

# READFIELD PLANNING BOARD

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Minutes of Tuesday, April 27, 2021

**Planning Board Members:** Jack Comart (Vice Chair), William "Bill" Buck, William "Bill" Godfrey, Jan Gould, Don Witherill

**Excused:** Paula Clark (Chair), Henry Clauson

**Others Attending:** Clif Buuck (Interim CEO), Kristin Parks (Board Secretary), Ron "Chip" Stephens (CEO), Eric Dyer (Town Manager), Scott Morash, Dawn Morash, Justin Morash, Dan Roy, Aaron Neily, Robert Corey, Dave Hewey, Grace Keene, Rob Schumacher

Meeting called to order at 6:31 pm by Jack

## Continued Application:

1. **Daniel Roy:** This application was open 4/13/21 and further continued to 4/27/21. Submitted by Daniel Roy to construct new foundation under existing non-conforming structure raising the building 3-feet. The property is located at 86 Torsey Shores Road as identified on the Assessor's map 106 lot 89
  - Dan met with the contractor and they have come up with a plan to insure building does not violate the 25 foot height limitation. Explanation is contained in email dated 4/17/21 from Dan Roy to CEO.
  - Discussed whether it is possible to move the building further back from the water under the greatest practical extent criteria. However, due to the slope of the land, the location of the septic system, location of large trees which would need to be removed and increased erosion concerns, it was felt that no other location was feasible.
  - Chip and Clif feel that everything seems to be in order per the requirements. No concerns with the storm water plan if follows with the one presented. No concerns meeting the 20% non-vegetated lot coverage limitations based on calculation provided by Mr. Roy.
  - **Motion** made by Don to find the amended application complete, schedule public hearing, notify abutters and waive site visit, **second** by Jan. **Discussion:** Public hearing schedule for May 11<sup>th</sup>. **Vote** 5-0 in favor.

## New Application:

1. **Aaron Neily:** Submitted a new application to open a new Medical Marijuana dispensary under Readfield Marijuana Establishment Ordinance. The property is located at 1146 Main Street in the Village District identified on the Assessors map 120 lot 086. Mr. Neily is continuing to work on his prior application which includes seeking a permit for marijuana cultivation.
  - Aaron is looking to just have a retail space at 1146 Main Street with no cultivation aspect. Applicant says he is familiar with the town's marijuana ordinance. Basic application submitted; marijuana cultivation set back requirements are not needed for retail space.

## READFIELD PLANNING BOARD

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- **Motion** made by Bill G to find the application complete, schedule public hearing, notify abutters and waive site visit, **second** by Don. **Discussion:** Public hearing scheduled for May 11<sup>th</sup>. **Vote** 5-0 in favor.
  
- 2. **Dawn & Scott Morash:** Submitted application to construct a new 3290 sq ft, 3 bed 2.5 bathroom year round home on Maranacook Lake and demolish the existing structure on the property. Less than 1500 square feet of floor area will be located within a 100 horizontal feet of the normal high water mark of the waterbody. The property is located at 111 Mayo Road in the Shoreline Residential Zone identified on the Accessors map 134 lot 125
  - Proposed house is set back further from shoreline than the existing house. No variances are apparently needed. However, applicant proposes to meet the road set-back by redesignating a portion of Mayo Road as a “driveway” serving only 1 residence. This will reduce the road frontage of the lot making the lot more non-conforming. CEO questioned whether this is legal.
  
  - **Motion** made by Don to find application complete, schedule public hearing, notify abutters and schedule site visit, **second** by Bill G. **Discussion:** Public hearing scheduled following site visit on May 11<sup>th</sup>. Site visit scheduled at 5:30 pm. Planning Board requests representative from Cobbossee Watershed at site visit for review. **Vote** 5-0 in favor.

### Administrative Items:

- **Review/approve minutes of April 13, 2021**
  - **Motion** made by Bill G to approve the minutes from April 13, 2021 as submitted, **second** by Jan. **Vote** 5-0 in favor..
  
- **Cookie Bakery/Grange Complaint**
  - Complaint received from an abutter regarding the cookie bakery. CEO has notified them of the 45-day appeal process..

Meeting adjourned at 7:10 pm

Minutes submitted by Board Secretary, Kristin Parks

Next meeting scheduled for May 11, 2021

# READFIELD PLANNING BOARD

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Minutes of Tuesday, May 11, 2021

**Planning Board Members:** Paula Clark (Chair), Jack Comart (Vice Chair), William "Bill" Buck, William "Bill" Godfrey, Jan Gould, Don Witherill, Henry Clauson

**Others Attending:** Clif Buuck (Interim CEO), Kristin Parks (Board Secretary), Ron "Chip" Stephens (CEO), Eric Dyer (Town Manager), Eric Falconer, Rob & Kathy Corey, Dan Roy, Marty Soule, Scott & Dawn Morash, Harry Grimmitz, David Paler, Justin Morgan, Dave Hewey, Megan Morash, Will Harris, Keith Meyer, Darcy Whittemore

Meeting called to order at 6:32 pm by Paula.

## Public Hearings:

1. **86 Torsey Shores.** This application was initially considered on 4/13/21 and found complete on 4/27/21 and scheduled for public hearing. Submitted by Daniel Roy to construct a new foundation under the existing non-conforming structure raising the building to maximum permissible 25 ft. The property is located at 86 Torsey Shores Road in the Shoreland Residential District identified on the Assessors map 106 lot 89
  - Public hearing opened at 6:33 pm by Paula.
  - Dan Roy provided a brief update on his revised plans to construct a new foundation under the existing non-conforming structure raising the building to maximum permissible 25 feet. Contractor is able to accommodate height requirement by excavating to lower the overall height of the building
  - No public comments.
  - **Motion** made by Bill G to close the public hearing at 6:35 pm. **Second** by Henry. **Vote** 7-0 in favor.
  - **Motion** made by Jack to approve the application as amended, subject to standard conditions. **Second** by Bill B. **Vote** 7-0 in favor.
2. **1146 Main Street.** This application was found complete and scheduled for public hearing on 4/27/21. Application was submitted by Aaron Neily to operate a new Medical Marijuana Retail Dispensary in conformance with the Readfield Marijuana Establishment Ordinance. The property is located at 1146 Main Street in the Village District identified on the Assessors map 120 lot 086
  - Public hearing opened at 7:30 pm by Paula.
  - Aaron Neily, applicant, not present.
  - Marty Soule: Recognizes marijuana is legal but has worked as a PA at MCHS with teenagers and substance use and has deep concerns. She has a strong reaction to having a facility setup in Readfield.
  - Paula stated the application was for retail sale of medical marijuana only, and there is the ordinance in place for safety requirements, security, odor, signage, etc.
  - Darcy Whittemore: Asked if there were restrictions or considerations due to being so close to the library that does focus on kids and kid activities.
  - Keith Meyer: He is familiar with medical marijuana facilities and issues with lots of traffic and asked if this may be a concern in this area of town.
  - Public hearing left open.

## READFIELD PLANNING BOARD

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3. **111 Mayo Road.** This application was determined to be complete on 4/27/21 and was scheduled for public hearing to be held on 5/11/21. Submitted by Dawn and Scott Morash to construct a new 3290 sq. ft, 3 bed 2.5 bathroom year round home on Maranacook Lake and demolish the existing structure on the property. The property is located at 111 Mayo Road in the Shoreline Residential District identified on the Accessors map 134 lot 125
- Public hearing opened at 6:40 pm by Paula.
  - Site visit was at 5:30 pm with planning board members in attendance.
  - Justin Morgan, Contractor, gave a brief overview of the project; Construct a new 3290 sq. ft 3 bed 2.5 bathroom year round home on Maranacook Lake and demolish the existing structure on the property. The existing structure is nonconforming due to its proximity to the lake. Driveway will reduce the road frontage.
  - Written comments from abutters, the Coreys, discussed. Only concerns are the driveway next to their property line and the water run off to leach field and if there will be any necessary precautions. The Morash's that they have addressed the issue regarding these concerns.
  - Jack questioned the need for removal of a lot of big trees and how will that removal impact runoff, etc. Wants to see a replanting plan. No re-vegetation plan has been submitted. Bill Monagle was at the site visit. A rock lined ditch would be a good resolution and proper grading to improve drainage into the lake. Also revegetate the existing house and driveway site.
  - The new driveway will be outside the 100 ft setback.
  - Question on the development plans of the second abutters, the Heweys. Confirmed that the Morash plans do not affect any of the Hewey plans. Dave Hewey feels it's a positive thing and has no issues. Will make the drainage better.
  - Clif suggested to get written MMA legal advice on the increase of nonconformity.
  - Planning Board requesting more material:
    - i. Revegetation plan and plan for revegetation of existing demolition site and driveway
    - ii. Issue concerning Mayo Road and drainage plan on how water conveyed down to lake
    - iii. Updated erosion control plan (suggested by Bill M to have berm instead of silk fencing)
    - iv. Driveway plan
    - v. Neighbors' protection plans (swale between 2 properties)
  - Bill M. willing to write up his suggestions.
  - **Motion** made by Don to close the public hearing at 7:23 pm, **second** by Bill B. **Vote** 7-0 in favor.

### Administrative Items:

- **Review/approve minutes of April 27, 2021**
  - **Motion** made by Jack to approve the minutes from April 27, 2021 as amended, **second** by Bill B. **Vote** 7-0 in favor.

Meeting adjourned at 7:50 pm

# READFIELD PLANNING BOARD

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Minutes of Tuesday, May 25, 2021

**Planning Board Members:** Paula Clark (Chair), Jack Comart (Vice Chair), William "Bill" Buck, William "Bill" Godfrey, Jan Gould, Don Witherill, Henry Clauson

**Others Attending:** Clif Buuck (Interim CEO), Kristin Parks (Board Secretary), Ron "Chip" Stephens (CEO), Eric Dyer (Town Manager), Rob Corey, Kristin Collins (Town Attorney), Rob Schumacher, Samantha Morash, Bob ?, Aaron Neily, Dawn & Scott Morash, Eric Falconer, Matthew Nazar, Grace Keene, Justin Morgan

Meeting called to order at 6:33 pm by Paula.

## Public Meeting:

1. **111 Mayo Road.** This application was reviewed and opened for a public hearing on 5/11/21. The public hearing was closed and scheduled for further review on 5/25/2021. The plan submitted by Dawn and Scott Morash is to construct a new 3290 sq. ft., 3 bed 2.5 bathroom year round home on Maranacook Lake and demolish the existing structure on the property. The property is located at 111 Mayo Road in the Shoreland Residential District identified on the Assessor's map 134 lot 125
  - Site visit was done May 11, 2021.
  - Demo of existing structure with replacement of new structure; still non-conforming on a non-conforming lot.
  - Concerns received from the Coreys, abutters; drainage of septic system from new driveway, tree removal and a natural buffer and new driveway is 3 ft. from property line.
  - The Morash's have worked with the Coreys and a site survey was submitted and sent out on Monday, May 24<sup>th</sup>. The Coreys are satisfied with the Morash plans and water run off issue. A buffer is to remain between the properties.
  - Kristin Collins, Town Attorney, did not agree that it was allowable under the LUO to redesignate a portion of Mayo Road as a driveway and thereby reduce the road frontage from approx. 180 feet to 30 feet, thus making the non-conforming lot more non-conforming. Her opinion is consistent with that the opinion provided by MMA.
  - Morash may come back with a different proposal. He may pursue a variance request.
  - Suggested by Kristin Collins to withdraw the current application and resubmit with new LUO and setback changes or to table the application and see the outcome of the June 8 vote.
  - **Motion** made by Don to table the application, **second** by Jack. **Vote** 7-0 in favor.

## New Application:

2. **New Application: 26 Mill Stream Road - Safe Space Meeting House (SSMH):** The application is a proposal to create a community center/club location for cultural events, meeting space and social gatherings. The property is located at 26 Mill Stream Road in

## READFIELD PLANNING BOARD

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the Rural Residential District identified on the Assessor's map 120, lot 013. Since the applicant was not present at the meeting, no action was taken by the Board.

### Public Hearing:

3. **1146 Main Street:** This application was found complete on 4/27/21 and was scheduled for a public hearing on 5/11/21. Since the applicant was not in attendance on 5/11/21, the public hearing was continued to 5/25/21. Applicant Aaron Neily seeks to open a new Medical Marijuana Retail Dispensary in conformance with the Readfield Marijuana Establishment Ordinance. The property is located at 1146 Main Street in the Village District identified on the Assessor's map 120 lot 086
  - Application found complete at April 27, 2021 meeting. Applicant not present for public hearing on May 11, 2021, public comments still made.
  - Brief summary presented by applicant who is no longer seeking to cultivate marijuana at the site. Application is now limited to retail only. Already has state license. The product will be coming from other sources.
  - Henry asked about security; applicant said motion lights will be installed along with a security system and a safe to lock up items every night. Another concern at public hearing was the location being in the center of town and near the library. This makes people in the community concerned.
  - Discussion on signage. No signs have been made yet by applicant. Will follow all guidelines.
  - Board requested that a corrected/up to date lease be submitted.
  - **Motion** made by Henry to close the public hearing at 8:04 pm, **second** by Bill B. **Vote** 7-0 in favor.
  - **Motion** made by Jack to approve the application with standard conditions; ensure security measures and odor control mechanisms are in place before opening per Town of Readfield Marijuana Ordinance and that there will be no cultivation activities at 1146 or 1150 Main Street without town approval, **second** by Bill G. **Vote** 7-0 in favor.

### Administrative Items:

- **Review/approve minutes of May 11, 2021**
  - Tabled until next scheduled meeting

Meeting adjourned at 8:18 pm.

Minutes submitted by Board Secretary, Kristin Parks

# READFIELD PLANNING BOARD

Minutes of Tuesday, January 11, 2022

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

**Excused:** Bill Buck

**Others Attending:** Ron "Chip" Stephens (CEO), Brittany Johnson, John Cushing, Kartika Wright, Fran Zambella, Scott and Dawn Morash, Megan Morash, Eric Falconer, Dave Hewey, Keith Meyer, Samantha Morash, Janet Meyer, Justin Morgan, Michelle

Meeting called to order at 6:30 p.m. by Paula via Zoom and at the Town Office.

Three applications are under consideration tonight.

## **Public Hearings**

### **455 Sturtevant Hill Road, Quinton and Brittany Johnson:**

The Board considered a reallocation of property lines on the 2003-approved minor subdivision known as the Big Sky (Diplock) subdivision. The applicants propose to purchase a 1.07 acre parcel directly behind and abutting their current residence parcel from Tom Diploc, and ask to merge it into a conforming single-family residential lot. The property is in the Rural Residential District identified on the Assessors map 133, lot 38.

Paula introduced the topic, which has been discussed in several prior meetings. Henry asked if the abutter notices went out. Chip said they did, and he has the receipts. Brittany noted that her neighbors mentioned that they had received the notices. No abutters attended the meeting.

Henry moved to close the public hearing; Jack seconded. All voted in favor.

Jack moved to approve the application; Don seconded. All voted in favor.

Jack noted that the Johnsons have 90 days to record the deed and then needs to send a notice to Chip within 30 days of that recording. Brittany said she understood and would act promptly.

### **866 Main Street, Cushing Storage and Rentals, LLC:**

The Board considered a request from John Cushing for an expansion of his current rental storage business with a proposed additional structure of 108 by 20 (2160 square feet) consisting of individual storage units. Currently there exists a storage structure of approximately 2820 square feet and a residence on the lot. The property is located in the Village District and identified on the Assessors map 121, Lot 20.

Paula recapped events to date and noted that the board waived the site visit, as most members were familiar with the property. Others visited the site independently. She opened the public hearing by asking John if he had any comments. He did not.

A butter/neighbor Kartika Wright asked for an explanation of where the building will be located. She expressed no concerns just curiosity.

Fran Zambella queried the square footage and how the structure fits on the property. Fran asked if the building will be visible from the road, which it likely will not.

Don Witherill asked about storm water and erosion coverage. John reviewed. He plans a two-foot berm and a catch basin at the bottom, as well as a device to disperse runoff. John noted that he is DEP certified. John has provided a rough drawing depicting the measures he proposes to undertake.

The board discussed their previous concern about adequate screening to hide the building from the road. They agreed to a review in one year for additional plantings in front of the building if needed. John was agreeable to that limitation.

Henry moved to close the hearing; Jack seconded. Unanimous vote.

Jack moved to approve the amended application, based on standard conditions and with a one-year (January 2023) review of the plantings in front of the building. Jan seconded. Don asked how the review would be triggered and was told that the CEO would remind them. Unanimous vote to approve.

### **111 Mayo Road, Dawn and Scott Morash**

The board reviewed a revised application to construct a new 4600-square-foot, 3-bedroom, 2.5-bathroom, year-round home on Maranacook Lake and demolition of the existing structure on the property. The property is located in the Shoreland Residential District and identified on the tax map 134 lot 125 .

This application has been reviewed previously, and a public hearing was held last spring. The hearing was held open. Paula noted this application falls within the nonconforming use provisions of the LUO.

Scott Morash said that he and his neighbors, the Heweys, who own the surrounding property, plan to relocate a portion of the existing private road and add ditching to improve drainage. The road will be moved back so that, according to the applicant, there is no need for a road setback variance for the house.

Jack asked if road improvements will meet the road standards set out in Article 8 and Article 10 of the LUO. It's unclear if the proposed road relocation and construction meet those standards. Paula advised the Morashes to look at those standards and see if they apply to a relocation and reconstruction of a portion of an existing private road. Morash consultant Justin Morgan said they would meet those standards.

Jack also asked about the clearing of trees, referencing Article 3, Section 4 (B) (2) (2) and C and Article 8, Section 19 (D). Justin noted that the majority of the area to be built is already clear. They only need to cut four or five more trees. Justin indicated that he would take a look at the cited ordinance provisions.



Jack also asked whether the LUO permits a replacement structure to far exceed the size of the existing structure, particularly when a new structure, similarly sized to the existing structure (or perhaps even a new structure 50% larger than the old structure) could be placed to meet all setbacks. According to the ordinance, the setback is 100 feet from the high-water mark (HWM) with exceptions for limited construction at less than 100 feet when the applicant cannot meet the required setbacks to the greatest practical extent. Jack questioned why the LUO would permit the construction of a new, more permanent house that theoretically could occupy the entire area between 25 to 100 feet from the HWM when a replacement structure could be set back 100 feet. The applicant contended that by moving the house further from the water that they had the right to build within the 100-foot setback and argued that the PB had approved similar projects in the past.

It was noted that this application falls under the old ordinance, (at the choice of the applicant) that was in- force before the vote in November 2021 that updated the LUO. To meet the 75-foot setback, the Morashes need to demonstrate that they are unable to meet the 100-foot setback given the "greatest practical extent" criteria. Justin asked for guidelines on how to do that. Paula said that things such as the slope of the land, septic placement or a stand of trees are usually applicable. She recommended that the applicant review the LUO.

The size of the home was a topic for much discussion. Paula noted that this application will not be resolved tonight and that she has some issues about the proposed structure she'd like to discuss with the town attorney.

Ordinance issues regarding setbacks and the size of the house, along with differences between the old and new ordinances, were discussed. Jack suggested that the applicant might want to look at the new ordinance which might allow the applicant to build a house close to 4600 square feet, as proposed, and meet the water setback of 100 feet.

Paula asked if the board wanted to call a public hearing. Jack said he thinks we should get more clarity on the road and size of the house issues first. Henry suggested that a hearing be delayed until some of the issues discussed can be addressed. These include the Morashes looking into the ordinances affecting their road and trees, Paula meeting with the attorney for more information, and reconsideration of the size of the house.

### **Old Business**

The board received minutes for several meetings today, but not everyone had time to read them, so it was decided to delay approval.

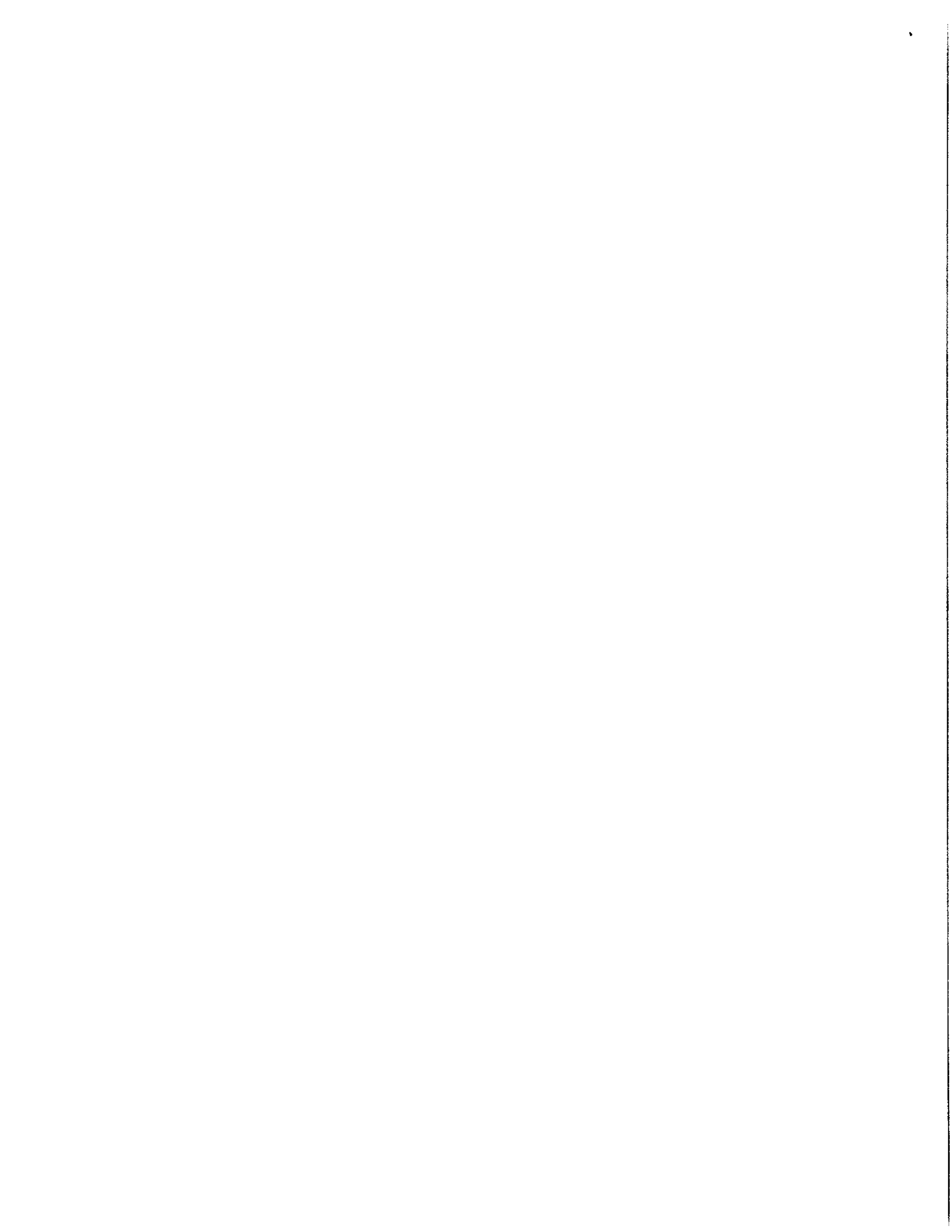
The board briefly discussed several issues relating to changes in law regarding solar installations. Henry said he wants to be sure that our local ordinances are in compliance.

Paula asked Henry to respond to an inquiry from the Farmland Trust regarding solar use on agricultural lands.

Chip updated the board on Syncarpha's process on the decommissioning bond.

Meeting adjourned at 8:21 p.m.

Minutes prepared and submitted by Holly Rahmlow



# 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:

## Readfield Planning Board

- 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 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 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.

## Readfield Planning Board

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.

## Readfield Planning Board

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 1 ft.-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.

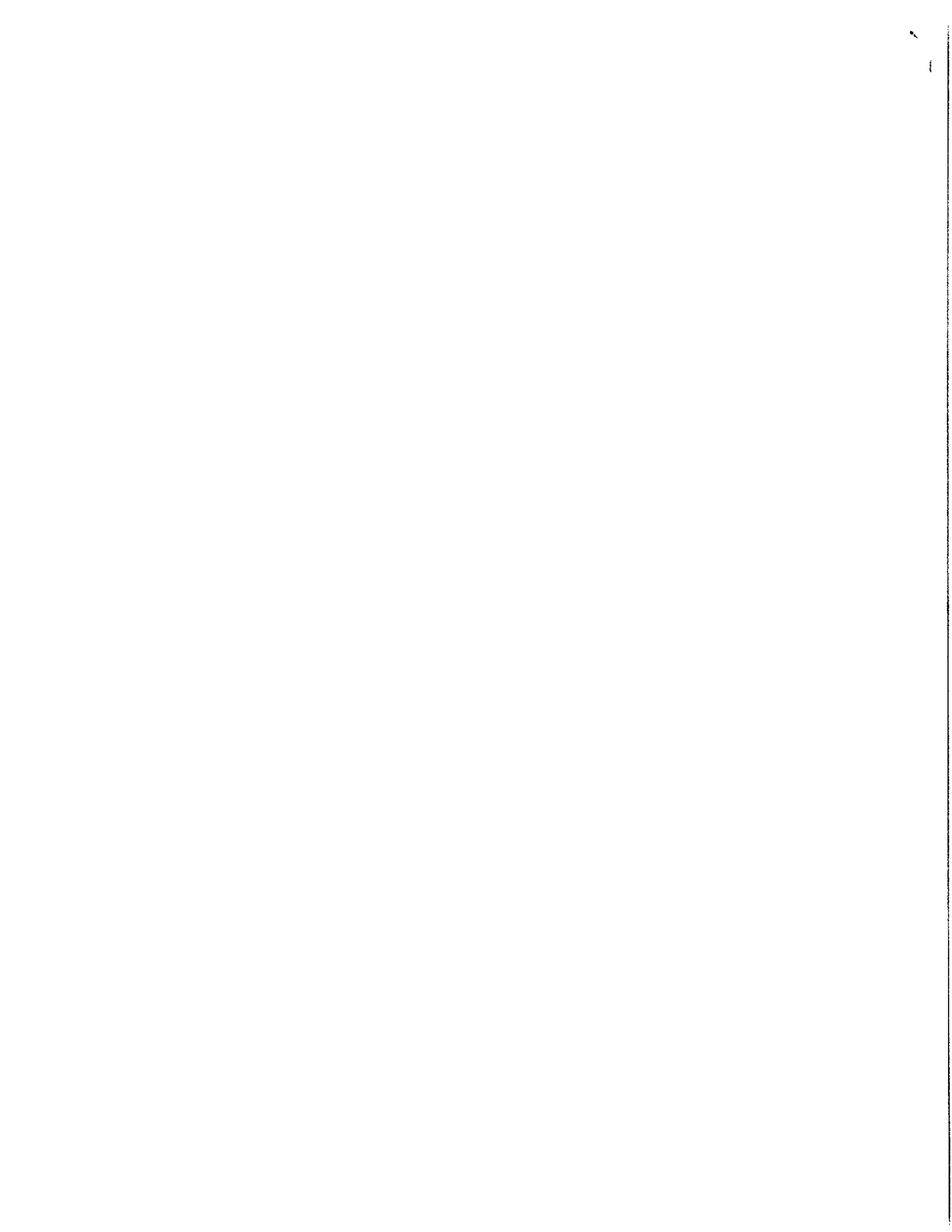
Chip announced that an application will be submitted soon for a solar farm off Route 17 heading towards Manchester and asked if he will need to charge both a solar application and site review fee. Henry answered that Chip is supposed to charge an application fee upon submittal of an application and a 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.

## **Readfield Planning Board**

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**





# Readfield Planning Board

## Meeting Minutes of May 24, 2022

**Planning Board Members Present:** Paula Clark (Chair), Jack Comart, Jan Gould, Don Witherill, Henry Clauson

**Excused:** Noel Madore, Bill Buck

**Others Attending:** Ron "Chip" Stephens (CEO), Anjelica Pittman (Board Secretary), Kristin Collins (Attorney), Tom Moloki, Eric Falconer, Eric Johnson, Carol Doorenbos, Scott and Dawn Morash, Justin Morgan, Bob Bittar, Leah Hayes

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

**Public Hearing: Scott and Dawn Morash on 111 Mayo Road** continued from public hearings on 4/27/21, 5/11/21, 5/25/21, 1/11/22, 4/12/22, & 5/24/22. Submission to construct a new 4600 sq. ft., 3 bedroom, 2.5 bathroom year round dwelling on Maranacook lake and demolish the existing structure on the property. The property is located in the Shoreland Residential District on the tax map 134 lot 125.

Scott Morash presented the challenges with the lot: the size of the lot is .61 acres, impervious surface allowances are 20%, and the 17% slope at the back of the property presents accessibility challenges in the winter months. Jack suggested putting the garage at the top of the property before the slope begins. Scott responded that they chose to do it at the bottom of the incline due to the current vegetation. Pushing the house further up the hill would present its own challenges. Scott also mentioned the original plan had been turned down by the board due to road frontage setback requirements. Scott also mentioned some of the positive aspects of the new structure plan, such as the height of the building being under the maximum allowable limits, a reduction in soil erosion and less disruption of the soil, and the new septic system would be moved back from the water, replacing a 52 year old system. Also, the current structure has no storm water runoff system and the new replacement structure will, there will be minimal vegetative removal, and Scott believes the new structure will strike a healthier balance for that particular location.

Tom Moloki came to support the Morashes; Tom moved to Readfield in 1976, has been on the Board of Appeals, School Board, Cemetery Committee, Maranacook Dam committee, and the Lake Association. Tom has considered the Morash's proposal and believes it is an improvement of the current condition. He also believes the Morashes are a kind couple and good community residents, and would like them to be welcomed to Readfield's community.

Eric Falconer attended, he is Tom's neighbor, he has lived on the lake since 2004, Eric is also a member of the Maranacook Lake Association, and Board of Directors. Eric also mentioned that Scott has been on the Maranacook Lake Association, and Chairman of the Dam Committee. Eric stated that he has also seen Scott help other residents, in fact the Friday prior to this meeting, Scott helped out EMS in an emergency situation. Eric believes Scott is a good steward of the lake, the home improvements presented would be a win for the town and neighbors, and he encourages the Board to do what they can to approve the Morash application.

## Readfield Planning Board

Bob Bittar spoke in support of the Morash proposal; he likes what the Morashes are proposing to do with the lot, and their efforts to improve it. Bob believes they have met conditions as best as possible with what they have to work with and that their application is sufficient.

Carol Doorenbos spoke in favor of the Morashes application, she does not think putting the garage at the top of the incline/property is a good idea, she also mentioned a spiral staircase in the home being unfit for Scott, as he is 6'7". She mentioned the price of the project has increased considerably given inflation over the last two years, said the Morashes are working hard to get their application approved, and she hopes they and the Planning Board can find common ground.

Jack **motioned** to close the hearing, Don **seconded**, **vote in favor 5-0**.

Paula responded to the Morash application and supporters, that while she appreciates the idea to build a retirement home and recognizes some of the major improvements that would come from the proposal, she has had some concerns from the outset, primarily the maximization of square footage of the structure within the 75 to 100 foot zone and the proposed distance of the structure from the required setback. While the proposed setback is an improvement over current conditions, it still does not meet the LUO's minimum allowable setback requirement of 100'.

Jack responded that he agrees with Paula regarding the overall square footage and the setback issues, he believes the issues with the setback could be mitigated with a smaller new structure or by setting the structure further back from the lake to meet the requirements. Jack said he disagreed that the slope of the land imposed a significant barrier and to the extent it does, the building of a more moderately sized home would address any such concerns. Jack suggests the application be denied.

Jan is conflicted as she sees many positives in the Morash application; however she would like to see a better balance within the language of the ordinance.

Henry agrees with Jan's sentiments. The greatest practical extent requirement is not met; however the proposal is better in all ways compared to the current structure.

Don also agrees that the application is an improvement, and the vegetation plan could make a net gain for the environment and lake quality. However he agrees with other board members that the size and placement of the proposed structure conflicts with the LUO.

Paula summarized that ordinances and the law generally do not favor nonconformity, and that it is necessary and important to meet established standards Paula appreciates the vision the Morashes have for their property and encouraged them to return with a modified proposal to better achieve the setback standards.

Jack **motioned** to deny the application, Henry **seconded**, **5-0 vote**.

### **Public Meeting:**

**Bob Bittar-Safe Space Meeting House (SSMH):** This new application proposes to create a community center/club in the existing structures. The property is located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013.

## Readfield Planning Board

This application was initially presented on April 26<sup>th</sup>, 2022. At that meeting, it was determined that field measurements should be taken to confirm results from several years ago. The Code Enforcement Officer (Chip) visited the site along with Clif Buuck (a former CEO) and took measurements from the corners of the structure, the historic house, and the wetland, stream and road setbacks to determine compliance with standards of the LUO. The road setback was measured from the SE corner of the historic house to the center of the traveled existing Mill Stream Road at 30ft, the wetland measurement was taken from the back NE corner of the same historic house at 59ft. The setback distance requirements are 75ft for both measurements which leaves the SSMH property in nonconformity by 16 ft. and 45ft, respectively. The wetland location and size were not precisely determined but estimated at 50 ft. A survey would be needed to determine if the wetland is 10 acres or greater.

These measurements came very close to measurements done in 2014/2015, confirming the nonconformity in all three areas of measurement. Further, there was no information presented that would cause the Board to alter its previous determinative conclusion that the building is nonconforming and that a change of use from single-family residential to community center/club would have a greater adverse impact.

Bob stated his measurements came from a soil scientist; that since the historic home is in the wetland and stream protection area, bulldozing the historic structure would alleviate some of those nonconformities. He believes his remaining structures would be out of the protection areas. Paula advised against that course of action as it would not guarantee approval of his application.

Bob felt the interpretation of the LUO by the board was different than his interpretation, and the board felt that most of this application was not substantively different than the previous one. Because of that, board members all agreed to deny the application.

Jack **motioned** to deny the application, based on the nonconforming activities greater adverse impact and not enough new information since the last application in November. Jan **seconded**, **5-0 vote**.

### **Old Business:**

#### **Review Meeting Minutes**

**4/26/2022** – Henry asked for his name be moved to the Excused listing for those minutes as he was not present for that meeting.

Don **motioned** to approve as revised, Jan **seconded**, **vote 4-0** in favor.

**1/11/2022** – Henry **motioned** to accept minutes, Jan **seconded**, **vote 5-0** in favor

**2/8/2022** - Henry **motioned** to accept minutes, Jan **seconded**, **vote 5-0** in favor

**Meeting Adjourned at 8:23 P.M. by Paula**

