

**Winthrop Planning Board
Meeting Minutes
Wednesday, October 19, 2005
Winthrop Town Office**

Planning Board Members Present: Chairman Eric Robbins; Board Members Rick O'Brien, Bryant Hoffman, Edward Vigneault, Stephen Robbins, Robert Ashby, Clark Phinney, Beth Young (CEO), and Julie Winberg (Secretary).

Planning Board Members Absent: Andrew Flint

Chairman Robbins called the meeting to order at 7:00 P.M.

Public Hearing – Ordered that the Winthrop Planning Board meet to consider the following items:

Item No.

01-0 **Case # 202** – Steven Simonson - requests a conditional use permit for earthmoving **to construct a single-family residence** in the Limited Residential Zoning District, 185 Metcalf Road, (Town Map 8 Lot 62).

Steven Simonson presented his plan to the Board. The plan consisted of a drawing of the single-family residence that he plans on building.

In attendance were Mr. and Mrs. Hartley who presented their concerns to the Board. They own the lot next to this property in discussion. Their concerns centered on the existing runoff and whether this planned construction would increase this flow and create more of a problem.

Mr. Simonson explained that he was not changing the way the flow is directed and that he was planning to move the present ditch

further away from the Hartleys by approximately 15 feet. The Hartleys wanted some certainty that Mr. Simonson would not be

filling in the culvert and therefore running the waters direction towards their property. They also wanted to know where the house was going to be placed on the property. Mr. Simonson explained that the house would be centered and that he would be keeping as many trees as he could between the two properties affording privacy for his neighbors. The ice storm killed a lot of the trees and those he would be cutting down.

Board Member Ashby expressed his concern over the lack of information given to the Board. The lack of details made it quite difficult to make an intelligent decision as to where this single-family residence would be built, what the setbacks were, if they met the guidelines, where the culvert was, where the ditch would be moved and where the driveway would be placed. The plan did not include any measurements whatsoever, with no plot plan related to a town map. Board Member Ashby further commented that the plan submitted showed no relationship to what Mr. Simonson was planning to do as it lacked dimensions with scale and more importantly how he was going to direct the water flow and the Hartleys concern.

Board Member O'Brien's concerns were similar and commented that it was very difficult to judge what was going to be affected with the construction of this single-family residence. By not including approximate lot lines as well as the other details mentioned by the Board, it was even difficult to make a knowledgeable determination as to whether there was justification in the Hartley's concern about runoff.

Board Member Phinney confirmed that this property was approximately one and one-half acres with 350' of road frontage, and that Mr. Simonson was planning to build the house dead center. He also confirmed that the structure in the left hand corner on the drawing that was submitted was the septic system and that where the ditch is shown is where the culvert ends.

Board Member Hoffman reported that he was familiar with the property. That familiarity, he went on to say, makes it a little easier

to understand what Mr. Simonson was planning to do. However, if you lack that familiarity, it becomes virtually impossible to be able

to make a decision due to the lack of information and completeness of this applicant's submission.

Board Member Robbins felt that the site plan was inferior. He requested that the applicant demonstrate how he planned on keeping the water from running on the Hartley's property and that he submit a new site plan to show how the runoff was going to be controlled. He requested that this new site plan could have this single-family residence superimposed on a tax map providing the information that his neighbors were also asking for as to the location of the building on the lot.

Chairman Robbins commented that due to the lack of information on this application, Mr. Simonson could resubmit a more detailed plan and the Board could reserve their final review until their first meeting in November.

Mr. Simonson expressed his sincere desire to provide the Board with whatever it needed to make their decision and his very definite desire to meet the concerns of the Hartleys.

The CEO felt that there was a time constraint issue and Mr. Simonson confirmed this. He wanted to start this project within the next week getting the foundation in before the weather prevents him from doing so.

Chairman Robbins felt that a more detailed plan could be resubmitted to the CEO as the Board did not have any major issues with the project itself, but the runoff was an issue, as well as the placement of the driveway. He also felt that the erosion control plan remained a significant concern.

The CEO told the Board that if there was an issue after the new site plan was resubmitted, Mr. Simonson, as well as the Hartleys, could come back to the next Board meeting to discuss their concerns. This project could be put on the agenda without a legal notice, as a hearing would not be necessary.

Board Member O'Brien confirmed that this evening's vote would be a conditional one and the final approval would remain with the

CEO, after Mr. Simonson and the Hartleys agree on the resubmitted plan.

The CEO summarized that Mr. Simonson could draw up a plan within a week and present it to the Hartleys with a copy to the CEO as well. If this resubmitted plan is approved by the CEO and the Hartleys, taking into consideration all of the Board's concerns, this will go forward. If not, Case #202 will be put back on the agenda for the Board's first meeting in November.

There being no further discussion, motion by Robbins and seconded by Vigneault, that **Case # 202** – Steven Simonson - request for a conditional use permit for earthmoving **to construct a single-family residence** in the Limited Residential Zoning District, 185 Metcalf Road, (Town Map 8 Lot 62) be conditionally approved subject to the final approval of the CEO and the Hartleys after review and consent of a resubmitted suitable site plan with a comprehensive plot plan with dimensions that includes the location of this single-family residence, erosion controls, driveway and drainage, with the conditions #2, #6, and #7 stipulated. In addition, without obtaining this approval, this application will be put on the Board's next agenda, without a hearing, for final reconsideration. Vote was unanimous (7-0).

- 01-0 **Case # 203** – Paul Bilodeau and NRL Builders (Red Laliberte) - requests a conditional use permit for earthmoving **to construct a single-family residence** in the Wetland Protection Zoning District, Longfellow Lane, (Town Map 3 Lot Part of 9B).

Paul Bilodeau and NRL Builders were not present. Case #203 will be placed on the Board's November agenda for review and consideration.

02-0 **Case # 204** – Michael J. Fiori – requests a conditional use permit for an expansion to an existing commercial use **for an addition** in the Rural Zoning District, 42 Winada Drive (Winthrop Business Park), (Town Map 2 Lot 6C-1).

Brian Condon, Applicant's Agent; Elliot Thayer, Thayer Engineering; Brian Ketchen, WRDC; and Michael Fiori were present to review their application with the Board. The Cobbossee Watershed District (CWD), Wendy L. Dennis, Limnologist, submitted a letter to the Board in support of this proposed commercial use changes for the Map 2 Lot 6C-1 property in Winthrop Business Park. This plan met the phosphorus control requirements previously approved by the Town for that Business Park. The CWD did require that a timeframe be established for reclamation and that work will have to wait until 2006 due to temperature requirements for permanent seeding. The CWD recommended that seeding be done in the spring or at the latest, late summer seeding prior to September 1st can be made according to the Maine Erosion and Sediment Control Handbook for Construction.

This is a low impact project and will be used no more than 8 hours per day. Its design will be similar to the buildings in the park. The building would be approximately 3000 square feet and that the use of the building does not necessitate the need for additional parking.

Board Member Vigneault confirmed that all setback requirements have been met.

Board Member Ashby confirmed that there was no problem with runoff and that the runoff was being directed into the present retention ponds.

There being no further discussion, as the plans that were submitted with the application were detailed and complete for the Board's review, motion by Ashby, seconded by O'Brien that **Case # 204** – Michael J. Fiori – request for a conditional use permit for an expansion to an existing commercial use **for an addition** in the Rural Zoning District, 42 Winada Drive (Winthrop Business Park), (Town Map 2 Lot 6C-1) be approved, with the observance of the

seeding request of the Cobossee Watershed District and conditions #2, #6, and #7 be stipulated. Vote was unanimous (7-0).

Other Business

The CEO informed the Board that she would not be in attendance for the next Board's meeting in November as she is attending a seminar in Portland. The Board will have several applications to review at that time including Case #202 that was not heard on this day due to the applicant's absence.

Approval of Minutes

Motion by Ashby and seconded by Hoffman approving the October 5, 2005 minutes. Vote was unanimous (7-0).

Motion by Vigneault and seconded by Ashby to adjourn the meeting at 7:55 p.m. Vote was unanimous (7-0)