

Readfield Planning Board

Meeting Minutes of April 12, 2022

Planning Board Members Present: Paula Clark (Chair), Jack Comart, Jan Gould, Don Witherill, Bill Buck, Noel Madore, Henry Clauson

Excused:

Others Attending: Ron “Chip” Stephens (CEO), Anjelica Pittman (Board Secretary), Scott & Dawn Morash, Justin Morgan, Tom Moloki, Heather Lawrence, Dennis Lawrence, Bobbie Gottschalk, Tom Gottschalk, Eric Falconer

Attending Via Zoom: David Palmer, Sam, Ed Bergman, Keith Meyer, Rob Schumacher, Doug Farris, Megan Morash, Clif Buuck, Dan Martineau

Meeting called to order at 6:31 P.M. by Paula

Public Hearing: Dawn and Scott Morash on 111 Mayo Road continued from public hearings on 11/11/22 and 5/11/21. Application submitted to construct a new 4600 sq. ft., 3 beds, 2.5 baths, year-round dwelling on Maranacook Lake and demolish the existing 2100 sq. ft. structure on the property. The property is in the Shoreland Residential District identified on Tax map 134 lot 125.

Justin Morgan of Main Design Build presented a new package that addressed vegetative coverage and the greatest practical extent requirement.

Jack asked if there is any reason why a 2100 sq. ft. home approximately equal in size to the existing home could not be built behind the 100 ft. Shoreland residential set-back requirement. Justin Morgan responded that the Morash’s are not proposing a 2100 sq. ft. house. Jack asked the question again, but Justin Morgan did not respond.

Paula had anticipated the amended proposal would be designed to meet the 100 ft. set back requirement since this issue had been discussed at previous meetings. However, the latest proposal still places 1500 sq. ft. of floor area of the new structure within the 75 ft. to 100 ft. set back area. Paula emphasized that the setback requirement is 100 feet, not 75, and explained that the LUO standards pertaining to replacement of a non-conforming structure (which includes a demonstration of compliance with setback requirements to the “greatest practical extent”) and to expansion of a non-conforming structure are both applicable in this case

Scott Morash responded that his team is still trying to address the greatest practical extent requirement.

Justin Morgan responded that the current proposal is the best way to minimize runoff, since building into the hillside would bring up other issues such as increased erosion. Scott Morash added that the slope coming down the hill is a 14% steep grade, and town officials who viewed the property were hesitant to descend the hill due to the steepness.

Paula noted that the proposed garage is within the 75ft. to 100 ft. setback, to which Scott Morash responded that it is at 85ft.

Paula gave options on how to move forward with this application:

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- Get questions answered tonight and then return at a future meeting after members have time to consider; or
- The Morashes could consider a revision of their proposal to meet the 100 ft. set back requirement; or
- Move to a decision tonight

Several members of the public commented:

Tom Moloki of Thorpe Shores Road and Town Representative to the Cobbossee Water District (but not appearing on behalf of the CWD) expressed his support of the Morashes application saying that he sees the dwelling being moved back and updating the septic system as in line with DEP rules, as well as the Morashes contribution to our society as a win/win.

Eric Falconer also of Thorpe Shores Road, Maranacook Lake Association President and Board member, echoed Tom Moloki's sentiment, also felt that more obstacles were added to the Morash application due to new ordinances. He would love to see the expansion of the home; ~~thinks, thinks~~ it would be good for taxes, and that the new structure is less non-conforming than the current structure.

David Palmer stated that he lives 5 lots down from the Morashes. He purchased a camp in 1995 which was later converted to his retirement all season home in 2007. He feels as though the Morashes are attempting to do the same. David Palmer's lot was .4 acres, so they bought the abutting property, built a 3900 sq. ft. home, and moved powerlines and ROWs. The Morashes are being restricted both by the water and the road.

Dan Martineau asked what the square footage is inside the 75 ft. to 100ft. setback area. Justin Morgan responded that it was 1500 sq. ft. including the deck; Dan Martineau asked if that would be a decrease from the current 2100 sq. ft. structure. Paula interjected that the proposal is certainly an improvement in that regard, but the ordinance establishes specific standards to be met, ~~and the~~ and the standard to be met is not just "improvement."

Eric Falconer asked if the Morashes build a 2100 sq. ft. structure replacement would it be allowed to be 14' from the water as the current structure is now. Paula responded that no, the new structure would need to meet the ordinance set back requirements to the "greatest practical extent" regardless of its size. Eric Falconer then asked if they left part of the standing structure and built on to it, would they be within ordinance, Paula answered no, because of several factors.

Keith Meyer resides at 14 Prosperity Ln. He stated he has experience with some serious problems such as the dam issues in Winthrop, and he does not feel his concerns were heard because he was a part time resident. Keith Meyers feels form over substance is taking over. He sees the Morash's as supportive of protecting the environment and preservation. It would be a benefit to him to have the Morash's live in the community and it would help property values.

Henry asked if the Morash's would be willing to reduce the home size.

Scott Morash responded that he would prefer not to. This application allows space for his daughters to visit, and a garage which is a necessity. The size planned for the home would be the most comfortable for them in their retirement. He noted that their proposal does not exceed the maximum limits for impervious surface, and certain other requirements have been met.

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Henry asked to clarify the square footage of the home at, 2600 sq. ft., Justin Morgan replied that it is 4500 sq. ft. including the garage and unfinished basement. Henry would like more time to consider the proposal, would like to aim for another meeting to give time to research.

Don inquired about the vegetative replanting plan and Justin Morgan responded that it has not been completed, as they are waiting for project approval first. Scott Morash stated they are willing and planning to re-vegetate the area where the old house is now and there will be a plan for that once the application is approved.

Noel felt that the issues had been expressed well in the meeting, and that he would also like more time to consider the application. Jack would like Scott Morash to look at the new ordinance and see if the 4600 sq. ft. home can be built 15ft. further back to accommodate the 100ft. setback line from the water, as the goal is to eliminate, not create, non-conforming structures. Scott Morash responded that moving the building 15ft. back makes a significant difference due to the slope of the property.

Noel stated that if the deck were removed from the design, the home would only need to be moved back 5ft. Scott Morgan said further up hill is unusable in this case. He argued that each lot has its own unique presentation, and the rules should be uniform for everyone. He sees other properties built 90ft. from the water on more acreage. Paula responded that the other property he is referencing is one of the reasons the ordinances have been clarified.

Planning Board members would like more time to consider the application and leave the public hearing open for flexibility. Henry **motion** to table the decision, **seconded** by Bill, **6-0 vote** in favor (Jan abstains).

Public Meeting:

1. An application on **23 Church Road** by **Jason Foster** to replace a previously removed non-conforming 2-car garage/barn with a new single-story storage 2-car garage/barn. The property is in the Village District identified on Tax map 134, lot 125.

Jason Foster presented that his home was formerly his wife's childhood home, that the old garage was dangerous, so he removed it and put a small shed on remaining platform approximately six months after removing the old garage. He has had Main Land survey to determine lot lines and reset missing corners. He would like to build a new garage in roughly the same spot but set 5ft. from the lot line rather than 1ft. as the old structure was. The new garage will be a little bigger at roughly 28ft by 38ft.

Clif Buuck stated that he and Jason Foster had discussed a routine application for a new garage years ago, but due to life changing circumstances, the process never was completed. The requirement to submit an application to replace a non-conforming structure that has been destroyed or torn down is one year, per Article 3 Section 4(D), Clif Buuck argued that given all the circumstances, he was hoping that the 1 year time limit could be waived.

Jack asked Jason Foster if the metal structure currently in-place was set in place within 1 year of the old structure being torn down. Jason Foster said it was. Jack pointed out that given this fact, this new application comes within 1 year of the metal structure being removed and so there is not a timing problem.

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Given the circumstances, Henry would support a waiver of the 1-year requirement to allow the application to proceed. The Planning Board agreed they need more time to investigate it, but would like for Jason Foster to submit a waiver request. The Board agrees to proceed with the new application, along with the waiver. Jack made a **motion** to find the application complete, subject to inclusion of a written waiver request, to notify abutters and waive the site visit. **Seconded** by Bill, **5-0 vote** in favor.

2. An application on **140 Torsey Shore Road** by **Heather Lawrence** to raise an existing residential dwelling structure to replace foundation and raise the building height less than 3 ft. The property is in the Shoreland Residential District identified on the Tax map 106 lot 075.

Heather Lawrence reported that the survey of the property lines is complete and that there is a plan for a new septic system. The home was placed on the property in the 1960's and is a pre-existing, non-conforming structure due to the 1ft.-2ft. non-conformity on the left front of the home because of the asymmetrical lot lines.

Paula stated that the waterfront set back is met and that the road set-back appears to be met. The survey determined the right side meets setback requirements, but the left side set-back requirement is not met.

Heather Lawrence was asked if the structure and new foundation could be set 1-2 ft. away from the non-conforming set-back line in order to be fully conforming. If all setbacks can be met, then the PB would not need to be involved. However, if the structure cannot be made conforming, then the PB would apply the greatest practical extent criteria.

The board believes it would be worth asking the construction company if the corner of the structure can be moved to meet conformity. Paula suggested the application be found complete and to notify abutters, as there is no need to hold up the application process awaiting input from the construction company. The board voted to find the application complete, notify abutters and waive the site visit. Jack **motion** to approve, **seconded** by Bill, **7-0 vote** in favor.

Old Business:

Chip requested there be a change to require applicants submit either electronic or hardcopy of applications to members of the Board, Board members agreed.

Chip announced that an application will be submitted soon for a solar farm off Route 17 heading towards Manchester and asked if he will need to charge both a solar application and site review fee. Henry answered that Chip is supposed to charge an application fee upon submittal of an application and a permit fee once/if once the application is approved. The application fee for Small-Scale systems is the standard building permit fee. The permit fee is based on kW with a minimum fee of \$25.

An update on the Syncarpha Solar Application: Chip believes they have everything in place (permits, etc.), that they are awaiting CMP, so they can begin construction. Chip is waiting to see movement with the project.

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The board discussed the next meeting regarding the SSMH application, Jack and Paula have spoken with Kristin Collins on how to approach and discuss what is different, what is not at the next meeting.

Meeting Adjourned at 8:54 P.M. by Paula