

# READFIELD PLANNING BOARD

Minutes of Tuesday, January 11, 2022 - Approved

**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.

Abutter/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