

PLANNING BOARD MEETING
April 3, 2008

The meeting was called to order at 7:00 p.m. by Terry Lowd.

Board members present: Robert Cushing, Bill Mullin, Bill Cummings.

Also present: Lee Simard, Heather Leeman, Bill Phinney, Robert Lowd, Peter Lent.

The minutes of the March 6th meeting were accepted as written. Alternate Bill Mullin was appointed to vote as a member.

Agenda

1. Herbert & Dianne Vaughan, handicapped ramp permit. 112 McFarland Shore Road, Map 23 Lot 26.

Heather Leeman represented the Vaughans who have filed an application for a handicapped ramp permit for Mr. Vaughan that would extend from the existing deck of their house, over the garden to the driveway. Leeman said that the proposed ramp would be on the furthest end of the deck, no closer to the water. The recently approved Shoreland Zoning Ordinance allows the Planning Board to approve permits for handicapped ramps rather than the Board of Appeals.

Leeman presented DEP approval, a doctor's letter, and an elevation certificate. Code Enforcement Officer Merle West stated that he would add the stipulation that the ramp must be removed once it is no longer needed.

VOTE: Cushing made a motion to approve the permit; Mullin seconded; the board voted unanimously in favor of granting the permit with the condition that it be removed when it is no longer needed.

2. Peter Lent, preliminary subdivision meeting, 401 Rock Schoolhouse Road, Map 9 Lot 25.

Peter Lent is the owner of a 4.4 acre parcel containing a house and two sheds. He purchased the property in 2004, and wishes to split off a one acre lot to keep, and sell the remaining 3.4 acres and house. Lent has not had a perk test on the proposed split.

Before scheduling another meeting with the Planning Board, Lent must have the following:

- Completed perk test on the proposed new lot
- Completed survey with proposed property lines depicted
- Filed application for subdivision and paid the fees to the Town

3. Harry M. Lowd III, re-hearing of driveway permit, Fish Point Road, Map 27 Lot 43C.

Chairman Terry (aka Harry) Lowd, announced that out of fairness to those who had not attended the February 7th meeting, the Planning Board would re-hear his application and subsequent permit for a driveway. Lowd recused himself and asked Vice Chairman Robert Cushing to lead the discussion. Lowd also disclosed that Planning Board member Bill Cummings is his employee.

Cushing stated that he believed the permit should stand, as it is a deeded 20' right-of-way across Deborah Hall's land to provide access to Lowd's property for permitted uses, such as boat storage.

Bill Phinney, who represented abutter Deborah Hall asked which permitted uses the permit was for, and wanted to know specifically what and where those items would be stored. Phinney expressed concern about trees in the right-of-way—a double spruce tree and six other trees within 1-2' of the right-of-way, which if cut would create exposure to the other properties nearby.

Cushing replied that the trees in question are outside the 75' setback area and that Lowd had a right to remove them. Phinney said it was not necessary to cut them; Lowd replied that he respectfully disagreed and that they need to be cut. Phinney disagreed, and asked for his concern to be registered.

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Cummings replied that it should be up to the two property owners, Lowd and Hall, to work out the details about removal of the trees, and the Planning Board should not limit someone's access to their deeded right-of-way unless it is a violation of the Shoreland Zoning ordinance, which this is not.

The Board asked CEO West to read Note 8 from the Table of Land Uses on page 10 of the old Shoreland Zoning Ordinance which was in effect when the permit was granted:

"Road and Driveway Construction, Resource Protection Area: Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the resource protection area, in which case a permit is required from the Planning Board."

Phinney asked West to read from Section P. Clearing of Vegetation for Development from the same version of the Shoreland Zoning Ordinance:

"Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district."

The board concluded that the driveway is a permitted use. The board also made note of West's handwritten notes from a conversation with Rich Baker of the DEP on 1/17/08, which are attached to the permit. CEO West pointed out that because this was a re-hearing the board could ask him to re-issue the permit stating a width limiting the area of clearing. Cummings replied that since it was a deeded 20' right-of-way, the board should not restrict Lowd.

VOTE: Cummings made a motion to allow the permit to stand as written with no restrictions on the width of the driveway. Mullin seconded; the board voted unanimously in favor of allowing the permit to stand as written.

Mail & Misc.

Lowd re-joined the meeting and told the board about a letter from the DEP regarding violations which have occurred at the John's Bay Homes subdivision on Pemaquid Trail. The letter was addressed to both Jim Scali and to Mark Hanley who did the work on the road. Lowd said that Hanley has taken care of some of the immediate erosion control problems but that it would be up to Scali to address the rest of the DEP's concerns.

The board reviewed information on an upcoming workshop, Weathering the Storm: Managing Stormwater with Low Impact Development in Northern New England.

Lowd proposed that the election of officers take place at the April 17th meeting when more members are in attendance. The board will resume work on the Subdivision Ordinance, where it left off last fall.

The meeting was adjourned at 8:00 p.m.

Submitted by Heather Houston, Secretary, Bristol Planning Board.

PLANNING BOARD APPROVED: _____