

Planning Board Meeting Minutes
April 10, 2013

PRESENT:

Board Members: Richard Benner (Chairman), Larry Choate, Robert Pratt, William Leppanen, Dale Martin

Scott Bickford, Code Enforcement Officer

Susan Choate, Eric Davis, Bob and Ann-Marie Trapani, Doug Johnson, Will Winkelman (Architech representing Doug Johnson), Mark Ingraham (Landmark Corp), Kathryn DerMarderosian, Denna Carafelli, Nancy Colson, Phelps and Sally Bristol, Claire Perry

7:30 PM Richard Benner brought the meeting to order. Robert Pratt made a motion to accept the March 13, 2013 minutes as is. Larry Choate seconded it. Motion carried.

7:35 PM Richard Benner made a motion to move item number 3 on the meeting agenda (Subdivision amendment for the Ocean Edge Subdivision) to be address first on the agenda. Larry Choate seconded it. Motion carried.

Richard Benner asked Mark Ingraham of Landmark Corporation (surveyors & engineers) to explain plans for the Subdivision amendment for the Ocean Edge Subdivision dissolving Map 11, Lot 49-16 to be shared between neighbors with an updated plan to record.

Mark Ingraham asked the Board to review a Subdivision Amendment on behalf of William & Jane Dobson and Owls Head, LLC. The plan is to split the lot shown as "F" on the original Ocean Edge Subdivision plan, as recorded in the Knox County Registry of Deeds. The Dobson and Grimm families would purchase the current lot "F" and split it into two new lots, lot "F1" & lot "F2" with the Dobsons owning the Southerly lot and Grimms owning the Northerly lot. Mark said the lot is currently vacant. Bob Pratt asked if the lot was subdivided, would it be non-conforming. Mark responded that the new lots would be conforming lots.

Bob Pratt moved that the Board accept the dissolution/split of lot "F" into additional property owned by lot "E" & lot "G" per the owners' request. Richard Benner seconded the motion. Motion carried.

7:45 PM Richard Benner asked Bob Trapani to present any further information obtained since the last Board meeting to support the American Lighthouse Foundations' (ALF) request for a change of use to part of the existing residence quarters to an office & museum/gift shop.

Bob Trapani followed up with the State regarding the septic system at the Lighthouse Keepers' house. The State indicated that the U.S. Coast Guard, as owners of the facility, are responsible for the septic system at the site. In the State's view, it is a Coast Guard, Town of Owls Head and Homeland Security

issue. The State explained they contacted the Coast Guard regarding the overboard discharge at this location and issued a letter, which was given to all Planning Board members, regarding the current status and follow-up required. The Coast Guard had issue granted authority for the use of the facility by the American Lighthouse Foundation prior to the Maine State Department of Environmental Protection (DEP) sending this letter. The letter indicated that the Coast Guards' license/permit for the overboard discharge expired in July and that they cannot receive a renewal for it. The Coast Guard had the ALF sign an agreement that they would not discharge through the overboard discharge system. The Coast Guard said they required the ability to approve any new septic system being proposed. ALF indicated that they have the sight out for an evaluation for a new septic system and in order to move forward, they would put in temporary facilities to accommodate employees' needs. Richard Benner reiterated that the temporary facilities would be only temporary defined as no more than a year. Scott Bickford suggested that if a motion passed to accept the ALF moving into the Keeper's house, the Board make it on that condition. He also said the State had approved the changes to the Town Shoreland Zoning Ordinance that the Town had passed. Benner reviewed the Land Use requirements in order to determine whether the ALF has met those needs and the Board agreed they were fully met.

Richard Benner made a motion that the Board approve the ALF request for change of use contingent on the ALF submitting a new septic plan to Scott Bickford for approval and install it within 1 year of approval. Dale Martin seconded it. Motion carried.

7:55 PM Richard Benner asked Douglas Johnson to present his plan to replace an existing structure partly within the Shoreland 75' buffer area with a new dwelling at 5 Castlewood Lane.

Bob Pratt identified that he is a consultant on this property and indicated that he wanted to abstain from any voting on the issue. Richard Benner acknowledged this and accepted his abstention.

Doug Johnson stated he and his wife want to build a house on the property they bought 2 years ago which currently has an old deck house on it. The old deck house dates back to the 1940's and he indicated it was in poor condition. He said he was concerned because he knew there are children in the community and this structure is falling in.

Will Winkelman, Architect for Doug Johnson, stated the Johnsons' plan was to remove the old deck house and replace it with a new structure as per their supporting documentation. This new structure would be more conforming than the current old structure. He indicated that wetlands lay on the back of the property with the deck house lying on a small dry bluff and there is a small window for placement of the building while using as much conforming space as possible. The septic design is for a 2 bedroom. Although, he said the Johnsons may expand it to accommodate a 3 bedroom layout. The Johnsons plan to retire there and live in the new deck house. Will presented the survey and an

illustration done by Doug of what is planned. The current deck house sits partially in the 75' setback zone and the proposed structure's footprint would also sit partially in this zone but, would have less structure in the non-conforming area. Bill Leppanen asked if there was as certificate of elevation showing the property not in the flood plain. Will indicated that he didn't know but, believed that it wasn't in the flood plain and he would inquire further to confirm this. Will said he thought it was on a coastal bluff. Scott Bickford stated that unstable bluffs are treated differently.

Richard Benner said the old deck house in the picture appears to be abandoned for years. He noted wording in the Shoreland Zoning Ordinance on page 6, item D 2.: *Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use.* He further explained that the Shoreland Zoning Ordinance promotes the disposal of non-conforming buildings when no longer in use for extensive periods of time. Doug Johnson said he has only camped out 1 night there and has done some shoring up of the current structure. Will indicated he would call the previous owners to identify when they last resided there.

Richard Benner asked if the property and building are currently taxed by the Town. Nancy Colson provided the Towns' tax information which confirms that both are taxed.

Scott Bickford indicated that one option for the owners is to obtain a tier permit which would allow them to move the structure back towards the wetlands. This would allow the new structure to be moved out of the non-conforming area.

Richard Benner said the current application could not be approved by the Board as is. Larry Choate made a motion to table the discussion until the owner has followed up on:

- 1) when the deck house was resided in by the past owners
- 2) confirm the status of the bluff
- 3) confirm with DEP if they can encroach on the wetlands.

Dale Martin seconded it. Motion carried.

8:30 PM Richard Benner ask if there was any new business. None.

8:31 PM Richard Benner made a motion to adjourn the meeting. Larry Choate seconded it. Motion carried.

8:32 PM Meeting adjourned.

Respectfully Submitted,

Susan Choate