

APPROVED
Town of Owls Head
Minutes of Planning Board Meeting
(Wednesday, December 16, 2015 – 7:30 P.M)

Board Present: Chair Robert Pratt, Larry Choate, William Leppanen, Dale Martin, and Marc McNeilly

Board Absent: Ken Wexler

Staff Present: CEO Scott Bickford and Recording Secretary Deborah Sealey

Chair Robert Pratt opened the meeting at 7:30 P.M.

I. Approve Minutes of 8/19/15

ACTION: William Leppanen made a motion, seconded by Marc McNeilly, to accept as written the minutes of the 8/19/15 meeting.

Carried 5-0-0

II. New Business

A. Terry Watkinson – 23 Lobster Lane – Application for Approval for a Garage and Office Replacement– Tax Map 11, Lot 43: Chair Robert Pratt asked the applicant to explain what ordinance and section thereof he was using for the basis of his application. Mr. Watkinson said Prock Marine would replace the pilings on his now unstable wharf: 25 pilings would be driven down into concrete slabs. The current office on the wharf would be extended by 5’ or 6’ in length and an upstairs would possibly be added.

The wharf was now 42’ X 21’ and the building was 14-1/2’ X 32’. The office would expand toward Rodney’s wharf to the southwest.

Chair Pratt ascertained that this was a commercial pier and stated that the office was not considered a non-conforming structure since it was on a dock. He said the PB would consider it a commercial fisheries and marine activities zone. CEO Bickford said the portion on land was commercial. Chair Pratt said this would come under the Shoreland Zone Ordinance, Section 15(C) Item #7: “Piers, Docks, Wharves, and Bridges”. Mr. Watkinson agreed that his property conformed to that section.

The applicant pointed out on submitted photographs the new configuration of the office. There would be no bathroom.

Chair Pratt asked for Public Comment and there was none.

CEO Bickford said Mr. Watkinson was required to come before the PB because the Table of Land Uses defined his structure as permanent. If the PB acted on the application, Mr. Watkinson would still have to obtain a building permit based on the parameters decided here. He said the PB could approve just the pilings tonight or also make conditions on the building.

Mr. McNeilly wanted to see more definition of the structure on the wharf, especially the height, since the maximum was 20’. He asked the applicant to draw up a floorplan for the building.

ACTION: Marc McNeilly made a motion, seconded by Larry Choate, to approve the removal of the existing pilings and building and placement of new pilings to match the configuration that is there

Carried 5-0-0

Mr. Watkinson said he wanted to be sure he would be allowed to replace the building. Chair Pratt said the board wanted more information on the building in a separate application and asked the applicant to note which ordinance section covered that application. Mr. Martin said the applicant would have one year after it was taken down to begin the building's replacement.

B. F.X. Lyons – 6 Rugosa Lane – Application to Expand in the Shoreland Zone Buffer – Map 7, Lot

63: Chair Pratt said he knew Mr. Lyons and had talked with him on the dock and Mr. Leppanen said he owned property across the street from the applicant. Both Board members asked the others to determine if they had a conflict of interest.

ACTION: Dale Martin made a motion, seconded by Larry Choate, that they saw no conflict of interest for either Mr. Pratt or Mr. Leppanen

Carried 3-0-2 (Mr. Pratt & Mr. Leppanen abstained)

Mr. Lyons said he had done work inside the building after buying it last year. He now wanted to remove the deck, upgrade it, and add a farmer's porch. He wanted to make the deck 2-1/2' wider on the (westerly) side of the house, where there was a 25' setback.

My Lyons spread out maps and said the issue was the 75' setback from the water. The front porch of his building was now within that setback. He explained in detail the changes he wanted to make to the building. The members discussed the area and paper roads, etc.

Chair Pratt said the property lines were the issue. Mr. Choate said the legal issue would have to be hashed out by the property owners abutting the road. He said Mr. Lyons' lot and structure were non-conforming and he asked how the applicant was dealing with the 25' setback. Mr. Leppanen said the lot was under 65', so it would go to the sliding scale based on the width of the lot: this would be the scale on Page 15 of the regular zoning ordinance, not the Shoreland Zoning Ordinance.

Since the lot was 58' wide, Chair Pratt said the setback would be just under 15'. Mr. Lyons said the deck was 3-1/2' wide and had existing stairs. Mr. Pratt said it had to be considered 14', so this was a real problem regardless of changes to the building. CEO Bickford said the definition of setback was to the property line.

Mr. Lyons said he wanted to put a roof over the porch; the roof would be no larger than the porch below it. He asked if he could rebuild what was there. Chair Pratt said he could repair and replace existing structures without expansion.

ACTION: William Lepannen made a motion, seconded by Marc McNeilly, to deny the widening to the west of the existing porch based on 3.4.2 "Dimensional Requirements" pt. 2 of the Zoning Ordinance.

Carried 5-0-0

Chair Pratt said the back stairs could be done through the CEO. He then asked Mr. Lyons what he wanted to do with the front. Mr. Lyons responded that he wanted to add a set of doors and windows on the second floor and add a roof over the porch. This would increase the amount of the structure in the 75' setback. He

would not be changing the height or pitch of the roof but wanted to be able to walk out onto the roof from the second floor. Mr. Lyons confirmed that this roof would act as a deck for the second floor. He said the deck would come over to the side of the bump out and would be as deep as the existing porch.

Chair Pratt asked for Public Comment and there was none.

Chair Pratt quoted Section 12 of the Shoreland Zoning Ordinance, saying that reconstruction and replacement could not increase the non-conformity of a structure. CEO Bickford said the exact number of square feet would be needed because it would count toward the 1,000 sq. ft. allowed inside the buffer. Chair Pratt said allowing this would not increase the sq. ft. or non-conformity of the property.

ACTION: William Lepannen made a motion, seconded by Dale Martin, to accept the proposal to add double doors and a deck, not exceeding the drip edge of the existing first floor porch, to the second floor.

Carried 5-0-0

III. Other Business

Chair Pratt had received a form from Jeff Smith, who wanted to renew his license for septic disposal. The Chair asked for comments or questions. Mr. Leppanen said a public hearing on the issue was coming up. The Chair said the Board could take a stand if it wanted to. CEO Bickford said this was a financial blessing for the town.

ACTION: William Leppanen made a motion, seconded by Marc McNeilly, to support Jeff Smith's DEP application.

Carried 5-0-0

IV. Adjournment

The meeting adjourned at 8:45 P.M.

Respectfully submitted,

Deborah Sealey
Recording Secretary

Town Of Owls Head Planning Board:

Robert Pratt, Chair

Larry Choate

William Leppanen

Dale Martin

Ken Wexler

Marc McNeilly (Alternate)