

**Town of Arrowsic
Minutes of Planning Board Meeting
August 8, 2022 at ~ 7:00 PM
Video Conference via Zoom**

Attending: Jennifer Geiger (PB Chair); Matt Caras (PB Secretary); Roger Heard (PB); Vicky Stoneman (PB); Jim Davis (PB); Joe Bonnett (Resident interested in joining Planning Board); Chris Wilcoxson (CEO); Karin Stadler (Resident)

Klein Conditional Use Permit Application for Driveway

Consideration of Conditional Use Permit Application for New Driveway (the “Application”) by Greg Klein (the “Applicant”) on Property owned by Greg and Angela Klein (the “Property Owners”) and located on Arrowhead Lane, Arrowsic, Maine (Arrowsic Tax Map/Lot Number 3/31-6) (the “Property”). Most of the Property, and it appears all of the proposed location of the proposed driveway, are within the Shoreland Zone and the Resource Protection District. Greg Klein and Angela Klein 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 08-08-2022 Minutes of Klein 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.

Greg Klein presented the project as set forth in the Application. The proposed driveway will depart from Arrowhead Lane in a perpendicular fashion up the hill to its crest. The Applicant represented that the proposed driveway will be about 12 feet wide, and it will take the route that results in the most gradual slope.

There was discussion about the need for culverts. The plan that was submitted with the Application does not show any culverts or drainage ditches. The Applicant represented that Brian Elwell of Elwell Enterprises will build the driveway, and that Brian will determine where culverts and, if applicable, drainage ditches, will be located. The Planning Board expressly requires that Brian Elwell meet with Chris Wilcoxson prior to commencing work on the driveway for the purpose of reviewing the precise plan for the driveway, including culverts and grade.

During the site walk, the Planning Board noted that the location of the proposed house as shown on the plan submitted with the Application is a different location than the location pointed out by the Applicant during the site walk. During this hearing, the only matter before the Planning Board is the driveway. Notwithstanding that fact, the Planning Board stated, and the Applicant acknowledged, that any approval of the proposed new driveway pursuant to the Conditional Use Permit Application for New Driveway is not, and is not to be construed as, approval of any building that is shown or referenced in any of the materials or plans submitted by the Applicant.

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 with a sweeping angle to reduce slope, 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 (1) that the Applicant, through its contractor Brian Elwell, will establish erosion and sedimentation controls including, among other things, a silt fence and (2) that the grade of the proposed driveway will 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 (marsh), 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 (marsh) and that clearing will be limited to the width of the driveway, 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 (marsh) and that clearing will be limited to the width of the driveway, 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 is not in a flood plain, 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 will comply with the provisions of Section 3.8 of the Ordinance. Prior to commencement of the proposed new driveway, the Applicant will submit a plan showing that the proposed new driveway will be constructed in compliance with section 3.8, including 3.8.2, and the Applicant’s contractor will meet on site to review the plan with Chris Wilcoxson.

By unanimous agreement of its members, the Board made a positive finding that the proposed use satisfies the requirements of 4.2.3. 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 CEO Chris Wilcoxson a written plan showing the details of the proposed driveway, and the Applicant’s contractor will meet on site to review the plan with Chris Wilcoxson. Motion was made by Roger Heard, which was seconded by Vicky Stoneman, to approve the Application, subject to the two conditions described above. All Board members in attendance voted in favor of the motion.

Kepler Conditional Use Permit Application for Parking Lot, including Clearing, Excavation and Filling

Consideration of Conditional Use Permit Application for Parking Lot, including Clearing, Excavation and Filling (the “Application”) by Margaret Kepler (the “Applicant”) on Property owned by Margaret Kepler (the “Property Owner”) and located at 140 Doubling Point Road, Arrowsic, Maine (Arrowsic Tax Map/Lot Number 4/32) (the “Property”). The Property, and the proposed location of the proposed parking lot, are within the Shoreland Zone

and the Shoreland District. Dan McLean and Kevin Coleman, representatives of The Friends of Doubling Point Light, were in attendance for this portion of the meeting. Neither the Applicant nor an authorized representative of the Applicant was in attendance.

A site walk was taken by the Planning Board prior to this meeting. Reference is made to the 08-08-2022 Minutes of Kepler Site Walk.

Dan McLean stated the purpose of the proposed parking lot, which is to move parking for the lighthouse farther from the Keeper's Quarters, so called, in order to provide more privacy for the Keeper's Quarters. The Planning Board reviewed with Dan some of the questions it raised during the site walk.

- *What is the precise location of the proposed parking lot*
- *What is the reason for parking spaces in rows parallel to the road*
- *What is the reason that a 60' x 30' parking lot is needed for six parking spaces*
- *What is the extent of the clearing for the proposed parking lot*
- *What is the amount of fill needed for the proposed parking lot*
- *What is the grade of the proposed parking lot*
- *Whether the proposed parking lot, in light of the apparent need for a significant amount of fill, would require a retaining wall at the west (and possibly north and south) ends of parking lot*
- *Whether, for safety, some type of stairway would be needed to get from the proposed parking lot to the path leading to the lighthouse*
- *That the plan submitted by the Applicant and utilized by the Planning Board on the site walk, does not provide information or clarity on the above questions*
- *The boundaries for the proposed parking lot are not fully staked and, while the plan submitted by the Applicant represented that the south boundary of the proposed parking lot is 105 feet from the "high water line," the location of that boundary is not staked*
- *What persons or entities have the right to grant or deny access to that portion of Doubling Point Road that is on the Property, and what persons or entities are permitted to grant or deny use of the easement (Easement #3) along which foot traffic from the proposed parking lot to the lighthouse would travel*

The Planning Board concluded that, before it can act in any fashion on the Application, the Applicant must submit a detailed engineering plan for the proposed parking lot, which plan must include detail on location, amount of fill, grade, clearing, extent of excavation, erosion control, etc. The Planning Board also stated that, if it is the intent of the Applicant to authorize Dan McLean, Kevin Coleman and/or The Friends of Doubling Point Light to act as her representative regarding the Application, then such authorization must be presented to the Planning Board in writing from the Applicant. Finally, Dan McLean stated that he will submit to the Planning Board: (1) a copy of the deed of The Friends of Doubling Point Light for the property adjacent to the Property; and (2) a copy of the easement document related to Easement #3, so-called.

Approval of Minutes

The Board reviewed the draft Minutes of its July 7, 2022 Meeting. Upon motion made by Vicky Stoneman, which was seconded by Jim Davis, the Planning Board approved the Minutes of its July 7, 2022 Meeting (all voted in favor).

Miscellaneous

Led by CEO Chris Wilcoxson, there was continued discussion regarding impact and implementation of LD 2003.

Adjourned at about 9:00 PM.