

**Town of Arrowsic
Minutes of Planning Board Meeting
September 9, 2020 at ~ 7:00 PM
Video Conference via Zoom**

Attending: Jennifer Geiger (PB Chair); Roger Heard (PB); Don Kornrumpf (PB); Vicky Stoneman (PB); Stanley Lane (PB); Mike Kreindler (CEO); Diane Keogh (owner), Teresa Simpson of Midcoast Home Designs (applicant) and Jacob Ackerman of Ackerman Builders LLC (applicant).

LaPlante Electric Conditional Use Permit Application for Standby Generator

Consideration of Conditional Use Permit Application for standby generator (the "Application") by LaPlante Electric (the "Applicant") on property owned by Diane Keogh (the "Property Owner") and located at 76 Arrowsic Road, Arrowsic, Maine (Tax Map/Lot Number 6/21) (the "Property"). The Property Owner, Diane Keogh, was in attendance.

A site walk was taken prior to the meeting; reference is made to the Minutes of Planning Board Site Walk on the Property on September 8, 2020 at about 6:00 PM. A substantial portion of the Property is within the Shoreland Zone and the Special Protection District so the homeowner can't meet setback requirements for a standby generator. There is no conforming location to place the standby generator as the distance from the Sasanoa River waterline (east of the lot) to marsh (west of the lot) is 250' making the 150' set back required in both directions impossible. Hence, the reason the application came before the Planning Board. The proposed location for the new standby generator is about 35' from the north lot line, within the required 20' setback distance.

The Applicant submitted materials in support of the Application prior to the site walk. (Note: Laplante Electric, Inc. is shown as the Applicant on the Conditional Use Permit Application and the materials submitted include a letter from Diane Keogh (Property Owner) "designating" Laplante Electric, Inc. to be her representative in connection with the Application. However, the Application was signed (and certified to) by the Property Owner Diane Keogh.) The sketch that is relevant to, and subject to the Planning Board's review of the Conditional Use Permit Application for standby generator is "LaPlante Sketch on graph paper" along with accompanying letter to Mike Kreindler from owner dated August 13, 2020 stating the need to have water when power goes out. Upon motion made by Roger Heard and seconded by Don Kornrumpf, 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.

The Applicant then presented the project as set forth in the Application and sketch. It was confirmed that the distance from the property line to the generator as measured by Mike Kreindler during the site walk was within the 20' setback requirement, measuring 35'. It was further confirmed that there was no noise requirement as that is taken into account in the property line setback requirement.

The Board then reviewed the ten factors set forth in Section 4.3 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, in particular the requirements of subsection 3.6.1.9. Motion was made by Roger Heard to approve the Application, which motion was seconded by Vicky Stoneman. All Board members in attendance voted in favor of the motion.

The Permit for App # CU20-06PB dated September 9, 2020, along with building permit from the CEO (predicated on the Board's CUP), was then provided to the Applicant.

Simpson Conditional Use Permit Application for New Driveway

Consideration of Conditional Use Permit Application for New Driveway (the "Application") by Teresa Simpson of Midcoast Home Designs (the "Applicant") on property owned by Nancy Kaake (the "Property Owner") and located at Field Road, Arrowsic, Maine (Tax Map/Lot Number 5/12) (the "Property"). Teresa Simpson of Midcoast Home Designs was in attendance.

A site walk was taken prior to the meeting; reference is made to the Minutes of Planning Board Site Walk on the Property on September 8, 2020 at about 5:30 PM. A substantial portion of the Property, as well as a portion of the proposed new driveway (end near proposed house site), are within the Shoreland Zone and the Shoreland District.

The Applicant submitted materials in support of the Application prior to the site walk. The plan and sketch that are relevant to, and subject to the Planning Board's review of the Conditional Use Permit Application for New Driveway, is "Midcoast Home Design's Proposed Plan Over Survey" dated 9/8/2020 ("MHD Plan") and "Survey by Dirigo Surveying dated 12/12/19 ("Dirigo Survey"). It was determined that the separation of a portion of the 32.84 acre property into a 6.4 acre parcel was not relevant to the approval of the new driveway and so acreage on the application was changed from 6.4 to 32.84 acres. It was noted that the property is not within a subdivision but the road to get to the driveway runs through a subdivision. The property received a waiver in 2002 to the rules requiring roads through a subdivision needing to conform to the subdivision law regarding paving of said road. It was also noted that the driveway was not in the proper place on the MHD Plan, although it was properly laid out on the actual site during the site walk. The Board discussed making a condition of the permit, that the MHD Plan be updated to reflect proper placement of the new driveway. Upon motion made by Roger Heard and seconded by Vicky Stoneman, and it appearing that the Conditional Use Permit Application with noted condition satisfied 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.

The Applicant then presented the project as set forth in the Application, Dirigo Survey and the MHD Plan. It was noted that the driveway does go through the stonewall and will require an approximately 22' section to be taken out of the stonewall. This was not apparent with the original MHD Plan due to the improper location of the driveway but will be rectified with the updated MHD Survey as discussed above. The driveway itself will be 14' wide and utilize the existing grade of the land. Except for the stonewall, the clearing will be limited to the width of the driveway. Concern on 1) water runoff due to rock ledge sloping down to the driveway on the right side and 2) water pooling due lower grade on left side of driveway was voiced by the Planning Board. While no condition was necessary, all agreed it was needed for the wellbeing of the house and land. A condition was put on the permit regarding erosion and sedimentation per section 3.8.1.A of the Town of Arrowsic Zoning Ordinance.

The Board then reviewed the ten factors set forth in Section 4.3 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 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) approval will be granted only upon the receipt of the updated MDH Plan with driveway in proper location. Motion was made by Roger Heard to approve the Application, subject to the two conditions described above, which motion was seconded by Don Kornrumpf. All Board members in attendance voted in favor of the motion.

The Permit for App # CU20-05PB dated September 9, 2020 was then provided to the Applicant.

Ackerman Conditional Use Permit Application for New Driveway

Consideration of Conditional Use Permit Application for New Driveway (the "Application") by Jacob Ackerman of Ackerman Builders LLC (the "Applicant") on property owned by Don Sheldon and Andrew Lynas (the "Property

Owners”) and located at 49 Cottage Road, Arrowsic, Maine (Tax Map/Lot Number 3/7) (the “Property”). The Applicant, Jacob Ackerman, was in attendance.

A site walk was taken prior to the meeting; reference is made to the Minutes of Planning Board Site Walk on the Property on September 9, 2020 at about 6:00 PM. A substantial portion of the Property and all of the proposed new driveway are within the Shoreland Zone and the Shoreland District.

The Applicant submitted materials in support of the Application prior to the site walk. The plans that are relevant to, and subject to the Planning Board’s review of the Conditional Use Permit Application for New Driveway, are “Site Plan of Sheldon and Lynas Property” by Norse dated August 8, 2020 (the “Norse Plan”) and Drainage & Grading Plan” by DM ROMA dated September 2, 2020. It was noted that application was required and had been submitted to the DEP Natural Resource Protection Act Permit by Rule but the necessary 2 week period for approval had not been completed. It was decided that the necessary time for the permit to stand would need to elapse as a condition to the new driveway permit. With that condition noted and upon motion made by Roger Heard and seconded by Vicky Stoneman, and it appearing that the Conditional Use Permit Application satisfied 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.

The Applicant then presented the project as set forth in the Application and on the Norse and Drainage and Grading Plans.

Mike Kreindler read the project description on the application for the DEP Permit to explain the storm water runoff management, noting that Jacob Ackerman has shown where the various items for water management would be placed. The Board expressed appreciation that a civil engineer was consulted to create this water management plan. The Board asked about fill requirements and Jacob Ackerman replied that a good bit of fill would be needed to be brought in to flatten the driveway as only very little fill would be dug up for the ditch (on the upper hillside of the driveway) that could be used for the flattening. Upon being asked, Jacob mentioned the pitch of the driveway would be 15%. When asked about the qualifications of EM Wood Construction, Jacob Ackerman said he has worked with the company for 6 years and it has been erosion control certified with considerable experience in erosion management. It was also noted by the Board that the driveway and level spreader berm are within 75’ of the Kennebec River but because of the location of the property and house, it did not need to conform to the normal standards for driveways in section 3.8.2.d in the Town of Arrowsic Zoning Ordinance.

The Board then reviewed the ten factors set forth in Section 4.3 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 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) approval of the new driveway shown on the Norse Plan will not be given until the 2 week time period - from date application was received by the DEP for a DEP Natural Resource Protection Act Permit by Rule - has elapsed. Motion was made by Roger Heard to approve the Application, subject to the two conditions described above, which motion was seconded by Stan Lane. All Board members in attendance voted in favor of the motion.

The Permit for App # CU20-04PB dated September 9, 2020 was then provided to the Applicant.

Approval of Minutes

It was suggested the Board wait to review the Minutes of its August 3, 2020 Meeting until the October Board meeting so Secretary, Matt Caras, could be in attendance to hear and make any necessary modifications noted.

Adjourned at about 8:55 PM.