

Town of Arrowsic

Minutes of Planning Board Meeting May 6, 2024 at 7:00 PM

Attending: Vicky Stoneman (PB Chair); Joe Bonnett (PB); Jenna Howard via Zoom (PB); Paul Cunningham (PB); Chris Wilcoxson via Zoom (CEO); Jim Davis (PB); Mike Field (Deputy CEO); Tim Forester (Flycatcher LLC representing Town of Arrowsic); Bob Ater (representing the Town Water Access Committee); Eugene & Rebecca Sung (applicants); Nick Stoneman (representing the Sung); Jennifer Geiger; Roger Heard; Emma & Brewster Buttfield (via Zoom, representing abutter Robert Shultz)

Public Meeting for Warrants / Zoning Ordinance Changes

The proposed changes to be voted on at the Town Annual Meeting in June will provide additional detail to bring Arrowsic into compliance with Maine State LD 2003 (Accessory Dwelling Units) and other state requirements.

3.6.5 Accessory Dwellings – additional verbiage, details and stricken sections.

- Inserted language: One Accessory Dwelling Unit (ADU) may be located on the same lot as a single-family dwelling unit and need not comply with the minimum lot size per dwelling unit set forth in this Ordinance, so long as it meets all State and local land use requirements, as well as the below standards.
- ADUs are not permitted on nonconforming lots of less than 2 acres. This is stricken in order to align with State LD 2003.
- Verbiage changed to reflect that ADU rentals of less than 90 days, pre-existing to the ordinance, will be considered a nonconforming use.
- Must have written verification from a licensed site evaluator that the ADU will be served by an adequate wastewater disposal system. Any application for an ADU that will be served by a new wastewater disposal system shall be submitted with form HHE-200, prepared by a licensed site evaluator.
- Verbiage to change from “is provided” to “demonstrates.”
- Applicant for ADU shall provide a statement from a well or groundwater expert that the water supply at the existing well has been sampled and found to be adequate to support the demand of the ADU without causing adverse impact to water quality or quantity for surrounding ground water users. The CEO may also request a hydrologist report and/or water quality testing.
- Upon receipt of application for an ADU, the Codes Enforcement Officer (CEO) shall notify the abutters of proposed ADU and provide an opportunity for them to comment on any groundwater shortages they have experienced.

Proposed Administrative Changes

- 5.4 – Delete line and section to reflect that there is no longer any requirements for the Town Clerk to notify the County Registry of Deeds of any ordinance changes.
- 4.2.2 – Add that a photographic record is required pre and post construction for any development within the Shoreland Zone, per State requirement.
- 3.6.1.9 – Correct typo, ordinance to ordinance
- 3.6.1.9 – Change “Standby Generators” to “Standby Generators and Fuel Storage Tanks”. To include that tanks meet all the requirements of the generator placements including setbacks.
- 4.8.1 – Strike entire section and replace with “The Town of Arrowsic Planning Board is hereby established”.

Water Access Dock Application Review

Brief presentation and Q&A from Tim Forester of Flycatcher providing overview of the project as well as a premeeting site walk that was accomplished earlier on this day. Tim explained the Town would like to construct a seasonal dock that will provide partial-tide access to the Back River. It will consist of a seasonal pier, ramp and float, which will all be removed and stored upland during the offseason. As this application is specific to the dock and not

the property site, discussion did not delve into aspects of parking, sanitation, ADA compliance and overall land management plan. This will be discussed in the future when a CUP application is submitted for the property to be used as a park and recreational area. Request for approval from the Army Corp of Engineers has been submitted. No response has been received yet. There is no approval required by the Maine DEP. The possibility of a flood plan approval may be required (per CEO).

Bob Ater spoke briefly regarding the use of the garage slab as a possible parking area. The Board was not able to come to a definitive conclusion as to whether or not removal of the building was to include the concrete slab. The matter was tabled for further review and conclusions.

Upon a finding in the affirmative that the proposed use satisfies the requirements of section 4.2.3 of the Ordinance including the requirement that the proposed use is in conformance with the provisions of the Section 3.0 Performance Standards, a motion to approve the application for the construction of a temporary dock was offered by Joe Bonnett and seconded by Jim Davis. The application passes with unanimous approval. The Board, on its initiative, imposed 3 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 waters, 2) Adequate and safe access to the dock will be provided and 3) Receiving Army Corp of Engineers Approval (before starting construction). The PB will issue a CUP and a building permit will be issued by Chris Wilcoxson.

Sung ADU Application Review

Significant discussion around this application, much of which a result of the site walk earlier this day.

- Nick Stoneman explained that the Sungs would like to build an ADU on the part of their property outside of the 100ft setback from the Kennebec River. The entire Sung property is within the shoreland zone. They have looked into whether the septic system and well will support additional use. The septic system was found to be unable to support changes and will be replaced and enlarged by a local contractor. The well water volume was found sufficient to support changes. Water quality tests will be available later this week.
- The property currently has three nonconforming structures (house, standalone garage and cottage) on it, all or a majority portion of each is within the 100ft setback from the Kennebec River. They are grandfathered as they were built prior to the current ordinances.
- Current Ordinance states that a homeowner need not comply with the minimum lot size per dwelling when building an ADU except when in the shoreland zone. The Sung property is in the shoreland zone and do not have enough lot size to build an ADU.
- Had a brief discussion with abutters (Emma & Brewster Buttfeld) as to the definition of ADU and primary dwelling structure as well as classification of Dwelling versus Residential Dwelling. Vicky Stoneman provided clarification of both.
- Nick inquired as to what options would be available for an addition to the house rather than an ADU. This was tabled pending further discussion.
- Additional discussion and comments arose as a result of the 100' and or 250' setbacks and how each would affect the direction of the owners in building, moving/rebuilding or renovating the existing structures. The question arose regarding whether or not provisions in LD 2003 can override Shoreland Zone ordinances. The PB will consult with the town attorney for interpretation and confirmation.
- A very good conversation between the application owners and the PB. Lots of options on the table, but unable to move in any direction until there is additional clarification of the ordinances. There was a motion to table by Jim Davis, with a second by Joe Bonnett. Continued discussion after we receive the attorney's input.

Approval of 4/1 Site walk minutes and 3/4 and 4/1/24 Meeting Minutes

All were reviewed for approval as written. Motion to approve by Joe Bonnett, second by Jim Davis. Unanimous approval.

CEO Update

Mike Field continues to join the Planning Board site walks and meetings as well as regular meetings with Chris Wilcoxson as they transition from Chris to Mike. Mike will become CEO as of June 1st and Chris will become Deputy CEO until he moves out of state.

Announcements and other business

Beginning on August 1, the monthly meeting will be moved to the 1st Thursday of every month unless otherwise noted.

Meeting adjourned at 9:37 PM

Respectfully submitted by Paul Cunningham.