

**Town of Arrowsic
Minutes of Planning Board Meeting
June 3, 2019 at ~ 7:25 PM
Arrowsic Town Hall**

Attending: Roger Heard (PB, Acting Chair); Matt Caras (PB, Secretary); Chris Brett (PB); Stan Lane (PB); Don Kornrumpf (PB); Mike Kreindler (CEO)

Whitmore's Landing Association's CU Application

Consideration of Conditional Use Permit Application for Reconstruction and Replacement of Pier, Dock, And Float by the Whitmore's Landing Association on the Association's common area land located at South

River Road, Arrowsic, Maine (Arrowsic Tax Map/Lot Number 5/4-26) (the "Property"). Attending on behalf of the Whitmore's Landing Association (the "Applicant") were Jon Biehler, Paul Schlein and Jim MacLeod.

- A site walk was taken immediately preceding this meeting; reference is made to the Minutes of Planning Board Site Walk on the Property on June 3, 2019 beginning at about 6:45 PM. The Property, including the proposed pier, ramps and floats, are within the Shoreland Zone and the Shoreland District. The Application does not include approval from the Army Corps of Engineers, as required by Section 4.2.2(d) of the Ordinance. However, reference was made by the Acting PB Chair to correspondence from the Army Corps stating that they don't see any reason it won't be approved, but that their existing workload is such that they haven't yet been able to respond. It appearing that the Conditional Use Permit Application satisfies the provisions of Section 4.2.2 of the Ordinance, other than that it does not include approval from the Army Corp, motion was made to find the Application complete in all other respects. All Board members in attendance voted in favor of the motion. It was noted that: (1) the face of the Applicant's Application references the Property's Tax Map/Lot Number as 4/4-28, whereas the correct Tax Map/Lot Number for the Property is 5/4-26; and (2) the Property is located in a subdivision, to wit the Whitmore's Landing subdivision.
- There was discussion regarding the need for approval from the Army Corps of Engineers prior to commencement of work on the reconstruction and replacement of the pier, ramps and floats. The Applicant acknowledged and agreed that no work would begin until and only if Army Corp approval is received.
- There was discussion regarding off-season storage of the floats. The Applicant stated and acknowledged that the floats will be stored off-site.
- There was discussion regarding the way in which the floats will be anchored. The Applicant stated that in the past the floats have been anchored by lines to trees on the shoreline, and that those lines have not penetrated the side setback requirements of the Ordinance. The Applicant acknowledged and agreed that the anchor lines for the reconstructed and replacement floats will not penetrate the setback requirements.

- There was discussion about the existing material that will not be used in the reconstruction of the pier, ramps and floats. The Applicant acknowledged and agreed that any and all such materials will be removed from the area within 9 months.
- The Board then reviewed the ten factors set forth in Section 4.2.3 of the Ordinance. By unanimous agreement of its members, the Board made a positive finding that the proposed use satisfies the requirements of 4.2.3, including the requirement that the proposed use is in conformance with the provisions of Section 3.0 Performance Standards. The Board, on its initiative, imposed four conditions, to wit: (1) At all times during and after construction, provision shall be made to prevent soil erosion and sedimentation of surface waters; (2) the floats will be stored off-site; (3) the project will not start until the Code Enforcement Officer has received from the Applicant a copy of the approval permit from the Army Corps of Engineers; and (4) all the old work material will be removed from the site within nine months. Thereafter, motion was made to approve the Application. All Board members in attendance voted in favor of the motion.
- The Permit for App # CU19-03PB dated June 3, 2019 was then provided to the Applicant.

Dupuy/Sullivan CU Application

Consideration of Conditional Use Permit Application for relocation, renovation and expansion of a non-conforming accessory structure (the "Structure") by Blaise Dupuy and Kathleen Sullivan (the "Applicants") on property owned by the Applicants and located at 319 Bald Head Road, Arrowsic, Maine (Arrowsic Tax Map/Lot Number 2/6) (the "Property"). Attending on behalf of the Applicant was John Wood of Island Surveys.

- A site walk was taken preceding this meeting; reference is made to the minutes of the Planning Board site walk on the Property on June 3, 2019, beginning at about 6:00 PM. The Property, including the Structure, are within the Shoreland Zone and the Shoreland District. The Application does not include DEP approval, as required by Section 4.2.2(d) of the Ordinance. However, it was noted that in the instance of a relocation of a non-conforming structure, DEP's "permit by rule" is not issued until planning board approval is obtained. It was also noted that, in the event the Planning Board approves the Application, the approval will include a condition that work on the project cannot begin until the CEO receives the DEP permit. It appearing that the Conditional Use Permit Application satisfies the provisions of Section 4.2.2 of the Ordinance, other than that it does not include approval from the DEP, motion was made to find the Application complete in all other respects. All Board members in attendance voted in favor of the motion.
- There was discussion regarding the proposed relocation of the Structure, under Section 1.3.2.2 and other Sections of the Ordinance. In connection therewith, and because the Application references the need to "cut trees," the Planning Board inquired about the extent of the clearing. John Wood stated that he was uncertain about the extent of the clearing, but stated that the Applicants intend to bring a crane to the location of the Structure in order to move it and that trees would need to be cleared in order to get the crane to the Structure. Without the Applicants' present to describe the extent of the clearing they would need to do, there is uncertainty regarding the extent and location of the clearing contemplated by the Application. Moreover, it was at this time that the Planning Board first learned that a crane would be

brought to the location of the Structure and that clearing would be required to get the crane to the structure. This aspect of the project had not been raised during the site walk, nor had it been raised during the earlier part of the hearing when the completeness of the Application was being considered.

- At this point in the hearing, the Planning Board noted that, despite its prior finding, the Application is not complete because it does not show the “location and dimensions of the activity” as required by Section 4.2.2(a) of the Ordinance. Therefore, a motion was made to rescind the Planning Board’s earlier vote finding the Application complete; the motion was seconded and all Board members in attendance voted in favor of rescinding the earlier vote on the completeness of the Application.
- The Application was neither granted nor denied.