

**Winthrop Planning Board
Meeting Minutes
Wednesday, November 2, 2005
Winthrop Town Office**

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

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.

05-24 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, and (Town Map 3 Lot Part of 9B). (Note: this agenda items was carried forward from the October 19th, 2005 agenda as Mr. Bilodeau was not in attendance to present his application to the Board).

Mr. Noel Laliberte presented this plan to the Board. The plan consisted of a drawing of the single-family residence that he plans on building. This is a project that involved two lots that are split. The Board had approved his plans for constructing a single-family residence on the first lot, which was 8 ½ acres with a colonial style home of approximately 3000 square feet.

This single-family residence is a 2396 square foot ranch style home on the remaining lot, which is approximately six acres.

There were no members of the public in opposition and the public hearing was closed and opened to the Board for further review and comment.

Board Members, reviewing the information received from the CEO, determined that all setback requirements were met. Board Member Ashby confirmed that the ground cover is treed, mostly wooded, and almost identical to the first lot only slightly smaller in acreage.

Mr. Laliberte informed the Board that his estimate in yard removal was about 300' and that in his excavation, after getting the foundation in, that yardage would be used to fill the front of the house.

There being no further discussion, motion by Ashby and seconded by Stephen Robbins, that **Case # 203** – Paul Bilodeau and NRL Builders (Red Laliberte) – request for 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) approved with the conditions #2, #6, and #7 stipulated. Vote was 7-0.

05-25 Case # 207 – Ray Poirier – requests a conditional use permit to remove and replace a non-conforming structure and for earthmoving *to construct a single-family residence on a full foundation* in the Shoreland Zoning District, 72 Murch Shore Lane, Cobbossee Lake, and (Town Map 23 Lot 6).

Mr. George Bouklas represented the applicants. This structure was built in 1940. It is approximately 13' from the pond and is built on posts. The plans, with Board approval, is to remove the existing structure approximately 40' back and 3' above the 170' elevation. The new structure would be approximately 2341 square feet. In summary, their plans are to take the old structure down, and build a new one moving it back from the shore.

Chairman Robbins commented that this was an existing non-conforming structure and in order to accomplish their plans, they would need to bring their new structure into conformity, thus moving it back from the shoreline.

Mr. Bouklas said that the lot slopes slightly with a line of trees at the crown. Moving it further back than planned would mean losing some of those trees.

Board Member Ashby commented that their plans already included taking down several trees by the shoreline.

Mr. Bouklas, echoed by the applicants' sentiments as well, said that those trees by the shoreline were rotted, significantly enough to present a danger.

Board Member Andrew said that the applicants would have to talk to the CEO reference any shoreline disturbance.

Board Member Hoffman observed that there was an increase in baths from the original one bath to three. Mr. Bouklas commented that there was a new septic system to accommodate this increase, and that the system was oversized to accommodate the four bedrooms which was also an increase from the two.

Board Member Ashby felt that to bring the new structure more into conformity, the applicants should move it further to the right of the property thus moving it further back and saving several of those trees in question.

Mr. Bouklas explained that that would present a hardship as that portion of the property was more depressed and the natural flow of the rain goes into that depression.

Board Member Flint inquired about the driveway that was designated on the site plan. Mr. Bouklas responded that at present it was quite overgrown, as it had not been used in recent years. In their submitted plans, the applicants would be bringing the house closer to the driveway, thus utilizing what already exists.

Mr. James Gill, an abutter who owns three lots to the south of this lot requested to be heard. He informed the Board that he had just received this notice today - the day of the public hearing. He also commented that his family had not gotten the notice and did not have time to review it. Although he had no direct opposition to this application, he did request that the Board makes sure that everything is done right and in accordance with all the required codes. He felt, with this assurance, the rest of his family would agree as well and would not form an opposition.

There being no further questions or a comment, the public portion of the hearing was closed.

Board Member Ashby noted that the municipal setback 40 feet from the road was met.

Board Member Phinney inquired about the wood shed noted on the site plan and the applicant's intent.

Mr. Bouklas informed the Board that that shed would be turned into a bathhouse or a storage area and that it would just be remodeled to compliment the design and structure of the residence. The size would not be increased or decreased thus abiding by the code. Mr. Bouklas went on to say that the usual setbacks have been met and the only change would be close to the shoreline by the removal of the pavement in front of the camp. All ecological requirements are being done and there is virtually no disturbance at the shore at all.

Board Member Ashby reminded the applicants that you can repair what is there but you cannot replace it. Structures that are close to shorefront have to be grand fathered in.

Board Member Robbins commented that he was basically satisfied with this application and noted that the setbacks were nearly tripled by a foot over compliance. He verbalized his approval of this application.

Board Member Hoffman commented that he just received these materials and requested that in the future, the Board receive information on upcoming meetings much earlier in order to give the members adequate time to review what is presented. He felt that he had not had time to review all the information that was presented in this case. When applications like this one are received by the Town...in this example October 19, 2005 - it should be distributed to the Planning Board well before the date of the hearing.

There being no further discussion, motion by Flint and seconded by Hoffman that **Case # 207** - Ray Poirier - request for a conditional use permit to remove and replace a non-conforming structure and for earthmoving *to construct a single-family residence on a full foundation* in the Shoreland Zoning District, 72 Murch Shore Lane, Cobbossee Lake, and (Town Map 23 Lot 6) be approved with conditions #2, #6, and #7 be stipulated as well as the Board's requirement per Article #4 of the Code, the replanting the shore front trees and the ultimate approval of this plan by the CEO. Vote was 7-0.

The Board explained to the applicants that they would not be receiving written notification, that this meeting has approved their application and that they will receive their permit from the CEO. The Board explained that #2 involves erosion compliance; #6 involves water pollution requirement; and #7 involves the adequate management of soil erosion.

Other Business

Case #158 – Andrew and Richelle Stacy – request for a conditional use permit for earthmoving for a single-family residence in the Shoreland Zoning District, off of Annabessacook Drive, Annabessacook Lake (Town Map 2 Lot part of 27). This application was approved as presented with factors #2, #6, and #7 to apply. This was presented and approved by the Board on November 3, 2004. Board Member Steve Robbins had abstained - involvement in the septic design.

In summary, some of the Board's issues on this request was the driveway location which was revised with the entrance coming from the side of the hill and not vertical; the erosion control measures were revised as requested; stone was used to line the ditching in the location that the Board had requested; and the water would flow along the ditch line and would enter into a culvert at the bottom of the hill and divert to the old gravel pit area.

Board Member Robbins inquired if the Board can legally act on this case without a public notice.

Chairman Robbins responded that this was a review of an old application that the Board had acted on and approved. This was extending a permit with no change. The Chair recollected that when initially reviewed there was no public comment or opposition and that all of the Board's concerns were met by the applicants.

Board Member Robbins recalled an issue with the driveway as an easement to the public beach was involved with some of the residents having a legal right to use the beach. People have rights to use the beach. That issue was resolved by curving the driveway around to the property in review.

Board Member Vigneault recalled that that was done not to interfere with the right of way.

In the Board's review: there were no issues brought forward by the CEO on this request for extension; the original application was not changed in any way; the Board had extended permits in the past as part of site plan renewals; and after reviewing the Code Compliance Manual, page 60, variance conditions expiring one year to date, Sections 5.8.4, with a motion by Ashby, and seconded by Flint, that the Board grant the extension of Case #158, Andrew and Richelle Stacy - request for a conditional use permit for earthmoving for a single-family residence in the Shoreland Zoning District, off of Annabessacook Drive, Annabessacook Lake (Town Map 2 Lot part of 27) and allow them to continue to utilize the permit for this for one year. The vote was 5-0 with Board Members Phinney and Robbins abstaining.

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) had been presented to the Board at its October 19th meeting.

The CEO and the Hartleys reviewed and consented to the resubmitted site plan with comprehensive plot plan along with dimensions that included the location of the single-family residence, erosion controls, driveway and drainage. There was no further action required of the Board as all stipulations had been met with this review and consent by the CEO and the Hartleys.

Board Member Ashby reminded the Board that the workshop for Planning Boards and Zoning Boards was on November 29th at the Civic Center. It involves a dinner at 5:30 p.m. to 6:30 p.m. and workshops follow. To date Chairman Robbins, along with Board Members Vigneault and Ashby were planning on going. The registration forms had to be filled out and returned to the CEO in ample time to reserve their seating.

Approval of Minutes

Board Member Phinney noted an error on Page 6 of the October 19th minutes. The Case was #203 and not #202.

Motion by Hoffman and seconded by Vigneault approving the October 19, 2005 minutes with the above correction being made. Vote was unanimous (7-0).

Motion by Bryant and seconded by Vigneault to adjourn the meeting at 7:45 p.m. Vote was unanimous (7-0)