

# Town of Belgrade Planning Board minutes

Oct. 1, 2020

**Present:** Board members Peter Rushton, George Seel, Craig Alexander, Mac Stocco and Rich Baker; Town Manager Anthony Wilson, Code Enforcement Officer Gary Fuller, Planning Board Secretary Nick Poole, Town attorneys Phil Saucier and Mike Hodgins, John Cunningham, Jack Sutton, Chris Neagle, Nancy Vailas, James Nichols, Richard Sutton, Tyler Evans, Stephanie Gardner, Adam Gardner, Dan McCarron, Geof Stiff

Planning Board Chairman Peter Rushton called the meeting to order at 6:02 p.m.

## OLD BUSINESS

1. **Discussion of Findings of Fact for the Jones application.** Town attorney Phil Saucier led the Board through a draft of the findings of fact, seeking members' input in providing detail regarding the standards applied in Section 16(D) of the Shoreland Zoning Ordinance. Those standards are as follows:

1. Will maintain safe and healthful conditions. The Board agreed this was based on its condition of a proposed installation of a new and larger septic system, along with a site visit.
2. Will not result in water pollution, erosion, or sedimentation to surface waters. The Board agreed this standard was met by a condition that a stormwater plan be submitted and that stormwater runoff be controlled to prevent pollutants spilling into Long Pond.
3. Will adequately provide for the disposal of all wastewater. The Board agreed this standard was met by the new wastewater disposal system approved by the Town's licensed plumbing inspector.
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird and other wildlife habitat. The Board agreed this standard was met by soil erosion control measures that prevent sediment from reaching spawning grounds and other aquatic life habitat, and that there is no evidence of negative impact to birds and wildlife.
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters. The Board found this standard was met based on the site visit and no clearing between the structure and the lakeshore.
6. Will protect archaeological and historic resources as designated in the comprehensive plan. The Board agreed this standard is not applicable to the site.
7. Will avoid problems associated with flood plain development and use. The Board found this standard was met by testimony from the code enforcement officer and confirmed by FEMA maps.
8. Is in conformance with the provisions of Section 15, Land Use Standards. The Board agreed the following standards applied for the following reasons:

- A. *Minimum Lot Standards*: The existing lot is 53,641 square feet, larger than the 40,000 square feet required for a dwelling unit. Its 123 feet of shore frontage is less than the 200 feet required, and thus is legally nonconforming.
- B. *Principal and Accessory Structures*: The structure is set back at least 100 feet from the high-water line, as confirmed by a site visit. The lot coverage of 9,312 square feet does not exceed 20 percent of the lot area within the shoreland zone.
- F. *Parking Areas*: The Project includes a slight enlargement of the existing parking area to accommodate additional vehicles for guests. The Project meets the standard with a condition for the stormwater runoff, which includes the parking area.
- G. *Roads and Driveways*: Not applicable.
  - I. *Stormwater Runoff*: Met with the approved condition.
- J. *Septic Waste Disposal Systems*: The standard was met based on the installation of a new and larger septic system included in the approved condition.
- O. *Clearing or Removal of Vegetation for Activities other than Timber Harvesting*: The standard was met based on a report from a forester.
- P. *Hazard Trees, Storm-Damaged Trees and Dead Tree Removal*: Standard met based on testimony and the forester's report.
- Q. *Exemptions to Clearing and Vegetation Removal Requirements*: Not applicable.
- R. *Revegetation Requirements*: Based on the forester's report, there were no violations requiring revegetation.
- S. *Erosion and Sedimentation Control*: Standard was met based on the condition of the submission and approval of an erosion control plan.
- U. *Soils*: Standard met by a state-certified soil site evaluator's report on the suitability of soils for the new septic system.
- V. *Water Quality*: Standard met by the new septic system and the conditional implementation of the soil erosion control and stormwater runoff plans.

The only change to the previously approved conditions was to change the wording in No. 2 on stormwater runoff to "expanded parking area" from "driveway."

The Board will consider approval of the findings of fact at its Oct. 15, 2020, meeting after reviewing the updated draft.

2. **Commercial application by GPM Properties on Main Street.** Town attorney Mike Hodgins presented a legal opinion that applying the Shoreland Zoning Ordinance to the application could be open for interpretation, but the Minimum Lot Size Ordinance requires an expansion of the lot, which is already non-conforming, with each occurrence of an additional use. Applicant Adam Gardner

cited other Village properties he believes have multiple uses that exceed the standards of the MLSO. The town manager and Board members explained they can speak only to his application, which does not meet the MLSO's standards. Board member Mac Stocco said if Mr. Gardner wants to change the standard, he will have to seek to amend the ordinance, and Mr. Stocco offered his assistance. Board member George Seel noted that allowing denser usage in the Village will necessitate wastewater treatment infrastructure. At Mr. Gardner's request, Mr. Seel moved to table the application. Mr. Alexander seconded. The motion passed 5-0.

## **NEW BUSINESS**

1. **Subdivision Application for Cedar Mill Ridge**, submitted by Tyler Evans of Evans Development LLC. Mr. Evans was seeking to submit his application prior to a moratorium ordinance potentially taking effect Nov. 4. Mr. Evans' submission was actually a preapplication. Board members stated that, according to Section 5.4 of the Subdivision Ordinance, a preapplication shall not be considered the initiation of the review process. The applicant did not believe he could complete a preliminary plan (which would initiate the review process) to the Planning Board before November, when the moratorium may take effect.
2. **Shoreland Application by G&L Contracting** for a second-floor addition, other renovations, and a 24-foot-by-24-foot bunkhouse at a camp at 41 Cole Road. The Board reviewed the application from Adam Gardner. Mr. Stocco noted the application lacked a required site drawing. Mr. Gardner said he has submitted similar drawings without concern in the past. The Board reviewed the application against the eight standards in the ordinance. Board members found the second and eighth standards will require conditions for the application to be approved. Mr. Stocco said he would abstain because he is still learning and he believes the application requires more information.

George Seel moved to approve the application with the following conditions:

1. Construction may not be initiated until such time the Belgrade Local Plumbing Inspector issues a permit for the replacement wastewater disposal system, a copy of which will be provided to the Planning Board.
2. Stormwater from all proposed new or expanded roof areas are to be managed in accordance with Maine DEP Stormwater Best Management Practices as outlined in DEP publication Conservation Practices for Homeowners and in accordance with section 15(I) of the Belgrade Shoreland Zoning Ordinance.
3. Installation of cooking facilities and the preparation of meals are prohibited in the proposed bunkhouse.

Mr. Alexander seconded. The motion was approved 4-0, with Mr. Stocco abstaining.