

**Town of Arrowsic
Minutes of Planning Board Meeting
July 8, 2021 at ~ 7:00 PM
Video Conference via Zoom**

Attending: Jennifer Geiger (PB Chair); Matt Caras (PB Secretary); Roger Heard (PB); Vicky Stoneman (PB); Chris Wilcoxson (CEO); Jim Davis (resident interested in potentially joining the PB).

Cooper Conditional Use Permit Application for Temporary Dock

Consideration of Conditional Use Permit Application for Temporary Dock (the “Application”) by Atlantic Environmental, LLC c/o Tim Forrester (the “Applicant”) on property owned by John and Arlene Cooper (the “Property Owners”) and located at 17 Preble Point Road, Arrowsic, Maine (Arrowsic Tax Map/Lot Number 6/13) (the “Property”). The Property is in the Shoreland Zone and the Special Protection District. Tim Forrester was in attendance for this portion of the meeting.

A site walk was taken by the Planning Board prior to this meeting. Reference is made to the 07-08-2021 Minutes of Cooper Site Walk.

The Planning Board reviewed the Application. Upon motion by Matt Caras, which was seconded by Roger Heard, and it appearing that the Conditional Use Permit Application satisfies the provisions of Section 4.2.2 of the Ordinance, all Board members in attendance voted in favor of the motion approving the completeness of the Application.

Tim Forrester then presented the project as set forth in the Application. The proposed temporary dock will consist of a ramp and a float. All required permits or approvals from entities other than the Planning Board appear to have been obtained. In the offseason, the ramp will be pulled on shore, upland of the area where the ramp is pinned when in use. The float will be store offsite during the offseason. There will not be any cutting or clearing of vegetation in connection with the project. No path of any kind will be made down the lawn from the house to the proposed dock.

The Board then reviewed Section 4.2.3 of the Ordinance, which requires the Planning Board to find, based on the information provided by the Applicant, that the proposed temporary dock:

- *Will not result in unsafe or unhealthy conditions*—based upon information provided by the Applicant, including the way in which the ramp will be accessed and in turn the way in which the float will be accessed via the ramp, the Planning Board finds in the affirmative on this factor.
- *Will not result in erosion or sedimentation*—based upon information provided by the Applicant, including that the upland area where the temporary ramp will be pinned will not be disturbed and that the project will not create any runoff, the Planning Board finds in the affirmative on this factor.
- *Will not result in water pollution*—based upon information provided by the Applicant, including that the upland area where the temporary ramp will be pinned will not be disturbed and that the project will not create any runoff, the Planning Board finds in the affirmative on this factor.
- *Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat*—based upon information provided by the Applicant, including that the upland area where the temporary ramp will be pinned will not be disturbed, that the project will not create any runoff, and that the skids on the base of the float will rest on the substrate, the Planning Board finds in the affirmative on this factor.

- *Will conserve shoreland vegetation*—based upon information provided by the Applicant, including the Applicant’s representation that there will be no clearing or cutting of any vegetation in connection with the project that is the subject of the Application, the Planning Board finds in the affirmative on this factor.
- *Will conserve the visual points of access to waters as viewed from public facilities*—because the project contemplated by the Application does not involve visual points of access to waters as viewed from public facilities, the Planning Board finds in the affirmative on this factor.
- *Will conserve actual points of public access to the water*—because the project contemplated by the Application does not involve actual points of public access to the water, the Planning Board finds in the affirmative on this factor.
- *Will conserve natural beauty*—based upon information provided by the Applicant, because the project contemplated by the Application will not diminish the natural beauty of the environment around it, the Planning Board finds in the affirmative on this factor.
- *Will avoid problems associated with flood plain development and use*—based upon information provided by the Applicant, because the project contemplated by the Application will not create any problems associated with flood plain development and use, the Planning Board finds in the affirmative on this factor.
- *Is in conformance with the provisions of Section 3.0 Performance Standards*—based upon the information provided by the Applicant, the Planning Board finds in the affirmative on this factor because, among other things, the proposed temporary dock complies with the provisions of Section 3.11 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 three conditions on the Permit, to wit: (1) At all times during and after construction, provision shall be made to prevent soil erosion and sedimentation of surface water; (2) there will be no clearing or cutting of vegetation in connection with the construction or use of the proposed temporary dock; and (3) the float will be stored offsite during the offseason. Motion was made by Matt Caras, which was seconded by Roger Heard, to approve the Application, subject to the three conditions described above. All Board members in attendance voted in favor of the motion. Conditional Use Permit CU21-02PB was issued.

Kahrl Conditional Use Permit Application for Driveway

Consideration of Conditional Use Permit Application for Driveway (the “Application”) by Atlantic Environmental, LLC c/o Tim Forrester (the “Applicant”) on Property owned by Julia Kahrl (the “Property Owner”) and located at 98 Fisher Eddy Road, Arrowsic, Maine (Arrowsic Tax Map/Lot Number 3/22) (the “Property”). A portion of the Property, and a portion of the proposed location of the proposed driveway, are within the Shoreland Zone and the Resource Protection District. Tim Forrester, and the Property Owner’s project manager Jeff Galuza, were in attendance for this portion of the meeting.

A site walk was taken by the Planning Board prior to this meeting. Reference is made to the 07-08-2021 Minutes of Kahrl Site Walk.

The Planning Board reviewed the Application. Upon motion by Roger Heard, which was seconded by Vicky Stoneman, and it appearing that the Conditional Use Permit Application satisfies the provisions of Section 4.2.2 of the Ordinance, all Board members in attendance voted in favor of the motion approving the completeness of the Application.

Tim Forrester then presented the project as set forth in the Application. The proposed driveway will depart from the existing Fisher Eddy Road (a private driveway) in a roughly perpendicular fashion about 900 feet from Route 127. The proposed driveway will extend north from Fisher Eddy Road about 450 feet, and it will be about 12 feet wide. The first 240 feet (approximately) of the proposed driveway is in the Shoreland Zone and Resource Protection District. To the south of Fisher Eddy Road, and contiguous to Fisher Eddy Road, is a pond, which is the resource that is protected by the Resource Protection District in this instance. An apron will be constructed where the proposed driveway will depart from Fisher Eddy Road. And, because the first several feet of the proposed driveway proceeds uphill to the north from Fisher Eddy Road, the proposed driveway will be graded and constructed such that any flow of water or runoff coming down the proposed driveway will be diverted and prevented from crossing Fisher Eddy Road to the pond.

There was discussion about Section 3.8.2(d) of the Ordinance, which provides that: “Roads and driveways shall be set back at least 100 feet ... from ... water bodies ... unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists, the road and/or driveway setback shall be no less than fifty (50) feet Section 3.8.2(d) does not apply to ... driveways that provide access to permitted structures and facilities located nearer to the shoreline ... due to an operational necessity” Because the proposed driveway begins at Fisher Eddy Road, which abuts the pond, the proposed driveway is less than fifty feet from the pond.

The Board then reviewed Section 4.2.3 of the Ordinance, which requires the Planning Board to find, based on the information provided by the Applicant, that the proposed driveway:

- *Will not result in unsafe or unhealthy conditions*—based upon information provided by the Applicant, including the way in which the proposed driveway will be graded and constructed, the Planning Board finds in the affirmative on this factor.
- *Will not result in erosion or sedimentation*—based upon information provided by the Applicant, including that (1) the Applicant will establish erosion and sedimentation controls that may include silt fence, erosion control berms, and stacked hay bales, (2) all disturbed soils at the completion of construction will be stabilized with vegetation and mulch in accordance with the most recent version of the Maine Erosion and Sediment Control BMPs manual, (3) a 12” culvert will be installed at the beginning of the proposed driveway, (4) ditch relief culverts, drainage dips and water turnouts will be installed in a manner effective in directing drainage onto unscarified buffer strips at regular intervals where necessary and appropriate, and (5) the grade of the proposed driveway will be reduced to meet the requirements of the Ordinance, the Planning Board finds in the affirmative on this factor.
- *Will not result in water pollution*—based upon information provided by the Applicant, including that no runoff from the proposed driveway will reach the resource (pond), the Planning Board finds in the affirmative on this factor.
- *Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat*—based upon information provided by the Applicant, including that no runoff from the proposed driveway will reach the resource (pond) and that the existing Fisher Eddy Road will not be disturbed, the Planning Board finds in the affirmative on this factor.
- *Will conserve shoreland vegetation*—based upon information provided by the Applicant, including that no runoff from the proposed driveway will reach the resource (pond) and that the existing Fisher Eddy Road will not be disturbed, the Planning Board finds in the affirmative on this factor.
- *Will conserve the visual points of access to waters as viewed from public facilities*—because the project contemplated by the Application does not involve visual points of access to waters as viewed from public facilities, the Planning Board finds in the affirmative on this factor.

- *Will conserve actual points of public access to the water*—because the project contemplated by the Application does not involve actual points of public access to the water, the Planning Board finds in the affirmative on this factor.
- *Will conserve natural beauty*—based upon information provided by the Applicant, because the project contemplated by the Application will not diminish the natural beauty of the environment around it, the Planning Board finds in the affirmative on this factor.
- *Will avoid problems associated with flood plain development and use*—based upon information provided by the Applicant, because the project contemplated by the Application will not create any problems associated with flood plain development and use, the Planning Board finds in the affirmative on this factor.
- *Is in conformance with the provisions of Section 3.0 Performance Standards*—based upon the information provided by the Applicant, the Planning Board finds in the affirmative on this factor because, among other things, the proposed driveway complies with the provisions of Section 3.8 of the Ordinance. With respect to Section 3.8.2(d), the Planning Board finds that an “operational necessity” exists, permitting the construction of the proposed driveway within fifty feet of the pond. The Planning Board also finds that alternative locations for a driveway were considered, but that no reasonable alternative exists for the location of a driveway.

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 two conditions on the Permit, to wit: (1) At all times during and after construction, provision shall be made to prevent soil erosion and sedimentation of surface water; and (2) prior to the commencement of construction of the proposed driveway, the Applicant will submit to the Planning Board a written plan or sketch detailing the apron that will be constructed where the proposed driveway meets the existing Fisher Eddy Road, including detail with respect to areas where vegetation will be restored. Motion was made by Matt Caras, which was seconded by Roger Heard, to approve the Application, subject to the two conditions described above. All Board members in attendance voted in favor of the motion. Conditional Use Permit CU21-03PB was issued.

Planning Board Review of Proposed Revisions to Approved Subdivisions

As discussed at the June 2021 Planning Board Meeting, the Planning Board Chair contacted the Town’s attorney to determine whether the legal advice received by the Planning Board in 2017 regarding Planning Board review of proposed revisions to approved subdivisions needs to be updated in any fashion. The Town’s attorney confirmed to the Planning Board Chair that the advice provided in 2017 continues today unchanged in any fashion. In summary, counsel advises that: (a) The Board has jurisdiction with respect to a proposed revision to an approved subdivision plan; and (b) the Board should *review* a proposed revision to an approved subdivision plan. See Minutes of Meeting dated November 6, 2017.

Approval of Minutes

The Board reviewed the draft Minutes of its June 7, 2021 Meeting. Upon motion made by Roger Heard, which was seconded by Vicky Stoneman, the Planning Board approved the Minutes of its June 7, 2021 Meeting (all voted in favor).

New Deputy CEO

The Planning Board Chair noted, and Chris Wilcoxson confirmed, that Mike Kreindler, former Town CEO, has been appointed Deputy CEO.

Miscellaneous

The CEO, Chris Wilcoxson, provided an update regarding the project that has commenced on the west side of Arrowsic Road across from Sewall Pond. And there was some discussion regarding the status of LD 1321.

Adjourned at about 9:00 PM.