Board Members Present: Chairman James Dayton, Vice-Chairman Richard St. John, Brian Spaulding, Colleen Densmore, Wendy Gallant, CEO John Wentworth, CEO Asst. Jim Fahey, Secretary Kristen MacDonald


The meeting was continued and called to order at 6 pm by Chairman Dayton following two site walks as noted below. A quorum was determined.

1. Old Business:
   a. Approval of the Meeting Minutes for September 4, 2019
      Richard moved, Brian 2nd to approve the minutes for 9/4/2019 as written. All were in favor.
      Property Owners: Stephen & Linda Todd – M13 L57
      The Board conducted a site walk at this location prior to meeting and discussion went as follows:
      The Board conversed about setting the setback at the greatest practical extent. Richard read from the ordinance to remind the Board “to determine whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider: the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and adjacent properties, the location of the septic system or onsite soil suitable for septic systems and the amount of vegetation to be removed to accomplish the relocation.
      Chairman Dayton mentioned 80 ft. to get the discussion going. Richard commented that he was thinking 75 ft. as a setback number, that would pull it back, a couple small trees may need to go but the larger ones should be able to
stay and it would push some portion of the back of the building beyond the 100 ft. line and it would also bring it up so that at 75 ft. they could expand to 25 ft. in height. Colleen agreed that 75 ft. left the most canopy for the layout of the lot to be able to position the house in the direction that they would like to position it. CEO Wentworth noted that it would be 25 ft. in height from the ground.

Richard moved, Colleen 2nd that the greatest practical extent is set at 75 ft. from the front of the deck to the highwater line. All were in favor.

CEO Wentworth noted that Todd would need to get a flood hazard development permit submitted. It is a two-part process. The Planning Board would approve the first part of it. The foundation would go in, then it gets certified by the surveyor. The second part is for code enforcement to issue the permit so they can build on it.

c. Richard Geiger – Shoreland Zoning Application – 65 Pinecroft Rd. – M33 L42

The Board also conducted a site walk for this application.

As written on the applicant’s permit application Mr. Geiger is here before the Board asking to replace the camp on his property roughly on the existing camp footprint.

Several trees beyond the 100 ft setback may need to be removed and two very large poplars which are leaning dangerously over the existing camp. The current drilled well and septic system will remain.

The Board discussed that because of the slope it can’t go back any further and it will not be any closer.

CEO Wentworth commented that the applicant would need to turn in a flood hazard development application.

On the shoreland zoning application submitted to the Board a correction needs to be made by Mr. Geiger - #21 says 28 ft. and should say 25 ft.

Richard moved, James 2nd to accept the location of the building to the greatest practical extent as presented on the site plan which was dated received on August 23, 2019. All were in favor.

d. Daisy Cutter Group, LLC – Shoreland Zoning Application –19 Main St – M45 L78

James Shaw came back before the Board with plans for a change of use for the property he purchased on Main Street. He is proposing changing the use to restaurant/ marina/ retail space. This is a nonconforming lot. Richard read from the shoreland zoning ordinance under change of use: (Section 12-D-3) An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. Richard said that will refer back to Section 12-C-5. Mr. Shaw responded that he can guarantee that the property will be much less detrimental to the lake and the environment after they are done with it than it is now with everything running into the lake off from the gravel driveway. There is no vegetation to speak of that holds anything back or filters it out at this point. They are applying to the DEP to redo the waterfront because it is a disaster right now.
Richard then read from the ordinance: to determine that no greater adverse impact will occur the Planning Board shall require written documentation regarding the probable effects on public health and safety, erosion and sedimentation, water quality etc. – (see Section 12-C-5).

Chairman Dayton inquired to the rest of the Board whether or not the applicant can apply for multi-use because the property is located in the limited commercial district. CEO Wentworth read from (Section 15-A-1-G): If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure or use.

Mr. Shaw asked what is the reasoning behind it or what creates that limitation? CEO and the Chair responded lot size. Colleen read from the ordinance: Non residential lots in the limited commercial district shall contain a minimum of 40,000 square feet.

Assistant CEO Jim Fahey stated that the Marina would be his biggest problem because of the parking.

Chairman Dayton commented that the marina would be a service for the restaurant. Colleen noted that if there are no charges involved than it isn’t a marina. Mr. Shaw expressed that there would be a charge if someone were going to park and go out and walk around town, although if they would come back after buying something and showing that, then their first hour would be free. He would like to have two docks.

Mr. Shaw believes it is complimenting the restaurant and wouldn’t consider it an additional use. Wendy remarked that parking would be an issue. Shaw stated that he thought of having valet parking. Employees could park the vehicles in spots available around town.

Mr. Dayton wondered if they would need to have a letter in the file from the Water District as far as the change of use goes. Richard believes it would come under the paragraph again where the Board would need written documentation that there is no greater adverse impact.

There was discussion as far as what use the applicant wants.

Mr. Shaw decided he would like to have a restaurant with designated boat parking.

Colleen believes that every restaurant needs an office but mixing retail with that would make it more than one use.

Mr. Shaw commented that his whole intent is to bring business into town.

James moved, Brian 2nd for a change of use for Daisy Cutter Group, LLC at 19 Main St., Map 45 Lot 78 to be changed from office use to a restaurant with boat parking. The Chair asked if there is any discussion. Richard replied that before they can vote on changing the use for a nonconforming structure the Board has to require written documentation from the applicant regarding the section of the ordinance (12-C-5) on page 6. He believes that they would be premature on voting if they haven’t received the documentation yet. The Board agreed.

CEO Wentworth added that septic plans are needed. The Board would also need a new application from Mr. Shaw with #14 (Proposed Use of Project).
corrected on it. Shaw would also need to correct the request for a 300 ft. addition (#27 A. on application) which cannot be done because he would be over the 1,000 sq. ft. limit for total footprint of all structures. (Section 12-C-1-c-i)

2. **New Business:**

   a. Peter Brown Sr. – Shoreland Zoning Application – 43 Swan Rd. – M54 L16 Property Owner: Joel Monaghan

   Peter Brown Sr. came before the Board representing Joel Monaghan the property owner for 43 Swan Rd. asking to move the current cottage onto a new foundation. This lot is nonconforming. The move will require 12 trees to be removed with a revegetation plan which was submitted by Mr. Monaghan and is on file with a prior application that had been denied. The applicant is not asking for a walk out basement any longer just a regular full basement. Richard asked Peter how are they able to do this groundwork now when the homeowner stated with the last application that the contractor who was going to do the site work said it would be way too wet. Peter responded that Gary Searles said that he could do it with a sump pump mounted in the floor which would discharge the excess water. A permit by rule would be needed and a flood hazard development application. The prior application put it over the height requirement because of the daylight basement which is why it went to the Board of Appeals. The height is based on the setback. Between 75 ft. and 100 ft. from the lake your allowed to be 25 ft. high. Between 0 and 75 ft. your allowed to be 20 ft. high. When your beyond the 100 ft. setback your allowed 35 ft.

   **Richard moved, Colleen 2nd to hold a site walk. The Board set the date for October 16th at 5:00 pm. All were in favor.**

3. **Next Meeting:**

   October 16, 2019 – Site Walk at 5 pm, meeting and Ipad training following

4. **Adjourn:**

   **James moved, Richard 2nd to adjourn at 8:25 pm. All were in favor.**

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Chairman James Dayton

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Secretary Kristen MacDonald