

Readfield Planning Board

Meeting Minutes of December 13, 2022

Planning Board Members Present: Jack Comart, Don Witherill, Jan Gould, Noel Madore, George O'Connor

Excused: Paula Clark, Henry Clauson, Bill Buck

Others Attending: Chip Stephens (CEO), Anjelica Pittman (Board Secretary), Elliot Thayer, Michael Fiori, Dan & Connie Roy, Grace

Meeting called to order by Jack at 6:30PM

Public Meeting:

Tallwood Subdivision: Elliot Thayer attended to discuss an application that proposes to transfer a small piece of a subdivision lot to an abutting property owner. The Tallwood Subdivision lot from which the piece is to be conveyed is located on the Winthrop end of the subdivision. The subdivision plan requires approval by both Readfield and Winthrop Planning Boards. The property to be conveyed is located at Lot 9, Tallwood properties, Tallwood Road & Tallwood Estates Drive, Maranacook Lake, Winthrop and Readfield Maine.

Elliot Thayer explained that the conveyance from Lot 9 will affect the lower portion of the lot, 9b, which will be conveyed to the abutting property owners Christopher and Ann Seitter. The .057 acres of the Readfield portion of Lot 9a will remain unaffected as it is at the north end of Lot 9.

As there is no change to the portion of Lot 9 located in Readfield and Winthrop Planning Board has already approved the conveyance of Lot 9b to the Seitters, and the revision to Lot 9 is a minor modification of the plan, conveying a piece of property that may not be developed or cleared, therefore, Don made a motion to approve the Tallwood Subdivision revision of Lot 9 (a&b) as depicted in the plan presented by Elliot Thayer. George seconds, 4-0 vote in favor with Jan abstaining from the vote. Elliot will leave two copies of the revised plan with Chip for Readfield Planning Board members to sign. Chip also asked the Board members to please stop in and sign the Quiet Harbor Subdivision paperwork at that time.

86 Torsey Shores Road: Daniel and Connie Roy are applying for an after the fact approval permit for a new storage shed structure to reconstruct and relocate a previously non-conforming shed, that was grandfathered. The property is located at 86 Torsey Shores Road, Map 106 Lot 089 in the Shoreland District.

Daniel summarized for the board that he had already replaced the previously grandfathered non-conforming 6ft x 8ft X 8 foot high shed on his property with a slightly larger, new 8ft x 10ft X 10 foot high shed. The new shed was placed on the gravel pad that the Roys used for parking before they renovated their driveway. Prior to this meeting, Chip advised the Roys against

Prepared by Anjelica Pittman, Board Secretary (approved)

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expanding or moving the current structure and to get a permit if they were going to be building or relocating a new shed.

Board members raised a number of concerns with the replacement shed, both as to its increased size and its location: citing, Article 3, Section 4 (A)(2) and subsections D & E. .

Don mentioned that accessory structure expansion is prohibited due to the size increase. George mentioned that it is clearly non-conforming and should have been replaced by a structure of the same size, Noel agreed with other board members.

Jan asked if Dan had spoken with Chip prior to replacing the existing shed, which he said he had a couple of weeks prior. Jan asked if Chip had said not to do it and Dan said yes. Jan wanted to understand the Roys line of thought, Dan responded that he went forward with the shed against Chip's advice because he wanted to get it completed before snowfall.

Jack asked Dan why he couldn't build the shed under the deck of the house and Dan responded that he was concerned with having combustibles that close to the home and potentially washing into the lake and concerns of the equipment in the shed being susceptible to corrosion and rust under the deck. Jack had recently done a drive by and noticed a car had been parked under the deck, which Dan replied was done the one time for his out of town visitors.

The PB put aside further discussion until the next PB meeting on this matter. . Don made the motion to approve the application as complete, notify abutters, and schedule the Public Hearing. Site visits will be on an individual Board member basis, agreed upon by all parties. Noel seconded, 5-0 vote in favor.

Meeting Minutes:

Planning Board meeting minutes of September 27, 2022

- Don **motioned** to approve the minutes, Jan **seconded**, vote **4-0** in favor, with George abstaining.

Planning Board meeting minutes of October 25, 2022

- Jan **motioned** to approve the minutes as edited by Jack, Don **seconded**, vote **4-0** in favor, with George abstaining.

Welcome New Planning Board Member George O'Connor

George grew up in Wayne, graduated from Kents Hill, lived in Augusta for twenty years, and moved to Readfield in 2017. George works as a realtor at Rizzo Mattson with his wife. Being a realtor he understands the importance of Land Use Ordinances and the need for a Planning Board. George loves the town of Readfield and he wants to help. His parents were also volunteers in their town of Wayne and he sees this as his time to get involved as well.

Prepared by Anjelica Pittman, Board Secretary (approved)

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Meeting adjourned by Jack at 7:30 PM

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Meeting Minutes of January 10, 2023

Planning Board Members Present: Paula Clark, Jan Gould, Jack Comart, Henry Clauson, George O'Connor, Don Witherill, Bill Buck

Excused: Noel Madore

Others Attending: Chip Stephens (CEO), Anjelica Pittman (Board Secretary), Matt Nazar (Comprehensive Plan Committee), Dan & Connie Roy, Grace

Meeting called to order by Paula at 6:30PM

Public Hearing:

86 Torsey Shores Road: Daniel and Connie Roy are applying for an after the fact permit for a new storage shed structure to replace and relocate a previously non-conforming shed that was grandfathered. The property is located at 86 Torsey Shores Road, Map 106, Lot 089 in the Shoreland District.

The previous non-conforming shed was 6 x 8 x 8 ft, located on the property line of the abutter, was too small for their equipment, located 69-70ft from the water and infested with carpenter ants. The new shed is 8x10 x 10 ft, set 8ft from the abutter line, and 1ft further from the high water line than the original shed. However, the new shed is located 15 ft. closer to the water than the principal structure. Dan and Connie do not know of any other options given the slope of the property and are hoping to obtain an after the fact permit

Paula did ask the applicants if Chip had advised the Roys not to proceed with the shed before getting permitted and why they hadn't followed that advice. Dan replied that he had spoken with Chip in October but grew concerned with winter coming and a limited time to build before snow fell. Dan decided to go forward without seeking a permit and to instead get a variance after the fact. Paula pointed out that the Planning Board is not authorized to grant variances.

Jack asked how the slope was on the opposite side of the lot, but Dan said the abutter would not allow the shed within the 20 ft. setback. When asked about placing his garden equipment, etc. underneath the deck, Dan explained that under the deck would not work as there are many opening and doors to the home as well as twice the number of supports as usual creating a maze under the deck. He is also concerned that his yard equipment might leak fuel into the lake. Dan said that the parking area is also not a possible location because there is no visibility from the house and the Roys are concerned about theft and or vandalism, even with a lock on the shed. The area next to the parking area is also out, according to Dan, because of the septic and leech field, with the septic tank on the flattest spot in that area. The slope below the parking area is between 27-33%, according to Dan.

What used to be the driveway is now loamed as future growth for a walkway to the home, ¾ of the preexisting driveway is now loamed and full of stone to slow runoff into the lake and access the parking area. Putting the shed there would affect the access downhill; the current location of the shed is still unlevel by 2ft due to slope.

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The Board suggested the Roys might want to hire an engineer who can help them find an appropriate area for the shed that is within conformance with the LUO. The board wants to see more detail about the site, slopes, setbacks and other factors that the PB must consider to determine if the shed meets the greatest practical extent standard. The board would also like to see all possible options and reasons why they will not work. There are some added complications due to the shed being both larger and taller than the previous structure. Jack reminded the applicants that per the ordinance, an expanded accessory structure cannot be located closer to the high-water line than the principal structure. The board could not approve the application as it is, however the board would like to give the applicants the opportunity to meet come back with more information, perhaps with the help of an engineer. The Hearing will be tabled and left open until the Roys can return with additional options. Chip has a list of consulting companies to give to the applicants for resources.

The board agreed to see the proposal back in 60 days unless both parties agree to a date change for good reason; with a status report at 30 days to ensure the application is moving forward. Jan motioned to approve these terms, seconded by Jack, 7-0 vote in favor.

Motion made by Henry to table the application and leave the hearing open, seconded by Don, 7-0 vote in favor.

Comprehensive Plan:

Matt Nazar attended the meeting to participate in discussion of Readfield's draft Comprehensive Plan (Comp Plan) with the Planning Board. Matt and Paula (representing the Planning Board) are members of the Comprehensive Plan Committee working to draft a revised Comp Plan. State law requires that all communities with zoning have a Comp Plan and update it every 10 years; Readfield's last update was in 2009. The Land Use Ordinance must be consistent with the Comprehensive Plan, and the future land use chapter of the Plan will, in part, form the foundation for developing future LUO provisions.

Matt suggested that most of the growth in Readfield since the last update has happened in rural areas instead of the designated growth areas of the current Plan. Paula mentioned a provision of the current Comp Plan that had recommended breaking the existing "rural district" out into three separate districts, to include a new "rural resource district" that would provide additional protections to natural resources.

Matt asked how the board felt about the current Land Use Map and if any changes are needed there, as well as if members feel that the current LUO adequately addresses certain issues and projects that have been controversial, and whether the board has the tools needed to address such issues. Jack gave an example of a more recent controversial issue with the solar farm on Rt. 17, where a new LUO was developed by the PB to address that type of development. Henry suggested discussing ordinances directed at utility/wind/solar development. The board discussed whether the current Comp Plan draft addresses the issues discussed and it was mentioned that some language could use more clarity and specificity.

The board discussed the need to direct the growth in town away from rural areas and towards village districts, as well as protection of Open Spaces within subdivisions. Don discussed

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possibly looking at some type of modified impact fee structure to provide funding to incentivize development in the growth areas. Matt liked Don's idea and will look into it further.

The board also discussed the possibility of potential infrastructure growth in the village district to lure growth there for small scale commercial development.

Affordable housing was also discussed; the new draft plan has a chapter specifically focused on housing. Matt also mentioned a need to address new legislation regarding accessory dwelling units. The regulatory status of mobile homes was also discussed.

Also discussed was the potential use of underutilized housing in the academic district, primarily Kents Hill, for short term rentals, employing an approach similar to that used by Colby College?

Possible expansion of village districts could help increase commercial development in appropriate areas; current risk is more commercial development along Rt. 17, if development is not better limited to village districts.

The Comp Plan Committee is gathering input from relevant Town boards and committees. Comments, additional information, and proposed language for consideration are welcomed for inclusion in the comp plan update.

Chip gave the Planning Board a shout out for their work on the Solar ordinance they created, as the town of Wayne has recently adopted and incorporated it into their ordinances, additionally, half a dozen other towns are showing interest in doing the same.

Matt thanked the Planning Board as well, as he works with municipal attorneys and they have high praise for the board with respect to Shoreland zoning issues.

Meeting Minutes:

Planning Board meeting minutes of December 13, 2022

- Don **Motioned** to approve the minutes with Jack's edits and a language correction by Paula regarding accessory structures, Jack seconded, **vote 4-0** in favor, with Paula, Henry and Bill abstaining.

Other Business:

Paula briefed members of the board on the discussion she had with the Select Board at a recent meeting regarding meeting via zoom or in person. During the Select Board meeting she relayed the sentiments made by Planning Board members at the last Planning Board meeting. She reported that the Select Board encourages participation in person but they appreciate and support decisions made by the Planning Board and that nothing further needs to be done.

Meeting adjourned by Paula at 9 PM

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Meeting Minutes of February 28, 2023 - Approved

Planning Board Members Present: Paula Clark (Chair), Jack Comart, Henry Clauson, Jan Gould, Don Witherill, George O'Connor

Excused:

Others Attending: Chip Stephens (CEO), Anjelica Pittman (Board Secretary), Dan and Connie Roy, Constance and Duane Fortini, Grace (Zoom), Vicky (Zoom)

Meeting called to order by Paula at 6:30PM

Public Hearing:

86 Torsey Shores Road

Dan and Connie Roy consulted with King's Arrow Company to find possible alternative locations on the property to place their shed. Dan stated that King's Arrow Company determined the current spot the shed is located in meets Land Use Ordinance requirements to the "greatest practical extent". A small move closer to the current walkway would put the shed 87' from the water rather than 79' (was previously reported to be 75').

Dan reported that Kings Arrow Company did consider the options the Planning Board had mentioned at the previous meeting; however those options were not viable for various reasons such as needing to excavate which could potentially interrupt the French drain system the Roys have.

It was determined by the Board that issues with the application include: expansion of the accessory structure, placement of the accessory structure closer to the water than the principal structure, and nonconformance with the required setback from the normal high water line. The application addressed the three alternate locations that the Planning Board had suggested be evaluated, and one that proposed moving the structure to 87 feet from the normal high water line.

Dan and the board agreed that it may be best to table the application until a site visit can be accomplished; everyone agreed end of March to early April would be a good time to complete a site visit.

Jack **motioned** to continue the Hearing and schedule a site visit, Henry **seconded**, **vote 7-0** in favor.

Public Meeting:

88 Nobis Point Road

Constance and Duane Fortini applied to build a 28' x 28', 5-foot-high foundation under their currently non-conforming house. The Fortinis did look into moving the house further away from the lake; however, that would infringe on the new septic holding tank. The Fortinis do not live on this property full time, but it might be used occasionally in the future in the off-season months. The home does have a woodstove, a heat pump was recently installed; water is pumped from the lake, and there is no drilled well.

Prepared by Anjelica Pittman, Board Secretary (approved 07/11/2023)

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The board shared its view that the situation may fit the definition of a “seasonal conversion” due to development activity which would require a change of use approval by the board. The board directed Chip to assist the Fortinis in modifying their application to include the information needed for a seasonal conversion including storm water and erosion control plans.

Planning Board Communication:

Chip did express some trepidation about requiring seasonal conversion approvals based on septic system updates and replacements, which are now required by State law. Chip is concerned that forcing seasonal homes into conversion status could create more development and impacts on water quality. The board responded that the new septic system was only one aspect of the improvements and development at this property that prompted the seasonal conversion application request.

Other Business:

Discussion on Land Use Ordinance Changes:

The biggest proposed change to the LUO is reorganization and language changes related to the non-conforming structure section (Article 3 Section 4) for clarity and ease of use. Jack decided not to pursue the issue of parking and notices to abutters when the CEO makes a decision.

Chip liked the idea of providing and thought it could be helpful, if the board could find a way to make it work. The board agreed to revisit the next time around.

The anticipated schedule for the hearing is March 14, which gives time to get the notice into the Kennebec Journal and the draft LUO to the Select Board no later than April 10.

Chip requested the application fees be increased due to the higher prices of publishing in the Kennebec Journal versus the Advertiser. The board said fee increases may need Select Board approval.

Don mentioned he will be traveling March 14 and may not make the meeting in time. Jan may be late, and everyone else is planning to attend.

Meeting Minutes:

Planning Board meeting minutes of January 10, 2023

- Some corrections made along with Jack’s original edits, Paula has some more to add to the Comprehensive Plan portion, minutes were tabled until the next meeting.

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- Jack **motioned** to approve the minutes as amended, Don seconded, **5-0 vote** with Henry abstaining as he was absent for that meeting.

Meeting adjourned by Paula at 8:45 PM

Readfield Planning Board

Meeting Minutes of May 9, 2023 - Approved

Planning Board Members Present: Paula Clark (Chair), Bill Buck, Jack Comart, Don Witherill, George O'Connor

Excused: Jan Gould, Henry Clauson, Noel Madore

Others Attending: Chip Stephens (CEO), Anjelica Pittman (Board Secretary), Dan & Connie Roy

Meeting called to order by Paula at 6:38 PM

Public Hearing:

86 Torsey Shores Road: Dan and Connie Roy returned for a continuation of the public hearing on their application for an after-the-fact approval of a site review permit for an accessory structure (shed) located in the Shoreland Residential zone. The Roys hired a consultant to put together the application as well as come up with possible alternative locations for the shed, considering conformance to the setback requirements to the greatest practical extent. The board also did a site visit with most of the Board members in attendance.

Public Comment: None

Motion to close the Public Hearing made by Bill, **seconded** by Don, **vote 4-0** in favor

The board reviewed and discussed the location options with the Roys. Due to the structure being within the 100 ft. setback, the height of the building at 10 ft. is more than the 8 ft. allowed in the LUO.

The consensus of the PB is that the proposed alternative location (at 87 feet from the high water mark) for the accessory structure meets the Greatest Practical Extent requirement. However, the PB is unable to approve the application because the height of the structure exceeds the height limitation of 8 feet. See Article 3, Section 4 (H). Only the Board of Appeals has the authority, through the Variance process, to modify dimensional requirements. See Article 7, Section 6, Note #5.

The PB discussed the options going forward with the Roys; the Roys indicated that they would likely choose to apply to the Board of Appeals for a variance of the height limit.

Motion to table the pending application so the Roys can decide whether they wish to revise their pending application to address the height limitation or pursue a variance for the height of the structure, George **seconded**, **5-0 vote** in favor.

Public Meeting:

Prepared by Anjelica Pittman, Board Secretary (approved 07/11/2023)

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Menatoma Camp Road Association: Meeting postponed, awaiting additional paperwork

Consider approval of minutes from 02/28/2023 & 04/25/2023

Minutes tabled until the next meeting so all board members have a chance to review them.

Other Business:

The board discussed the meeting schedule for the next Planning Board Meeting, Jack and Don will be unable to attend and Jan will be unable to participate in the Menatoma application. Paula informed everyone that the LUO Revisions the board completed have been submitted and are in the warrant article for the June 13, 2023 Town Meeting. There is a Comprehensive Plan Public Meeting for the Final draft is next Wednesday at 6PM; the Comp Plan will also be a warrant article for the June Town Meeting.

Meeting adjourned by Paula at 7:21 PM