is available.

VI. Next Meeting Agenda” LUO changes and Tim Gott project. Then the Board will work on the Shoreland Zoning review.

VII. Adjournment Moved Dennis, Seconded Sharon to adjourn the meeting at 9:07pm