

Town of Arrowsic
Minutes of Planning Board Meeting
July 6, 2023 at ~ 6:50 PM
Hybrid Meeting at Arrowsic Town Hall with Video Conference via Zoom

Attending in person: Vicky Stoneman (PB Chair); Roger Heard (PB); Joe Bonnett (PB); Jim Davis (PB, temp scribe); Steve Bonine (Resident), Eileen Bonine & Paul Cunningham (Residents interested in joining Planning Board); Chris Wilcoxson (CEO); Karin Stadler (Resident)

Attending in person for relevant portion of the meeting (Generator discussion): Doug Kohring (Property Owner and Permit Applicant)

Attending via Zoom for relevant portion of the meeting (Doubling Point parking lot discussion): Margaret Kepler (Property owner and Conditional Use Permit applicant, member Friends of Doubling Point Light - FoDPL)

Attending in person for Relevant Portion of the Meeting (Doubling Point Parking Lot discussion): Dan McLean & Kevan Coleman (Residents & Representatives of Property Owner / CU Permit Applicant and Friends of Doubling Point Light - FoDPL), Karen McLean (Resident and FoDPL)

Vicky Stoneman elected to Planning Board Chair

Joe Bonnett proposed the motion and Jim Davis seconded. By a unanimous vote of all members present, Vicky was elected.

Secretary Needed

A secretary is needed to take minutes of planning board meetings beginning in September. An appeal was made to those attending the meeting or anyone else that might be available. Transcription software was discussed and will be tried at the next meeting. Joe Bonnett will investigate.

New Planning Board Members Needed

An appeal was made for new members to join the Planning Board both as members and Alternates.

Doug and Ann Kohring Conditional Use Permit Application for a Standby Generator

Consideration of Conditional Use Permit Application for a generator (the "Application") by Doug and Ann Kohring (the "Applicant") on property owned by Doug and Ann Kohring (the "Property Owners") and located at 96 Arrowsic Road, Arrowsic, Maine (Arrowsic Tax Map/Lot Number 6/23) (the "Property"). The proposed generator is in the Special Protection District in RR 1.

A site walk was taken by the Planning Board prior to this meeting. Reference is made to the 07-06-2023 Minutes of Kohring Site Walk.

Planning Board review for this project is specified in the following Ordinance category:

Table 1, Item 6* with corresponding performance standard Section 3.6.1.9 for "Structures, Standby Generator, Unable to Meet Setbacks".

With supporting materials provided to the Planning Board, the applicant Doug Kohring presented the project as described in the Application. An installation sketch showing that the proposed generator would be located so that its setback distance from wetlands, the Sasanoa River and Rt 127 will follow the guidance listed in Ordinance Section 3.6.1.9, such that the existing non-conforming setbacks of the principal dwelling would not be further

reduced (or made more non-conforming) by adding a generator. It would be located on an existing patch of lawn and would sit on a pad a few feet to the north of the house.

In addition, its planned placement would conform to the required setback distance from the abutting Lot 22. Mr. Kohring stated that it would also follow the minimum safe separation distances from the propane tanks and the house as defined by applicable fire and building codes.

The Planning Board reviewed the Application. Upon motion by Roger Heard, which was seconded by Joe Bonnett, 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 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 parking lot:

- *Will not result in unsafe or unhealthy conditions*—based upon information provided by the Applicant, including the way in which the proposed generator will be installed, the Planning Board finds in the affirmative on this factor.
- *Will not result in erosion or sedimentation*—based upon information provided by the Applicant, the Planning Board finds in the affirmative on this factor.
- *Will not result in water pollution*—based upon information provided by the Applicant, 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*—Not Applicable.
- *Will conserve shoreland vegetation*—based upon information provided by the Applicant, 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, this factor is Not Applicable.
- *Will conserve actual points of public access to the water*—Not Applicable.
- *Will conserve natural beauty*—based upon information provided by the Applicant, 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, 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.

Upon a motion by Roger Heard and seconded by Joe Bonnett that the PB found that the application conforms with Section 3.0, performance standards (Section 3.6.1.9) and moved to grant approval subject to the following condition: At all times during and after construction, provision shall be made to prevent soil erosion and sedimentation of surface waters.

All members voted in favor of the motion.

Conditional Use Permit CU23-01PB was issued and signed by the Chair, Vicky Stoneman.

Kepler & Friends of Doubling Point Light (FoDPL) Conditional Use Permit Application for Parking Lot, including Clearing, Excavation and Filling

Consideration of Conditional Use Permit Application for a Parking Lot, including Earth Moving, Land Clearing, Timber Harvesting, Excavation and Filling (the "Application") by Margaret Kepler and the Friends of Doubling Point Light -FoDPL (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 District in the Shoreland zone. Dan McLean and Kevan Coleman, representatives of Margaret Kepler and FoDPL, were in attendance for this portion of the meeting. Margaret Kepler, the owner, attended remotely via Zoom.

A site walk was taken by the Planning Board prior to this meeting. Reference is made to the 07-06-2023 Minutes of Kepler Site Walk.

This site walk was a follow-up to a Planning Board site walk and meeting on August 8, 2022 in which representatives of the FoDPL presented their original concept for the parking lot. Following the recommendation of the Planning Board at that earlier meeting, a detailed engineering plan was undertaken for the project by Walsh Engineering of Westbrook, ME, describing the location, amount of fill, grade, clearing, extent of excavation, erosion control, and other relevant design attributes.

The purpose of the proposed parking lot is to relocate lighthouse visitor parking away from the Keeper's Quarters, a private dwelling owned by Margaret Kepler. This will provide a safe and orderly access on foot for visitors to Doubling Point Light (DPL) directly from the proposed parking lot, via new stairs and an existing Coast Guard path to DPL, hence avoiding the dwelling and private living areas which are currently subject to disruption by DPL visitors.

The location of the proposed parking lot is within the Shoreland Zoning District in RR 1. A portion of the fill added (described in the application as the "embankment") will be within the 100' shoreland setback from highwater.

Planning Board review for this project is specified in the following three Ordinance categories:

- 1) Table 1, Item 8* with corresponding performance standard Section 3.8 for a Road and Driveway Construction (including extension of a road) that extends into the shoreland zone (any area within 250' of the shore).
- 2). Table 1, Item 15* with Section 3.15 for Earth moving within the shoreland zone greater than 25 CuYds/year.
- 3). Table 1, Item 22 with Sections 3.22 for Public and private parks and recreation areas.

A parking area approximately 63' wide x 45' incorporating parking for 6 cars is proposed to be constructed incorporating a 24' wide x 9' driveway entry apron from Doubling Point Road and a 24' x 9' walking extension at the southern edge leading to a series of 9 inlaid "landscape tie stairs" down a backfilled embankment to the existing Coast Guard path leading directly to the lighthouse. Brian Elwell marked a number of trees that would need to be removed for the construction project. Rocks or posts will be placed around the perimeter.

The Planning board reviewed the application and confirmed that the applicants, Daniel McLean, President FoDPL together with Kevan Coleman also of FoDPL have standing to represent the property owner (Margaret Kepler), a letter to that effect was provided with the Conditional Use Permit application. Margaret Kepler also has standing as the owner of the property as shown by a copy of the deed presented with the application. Walsh Engineering has standing to represent the owner in the application to the DEP. The parking area plan has a DEP permit by rule, since no comments were received in response to the application within the nominal period. A copy of the DEP application was provided with the Conditional Use Permit application.

The Planning Board reviewed the Application. Upon motion by Roger Heard, which was seconded by Joe Bonnett, 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 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 parking lot:

- *Will not result in unsafe or unhealthy conditions*—based upon information provided by the Applicant, including the way in which the proposed parking lot 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 (1) that the Applicant, through its contractor Brian Elwell, will establish erosion and sedimentation controls as described in detail in the Walsh Engineering Plan and Ordinance section 3.23, 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 parking lot will reach the river, 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*— the Planning Board finds in the affirmative on this factor.
- *Will conserve shoreland vegetation*—based upon information provided by the Applicant, 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*— 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. (Note 1: Per 3.2.2 (b), Timber Harvesting: The CEO determines that considerably less than 40% of the trees will be removed. Note 2: Per 3.22.2, Public Parks: The PB confirms that there are no plans for provision for sanitation facilities.)

Upon a motion by Roger Heard and seconded by Jim Davis the PB found that the application confirms with Section 3.0, performance standards with all members voting in favor of the motion.

The Planning board recommended using natural materials (eg rock and soil) for the path rather than a raised wooden walkway as shown on the plan to improve the right of way, which would be classified as a structure under Table 1 and hence would be subject to additional requirements. Half of the path is on an adjacent parcel owned by FoDPL and is not covered by this application to the Planning Board. The Planning Board suggested adding drainage pipes at the low spots on the path to keep it dry.

A question arose regarding the proximity of the northeast corner of the parking lot to the road and the lot boundary, but this concern was dismissed since the parking lot is composed of natural materials and would therefore conform to ordinance performance standards.

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 three conditions on the Permit, as follows:

- (1) At all times during and after construction, provision shall be made to prevent soil erosion and sedimentation of surface waters.
- (2) The contractors must follow all the plans as provided by Walsh Engineering for the project. (Note: The Contractor, Brian Elwell will contact the CEO when work begins).
- (3) The path to the lighthouse may only be improved with rocks and soil.

Motion was made by Roger Heard, which was seconded by Joe Bonnett, to approve the Application, subject to the three conditions described above. All Board members voted in favor of the motion.

Conditional Use Permit CU23-02PB was issued and signed by the Chair, Vicky Stoneman.

Approval of Minutes

The Board reviewed the draft Minutes of its June 5, 2023 Meeting. Upon motion made by Roger Heard, which was seconded by Joe Bonnett, the Planning Board approved the Minutes of its June 5, 2023 Meeting (all voted in favor).

CEO Report

CEO Chris Wilcoxson described two stop work orders that he issued since the last meeting. The first stop work order related to tree cutting on Map 5, Lot 39 that was too close to the road associated with 2 pre-existing driveways on the parcel. The owner, working with the CEO will bring the activity back into compliance.

A second stop work order on Map 5, Lot 5 where a section of guard rail on the western side of Route 127 was removed to make a driveway. The project had been given DOT approval, but not DEP approval and a large quantity of rocks were to be added on a steep slope down to what appeared to be a stream. The DEP reviewed the site and determined that it was not a stream (by DEP definition 2 out of 5 conditions need to be satisfied to be classified as a stream) so that no DEP permit is required.

Miscellaneous

Discussion of LD 1706 and LD 2003 was deferred until the next meeting.
The next Planning Board meeting will be held on Monday, August 7th.

Adjourned at about 9:40 PM.