

**Town of Arrowsic**  
**Minutes of Planning Board Meeting**  
**December 6, 2021 at ~ 7:10 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 (PB; joining the meeting at 7:55 PM).

Johnson/Akunowicz Conditional Use Permit Application for Temporary Pier, Ramp and Float

Consideration of Conditional Use Permit Application for Temporary Pier, Ramp and Float (the "Application") by Atlantic Environmental, LLC c/o Tim Forrester (the "Applicant") on property owned by Laura Johnson and Karen Akunowicz (the "Property Owners") and located at 67 Indian Rest Road, Arrowsic, Maine (Arrowsic Tax Map/Lot Number 3/41) (the "Property"). The Property is in the Shoreland Zone and the Resource Protection District. Tim Forrester was in attendance for this portion of the meeting.

A site walk was taken by the Planning Board on Sunday, December 5, 2021, the day prior to this meeting. Reference is made to the 12-05-2021 Minutes of Johnson/Akunowicz Site Walk.

The Planning Board reviewed the Application. Upon motion by Roger Heard, which was seconded by Matt Caras, 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 structure consists of four separate components: a pier (two separate components consisting of a horizontal ramp supported by a bent to form a pier), a ramp, and a float (collectively, the "Dock"). All required permits or approvals from entities other than the Planning Board appear to have been obtained, including the Authorization Letter from the Department of Army, Corps of Engineers dated 10-14-2021 (the "Army Corps Letter").

There was discussion regarding, among other things, the offseason storage of the Dock, the access to the Dock from the residential structure at 67 Indian Rest Road, and the removal of stairs and a float that are currently on the upland edge of the Back River at 67 Indian Rest Road in violation of the Town's Ordinance. During the offseason, the Dock will be dismantled and moved by water (the Back River) to an offsite storage location that is not 67 Indian Rest Road. None of the components of the Dock will be stored at 67 Indian Rest Road, nor will they be moved from their installed location by way of land at 67 Indian Rest Road. There will not be any cutting or clearing of vegetation in connection with the project. Access to the Dock will be via a meandering path; no cutting or clearing of vegetation will be undertaken to create a path, nor will any material be placed on the ground to create a path, except: A series of stones will be placed on the ground, supported by crushed stone directly beneath them, to provide safe footing while accessing the Dock and to prevent erosion that otherwise might occur while accessing the Dock. The stairs and the float which are currently located on the upland edge of the Back River in violation of the Town's Ordinance will be removed as soon as possible by way of water (the Back River). Nothing will be stored, or located in any fashion, on the upland edge of the Back River at 67 Indian Rest Road. It was noted by Tim Forrester that the Dock has aluminum components, e.g., the bent, that he is currently specifying rather than wood in an effort to make structures such as this lighter—he believes that they should be as strong as wood. Finally, it is worthy of note that the Dock, as designed and to be installed, will not in any way impede navigation of the Back River.

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 Dock will be accessed and the way in which the Dock will be 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 the upland area where the horizontal ramp component of the pier is pinned will not be disturbed, that the access to the Dock will meander and include a series of stepping stones, 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 horizontal ramp component of the pier is 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 horizontal component of the pier is pinned will not be disturbed, that the project will not create any runoff, that the bent will be attached to ledge, 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. *See also* Army Corps Letter.
- *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*—the project that is the subject of the Application will be visible from the Arrowsic-Georgetown Bridge, but because the project contemplated by the Application will not obstruct the view of the Back River from the Bridge, 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 Dock complies with the provisions of Section 3.11 of the Ordinance, including Section 3.11.7. With respect to Section 3.2.1, which provides that there shall be no timber harvesting or clearing of vegetation in the Resource Protection District, the Planning Board notes that there will be no cutting or clearing of vegetation in connection with this project. The Planning Board further notes that, to the extent that placement of a series of stones, supported by crushed stone directly beneath them, might be construed as “clearing” even though no vegetation will be cleared in connection therewith, the Planning Board finds that the placement of such stones is “necessary for uses expressly authorized” in that they will enable safe access to the Dock (which is a permitted use). *See* Section 3.2.1(b).

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 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 Dock; (3) each of the components of the Dock will be stored offsite during the offseason, and will be transported to such offsite location by water (the Back River), not by land at 67 Indian Rest Road; and (4) the stairs and the float that are currently located on the upland edge of the Back River at 67 Indian Rest Road will be removed as soon as possible, and will be removed by way of water (the Back River). Motion was made by Roger Heard, which was seconded by Matt Caras, to approve the Application, subject to the four conditions described above. All Board members in attendance (except Jim Davis, who did not vote because he joined the meeting while the hearing on this Application was in process) voted in favor of the motion. Conditional Use Permit CU21-04PB was issued.

#### Approval of Minutes

The Board reviewed the draft Minutes of its November 1, 2021 Meeting. Upon motion made by Roger Heard, which was seconded by Vicky Stoneman, the Planning Board approved the Minutes of its November 1, 2021 Meeting (all voted in favor).

#### Potential Updated Comprehensive Plan for the Town

Michele Gaillard was in attendance for this portion of the meeting. The Select Board has not yet made a decision as to whether the Town will proceed in updating its Comprehensive Plan. Among the Comprehensive Plan Pre-Planning Committee and the Select Board there continues to be considerable discussion regarding the magnitude of the volunteer time commitment that will be required to update the Town's Comprehensive Plan, as well as the scope of involvement that will be required from outside consultants. The Planning Board has indicated to the Pre-Planning Committee and to the Select Board that it supports an update of the Comprehensive Plan, and does so for the following, among other, reasons: (1) It is important for the Town to have a Plan that reflects the current vision of residents; (2) it is important for the Town to have a Plan that meets State requirements and that is approved by the State; (3) a State-approved Plan would likely enable receipt by the Town of grants and other forms of funding that may not be available to the Town without a State-approved Plan; and (4) a State-approved Plan may enhance the enforceability of the Town's Ordinances. Michele inquired whether, in addition to supporting an update of the Plan, individual members of the Planning Board would be willing to commit time and effort working on components of the Plan that may be aligned with work that the Planning Board does in the ordinary course of its affairs. As a general matter, while most Planning Board members expressed that there are limits to the amount of time that they can spend on the Plan, most appear to be willing to work on the Plan. The Planning Board Chair, Jennifer Geiger, suggested that the Planning Board might establish a monthly structure pursuant to which a portion of each month's regularly scheduled Planning Board meeting could be devoted to work on the Plan. (It is relevant to note that the Pre-Planning Committee estimates that work on an updated Plan will likely take 27 months.) During the discussion, Planning Board members noted that it is difficult to understand at this point the extent to which specific knowledge, or ability to acquire knowledge, will be necessary to work on the Plan, and that if such knowledge is required whether it resides among individual Planning Board Members. Michele Gaillard indicated that she thinks time, rather than knowledge or ability to acquire knowledge, is what will be needed from volunteers to work on the Plan. The Planning Board also noted that it would favor more, rather than less, involvement from outside consultants. Such involvement would not only mitigate the volunteer time required from residents, it would also ensure that an updated Plan will be acceptable to the State in form and substance. The Planning Board will continue to encourage the Select Board to retain as much assistance as possible from outside consultants. Neighboring Georgetown has a Comprehensive Plan that has been approved by the State. Planning Board members will access and review it to get a better sense of what would be involved in updating Arrowsic's Comprehensive Plan.

### CEO Update

The CEO, Chris Wilcoxson, provided information on all building and conditional use permits issued in 2021 YTD. Chris also stated that he has established a protocol for receiving before and after photos and incorporating them in the file of all conditional use permits (as now required by the State).

### Miscellaneous

The Planning Board Chair stated that she has made contact with Town counsel regarding the most effective way for the Town to regulate short term rentals, and expects to have a call with Town counsel on this issue prior to the Planning Board's January 2022 meeting. The Footprint Standard, so-called, regarding the method of calculating proposed expansions of non-conforming structures, will also be a subject of discussion at the Planning Board's January 2022 meeting.

Adjourned at about 9:15 PM.