

Planning Board Meeting  
July 7, 2011

MINUTES

- I. Roll Call/Call to Order: the meeting was called to order at 6pm: Present: Chris Rawls, Gordon Wissinger, Mike Mansolilli, Mike Magnani, Eric Davis, Ryan Donahue
- II. Visitors to be heard not on the agenda: none
- III. Accept Minutes of June 2, 2011. It was Moved (Magnani) and Seconded (Davis) to accept the minutes of June 2, 2011 as presented. Vote: 4 – 0 – 2 (Wissinger/Mansolilli abstained).
- IV. Accept Notice of Decision, Heath Higgins dba The Moorings Restaurant. It was Moved Mansolilli and Seconded Davis, to approve the notice of decision for the Moorings Restaurant. Vote:6 - 0
- V. Accept Notice of Decision, St. Johns Church: Wissinger noted that the application says by signature it was accepted on the 26 April 2011. Received 4/19. It was Moved (Davis) and Seconded (Magnani) to accept the findings of fact for St. John's Church with the change of signature line from Mansolilli to Magnani: Vote: 4 – 0 – 2 abstained: (Wissinger/Mansolilli).
- VI. Application: Permit review for Laura Shelby, 237 Seawall Road, Map 17, Lot 50. Add third dwelling unit: Wissinger asked how many total bedrooms at the end of the project: Shelby said 7 bedrooms. Wissinger asked if the septic report was for 7 – it was. Are there three separate meters for water? Shelby said she lives there too and she pays the water bill and CEO said that is why she doesn't need a separate meter. Wissinger also asked why there would not be a Fire Marshal inspection – CEO said there is no building code and therefore it doesn't apply. CEO said the State Fire Marshal urged a fire rated ceiling be placed between the floors, smoke detectors and to follow the life safety code. The Town has no authority over that. Byron Dill asked if anyone here was familiar with Hinckley when they were in the building, and is the ceiling there now fire rated? CEO said if Hinckley used the building as a boat building facility, because if so, the Fire Marshall would have required fire rated ceilings. For the proposed residential use the Fire Marshall has no authority. It was moved (Davis) and Seconded (Donahue) that the application is deemed complete as outlined in the CEO memo attached and dated 6-17-11. Vote: 6 – 0.

Performance Standards: It was Moved Davis and Seconded Wissinger, that items B,C,D,F,G, H I J K M O P Q R S T U are not applicable. Vote 6 – 0 – 0.

- A. Landscaping & Buffering: Board agreed buffering is as recommended and should stay as exists and remains as such. Shall maintain buffering in accordance with the ordinance.
- B. Exterior Lighting, Item E: Accept applicant representation that all lighting be shielded in accordance with the ordinance.
- C. Parking & Loading Standards, item L: Found that the applicant has sufficient parking area for the purposes of this application.
- D. Sewerage disposal standards: the applicant has sufficient capacity to service a combined total of seven (7) bedrooms within the three dwelling units.

It was Moved Davis and Seconded Mansolilli to accept Performance Standards A,E,L,N as being in conformance and as recommended by the CEO in his memo of June 17, 2011, and the applicant will maintain buffering for low level standard. Vote: 6 – 0 – 0. It was Moved Davis and Seconded Mansolilli that The Board approves Performance Standards Items 1 – 5 in the permit application as described and recommended by the CEO in the June 17, 2011 memo, Discussion: none Vote: 6-0-0.

It was Moved Wissinger and Seconded Donahue, to approve the application of Laura Shelby to construct a 3<sup>rd</sup> apartment with 2 bedrooms in the existing structure, subject to the conditions, representations and facts previously presented and approved. Vote 6 – 0 – 0.

- VII. Application: Permit Review for Morgan Churchman, 77 Seawall Road, Map 1, Lot 91. Replacement of a non-conforming structure in the shoreland zone. Letter of Authorization was presented. Donahue said he had rented from Churchman for a couple of winters. The Board was polled and agreed there is no conflict of interest. CEO said the first paragraph of the packet describes the applicant's intent. The new structure will decrease the non-conformity of what existed. CEO said the Board only has to consider the "greatest practical extent" and he suggests that the Board on page 3, review the three recommendations made by the CEO. This allows the change without cutting trees. He reiterated that that is the purpose of the Planning Board review of this application tonight. Wissinger pointed out that there is no review authority for this. Page 45, permit application review was referenced, and CEO included in the packet all information pertaining to the Planning Board's review. The Planning Board only has to determine if the CEO's determination of "greatest possible extent" is adequate. The CEO has the authority to act on the application in all other matters. Rawls said the Board could request a walk-through if they felt it was needed. It was Moved (Davis) and Seconded (Donahue) that the application has demonstrated "to the greatest practical extent" from the HWL for the above stated reasons and is in compliance with the requirements of Section III (E) of the LUO Moved Davis and Seconded Donahue that the application is complete. The Board accepts the proposed application as being located to the greatest practical extent from the HWL for the reasons cited in the memo of 6/21/11. Vote: 6 -0-0

VIII. Other Business:

- a. Discuss Planning Board by-laws regarding the scheduling of meetings: The Board reviewed Section 6, change the meeting schedule to be twice a month for 12 months. Change the meeting time to 6pm, and allows the Chairman to change or cancel any regular meeting. It was Moved Magnani and Seconded Davis, to accept the proposed changes to the Planning Board by-laws section VI and to forward to the Selectmen for their approval Vote: 6 – 0 - 0
- b. Discuss Lane Use Ordinance changes, time permitting: It was Moved Wissinger and Seconded Magnani to defer this subject to the Aug 6<sup>th</sup> meeting. Vote: 6 – 0.

Rawls expressed concern about the zoning on the Fernald Point Road and suggested postcards be sent out for a workshop for the zoning discussion of that area. The Board asked if there has been a request from the public to discuss this area as it relates to zoning? Wissinger said if the Fernald Point residents want an

ordinance change they should come to the Board with a proposal. Davis said he agreed there should be a plan brought forth – Donahue said it is not a matter of the Fernald Point residents getting to choose, as it must go before the voters. The Planning Board cannot create the zone, but only put forth information for public vote. Magnani cautioned thinking about it. Mansolilli asked if the Board needed to help write a change –Davis said the Board could assist, or the residents could go to the Board of Selectmen directly.

Rawls said Worcester will go to the next Select meeting and encouraged members to attend to support him in his request for reconsideration.

IX. Adjournment: It was Moved (Davis) and Seconded (Donahue) to adjourn the meeting at 7:54 p.m. Vote: 6 – 0 – 0.

The planning Board reserves the right to take action on any item listed on this Agenda. Additionally, the Planning Board reserves the right to take Agenda items out of order, as needed.