

**Readfield Planning Board
Minutes of April 26, 2022**

Readfield Town Office & via Zoom
8 Old Kents Hill Rd.
Readfield, ME 04355

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

Excused: Henry Clausen

Others Attending: Ron “Chip” Stephens (CEO), Anjelica Pittman (Board Secretary), Jason Foster, Fred Zikowitz, Dave Poulin

Attending Via Zoom: Kristin Collins (Attorney), Heather Lawrence, Eric Dyer, Leah Hayes, Joan Wiebe, Grace

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

Public Hearing: 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 had the property surveyed by Main Land and determined the back right corner of the original foundation was 1.5 ft. from the property line, if approved Jason plans to build the new garage in nearly the same location, 5 ft. from the property line. Due to the size and layout of the lot, the placement for the new garage is would meet the greatest practical extent. Jason also provided a waiver letter requesting the time lapse between the tear down of the original garage and build of the new garage be waived due to extenuating life circumstances followed by the pandemic that made the garage replacement difficult to do in the usual allotted timeframe.

Don inquired about the size of the new garage and Jason responded that he would like to build the new garage a bit larger to accommodate his needs, approximately 28 ft. x 38 ft. as he would like the garage to be deeper, and maintain a 5 ft. setback.

Dave Poulin, Readfield resident and Jason’s next door neighbor, joined the meeting in full support of Jason’s new garage. Fred Zikowitz, also a Readfield resident and licensed contractor, and neighbor to Jason, supports the project and will be available to help and oversee the construction of the new garage.

Joan Wiebe, Jason’s neighbor on the other side of Jason’s property also joined the meeting in full support of Jason building the new garage.

Bill **motioned** to close the hearing, Jan **seconded**, the board **voted** in favor **5-0**.

Paula discussed Article 6 section 3E, E1A as the best fit for the circumstances, which recommends the board review criteria and performance standards. The second requirement is for the planning board to address the decision in writing. Section 4 of the ordinance states that nonconforming structures may be replaced or reconstructed within a year or removal of the structure, to the greatest possible extent, which the waiver letter will suffice.

Jack made a **motion** to grant the waiver and to approve the application, subject to standard conditions. The waiver on the one-year replacement rule for non-conforming structures is based on the extenuating circumstances the applicant’s personal circumstances (e.g. wife’s health issues) and the impact of Covid on the ability to the town and the applicant to process a new

**Readfield Planning Board
Minutes of April 26, 2022**

Readfield Town Office & via Zoom
8 Old Kents Hill Rd.
Readfield, ME 04355

application. In addition, the applicant, within one year, placed a replacement structure on the site after tearing down the garage and therefore this new application is within 1 year of the planned removal of the current metal storage structure on the site. In addition, the applicant meets the “greatest practical extent” requirement since he is not able to relocate the garage further from the side setback line due to the location of the current septic system. The motion was **seconded** by Bill; **vote** in favor **5-0**.

Public Hearing: 140 Torsey Shores Road by Heather Lawrence to replace a foundation and raise the dwelling height by less than 3 feet. The property is in the Shoreland Residential District identified on the Tax map 106 lot 075. This project falls under Article 3 section 4 (B).

Heather had a survey completed in February of 2022. The results of that survey showed a 1-2 ft. noncompliance with the side set-back. However when she spoke with the contractor about moving the entire structure to be conforming , they determined that would be a much more labor intensive job with added risk of soil erosion due to the lot being on a steep slope. The contractor would need to use steel beams placed perpendicularly under the home, with parallel beams on the perpendicular beams to roll the home the necessary distance. The concern is that the home could potentially roll into the lake given the incline of the lot. DEP also recommended against moving the structure because of the potential disruption to the soil, and there is also the septic tank in that location. Because of these reasons, Heather is requesting that the PB determine that she meets the side set-back to the greatest practical extent.

Jack asked Heather if she would be using the soil from the foundation to build a retaining wall. She responded that she would like to level the area in front of the house, about 75 ft. from the lake, to help prevent runoff. Heather said the terrain is quite difficult on the lot and her mother lives there.

Jack asked if the steps from the road to the house would need to be moved if the house was moved another foot or so to be conforming. Heather replied no, but they would be offset a bit.

Jack inquired about a storm water plan for managing storm water, Don suggested there may not be a need if the house is not moved. He does not believe there would be a significant change with the runoff and suggested erosion control measures done with a certified contractor would be adequate.

Bill **motioned** to close the hearing, Don **seconded**, **6-0** Vote in favor.

Motion made by Jack to approve the application, based on the applicant demonstrating that she meets the setbacks to the greatest practical extent, subject to standard conditions. Don **seconded**, **6-0** vote in favor.

Public Meeting:

26 Mill Stream Road – Safe Space Meeting House (SSMH) by Bob Bittar and Leah Hayes:

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. A new application was submitted with some revised information, compared with the last application in November of 2021 which was denied. One reason for the

Readfield Planning Board
Minutes of April 26, 2022

Readfield Town Office & via Zoom
8 Old Kents Hill Rd.
Readfield, ME 04355

prior denial was due to the adverse impact on the abutting properties of a change of use in the existing non-conforming structure from a single family residence to a community center. Leah mentioned that she and Bob have an easement signed by the neighbors, that they have no problem with possible noise coming from SSMH.

Bill mentioned that he thought the board issued the SSMH building a certificate of occupancy as a single family home. Paula responded that the application (first in 2014) for the barn that was approved in 2015 made it very clear that the only permitted use was as a single family home. The application from November 2021 was to use the same building as a community center/club, and it was denied for several reasons, including that site review and other performance standards had not been met. The newest application purports to contain new information in respect to the criteria.

Paula reported that she, Jack and Kristin Collins met to discuss the process for this new application, since the last application, seeking the same use, was only recently denied and that denial was not appealed. Their suggestion is that rather than undertake a renewed full review of the application, that the initial review be limited to the issue of whether the structure is non-conforming, and, if so, does it impose a greater adverse impact than the existing use as a single family residence. If so, then the application would likely be denied, on that basis alone, without going through the entire site review criteria, etc.

At this point Paula suggested looking first at whether the structure meets the set-back requirements using information that is currently on-file with the town based on the prior applications for this property. If that review is inconclusive, then an on-site evaluation will be made by the CEO and with the owner's consent. If that review is still inconclusive, then the PB might consider engaging the services of an outside third party expert.

Jack mentioned the nonconforming areas that are present at the SSMH as wetlands, stream, and road setbacks. The current application has not addressed the nonconforming road setback, Jack asked Leah if she and Bob are disputing whether or not the road setback is met.

Leah responded that she and Bob believe the Planning Board said they would waive the road setback during their last application process. Bob was with her during this meeting, they attended via Zoom, as Bob was feeling sick, however, Bob will submit diagrams and measurements this week to the board. Jack asked what their next step will be if it is found that the preexisting site plan does not meet the setbacks.

Paula suggested the board confirm the measurements on site to verify the setbacks as measured by the CEO previously as a first step. Leah responded that she and Bob had submitted the measurements from an engineer, Joseph Stevenson. Paula suggested the provided information would still need to be confirmed; Chip stated that he could go to the property and double check the measurements, if he has permission from Bob Bittar. Paula asked Bob and Leah if Chip has formal permission to go onto the property to confirm the measurements, to which Leah and Bob gave full permission to do so.

Paula asked the planning board if they are comfortable continuing the meeting until the CEO can reassess and they agreed.

Readfield Planning Board
Minutes of April 26, 2022

Readfield Town Office & via Zoom
8 Old Kents Hill Rd.
Readfield, ME 04355

Leah also mentioned that the law states the existing use of SSMH as a single family home can be changed into a community center or church. She also requested that comments on the Readfield website relating to the prior application of SSMH, and which she deemed to be negative in reference to SSMH and Bob Bittar, be removed. However Kristin Collins, the town's attorney, stated that any information on the website would be from the previous application and is public record and cannot be changed. Leah was concerned that there are comments on the website that make SSMH look illegal, saying the SSMH would be a civic center, which is not true. Paula replied that any comments made on the website were made by interested parties through the application process which makes them part of the record, none were intended to be derogatory, and that the board would like to move ahead to reaffirm measurements of the property, then reconvene and take the next steps in the application process.

Old Business:

Review Meeting Minutes:

March 8, 2022 – Jack **Motioned** to approve with edits from both himself and Paula, Bill **seconded**, **Vote 6-0** in favor

March 29, 2022-would like to see the minutes more closely reflect the summary Paula created for the LUO revisions. **Motion** by Jack to approve as amended, **second** by Bill, **Vote 6-0** in favor

April 12, 2022-Edits made by Jack not yet updated, not everyone had a chance to review, minutes tabled until next meeting.

Scott Morash requested to be on the May 10, 2022 Planning board meeting schedule, however, Chip did not have a chance to look over an email regarding the vegetation plan Jack sent him so Paula suggested that be completed prior to scheduling the Morash's, also would like to be sure of board members schedules to ensure everyone is in attendance for the Morash's next meeting, possibly May 17th, or May 24th 2022.

Meeting Adjourned at 7:55 P.M. by Paula