

**Winthrop Planning Board  
Meeting Minutes  
Wednesday, September 21, 2005  
Winthrop Town Office**

**Acting Chairman O'Brien called the meeting to order at 7:01 P.M.**

**Roll Call**

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

Planning Board Members Absent: Eric Robbins, Andrew Flint, and Jon Leonard.

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

1. **05-16 Case #195** – Charles Dennett – requests a conditional use permit for earthmoving to fill in holes and dips in the Shoreland Zoning District, 59 Harold Howell Way, Cobossee Lake (Town Map 14 Lot 6).

Mr. Dennett presented his plan to the Board. His request involves adding additional riprap of approximately 200 feet on the shoreline and leveling his land due to the natural erosion that has taken place over the years which in turn makes it very difficult to mow. That is the sole reason for the earthmoving request. This will be an ongoing project as the applicant is his own contractor. The riprap will be done by hand and there will be absolutely no shoreline disturbance.

Mr. Dennett answered questions in reference to the depth of the fill he would be adding, the size and extent of silt to be used, and his intention to use compost instead of loam. Mr. Dennett explained that heavy equipment would not be used other than having the rocks delivered as close to the shoreline as possible. The dump truck would use an already existing path that extends the length of the property in back of the garage. He has already consulted with the DEP and the advised him that he is permitted to do some relocation and additions to the present riprap as long as there is no shoreline disturbance.

Acting Chairman O'Brien closed the public portion of the hearing and opened it up for Board discussion.

Board Member Vigneault confirmed that the elevation of the land on the roadside was approximately 4 to 5 feet.

Board Member Ashby confirmed the size and the material to be used to fill and level the portion of the property that is identified in the application.

Motion by Robbins and seconded by Ashby that **Case #195 - Charles Dennett** - request for a conditional use permit for earthmoving to fill in holes and dips in the Shoreland Zoning District, 59 Harold Howell Way, Cobossee Lake (Town Map 14 Lot 6) be approved with the condition that no more than 100 yards of compost be used to fill in the low areas of the property, erosion control in place, and the conditions of 2, 6, and 7 stipulated. Vote was unanimous (6-0).

2. **05-17 - Case #196 - Faith Noble** - requests a conditional use permit for earthmoving to repair an existing camp road in the Shoreland Zoning District, 260 Memorial Drive, Maranacook Lake, (Town Map 42 Lot 13).

Representing Mrs. Noble was the designer and contractor, Mr. Nelson Gamage. Mr. Gamage described his qualifications and the course work that he has taken along with a sincere lifetime commitment to the preservation and care of environmental areas.

The reason he is before the Board is that he was over the 24 cubic yard requirement requesting 25 yards in his original application not realizing Code requirements.

Mr. Gamage presented an explanation of his drawing describing the present driveway, the natural drainage, and the heavily buffered area of vegetation. The drive is 330' and he has graded it enough to enable the owner to use it this summer. It has a natural drainage that has been man made at some point in time and is heavily buffered with vegetation. Although his work to date makes the driveway useable, he was not able to crown it because he did not have sufficient material.

He will be laying another 100' of silt fencing on the west side. The east side has an excellent natural retention basin, which will not be disturbed. Nothing will be disturbed on the lot as it is covered with natural vegetation right up to the house and sheds. He will be continuing his work with this driveway next year and plans on continuing to build up the driveway using good quality gravel with a

minus 3" base and then top coating it with a 1 1/2 " surface coat. Some of the work he plans on doing this fall and the remainder will be done next spring. He stated with assurance that water coming off the road will find itself going directly into the drainage ditch, which will remain undisturbed as well. He plans on using recycled asphalt pavement as it is much more porous and excellent for steep areas. Because of the narrow width of the driveway, a 6-yard dump truck would be used. He will do a 1/2" crown per foot on the steepest part of the drive and a 1/4" to 1/3" or less on the curves. ECO cycle mulch, which was developed by the DEP and used extensively for shore erosion projects, is an excellent slope stabilizer, and he will use that as well. He explained, that to his knowledge, the driveway is a shared driveway but the turnouts at the top of Memorial Drive are on Mrs. Noble's property. The neighbor's driveway to that property is accessed by Mrs. Noble's driveway. His assumption was based on the fact that the shared portion is always mowed and kept in tact.

Board Member O'Brien affirmed that the retention basin is on the neighbor's driveway and this driveway is shared. The turnouts up by Memorial Drive are on Mrs. Noble's property. The way the map is drawn that was part of Mrs. Noble's application does not accurately reflect the turnouts and this was cooerated by Mr. Gamage. Mr. Gamage explained that he might not even have to do much with these turnouts, as the natural drainage ditch seems adequate. There is no build up of storm water. The yard is all natural growth of leaves, pine needles and natural vegetation and would be left as is. .

Board Member Vigneault confirmed that the other side of the drive is naturally buffered with vegetation and will to remain undisturbed.

Abutter Mr. Edward Austin, 252 Memorial Drive, was present and the owner of the property using the shared driveway. His Lot is #10 on Winthrop Tax Maps. The retention basin and drainage ditch is on his property. His inquiry was based on the work Mrs. Noble is requesting and his explained that there is excess water flowing onto his property now, and that at times it is waist high. He is concerned that because of this earthmoving application, if approved, may indeed increase the flooding. He went on to say that the retention basin was created by the natural water flow over time. Mr. Austin also inquired as to who put in the culvert and who had the responsibility for maintaining it as well as dealing with the excess water that occurs from it. He asked the Board to explain to him what his options were in reference to this culvert that was installed without his input at all.

Board Member Robbins confirmed that the town put in the culvert and as far as he knew, the town was responsible for its maintenance.

Acting Chairman O'Brien confirmed with Mr. Austin that his appearance at this hearing did not indicate a direct opposition to this earthmoving application but that he wanted some assurance that this work will not increase the unwanted water flow on his driveway.

Mr. Gamage proceeded to accommodate Mr. Austin's request by proposing to the Board that he keep the crown of the driveway dead center. By doing so, he will be able to direct the water flow to drain naturally on both sides of the driveway, being absorbed by the present vegetation on either side.

Mr. Gamage would lay the base in and pack it down with his equipment. He would then be able to put in a few of those water turnouts that will make sure that water coming off the road will find its way into the ditch and not channel itself down the road. Next year, Mr. Gamage went on to say, he will recommend to Mrs. Noble to use REP on the steepest part of the hill, as it is porous enough, that even when hardened, is still easily gradable making it more pliable than asphalt.

Board Member Ashby expressed that the application addressing the driveway does not have anything to do with any judgments or stipulations that the water turnouts be eliminated and crown be centered and not contribute to any more water into the ditch.

Acting Chair O'Brien closed the public portion.

There was not further discussion.

Motion by Ashby and seconded by Robbins that **Case #196 - Faith Noble** - request for a conditional use permit for earthmoving to repair an existing camp road in the Shoreland Zoning District, 260 Memorial Drive, Maranacook Lake, (Town Map 42 Lot 13) be approved with the condition that the proposed water turnouts be deleted, the crown of the driveway be centered throughout and conditions 2, 6, and 7 be stipulated. Vote was unanimous (6-0).

3. **05-18 Case #197** - Ernest McLaughlin d/b/a Audette's Hardware -

requests a conditional use permit for an expansion to a high impact commercial use for an addition to the existing commercial building in the General Commercial Zoning District, 2 Peck Farm Road, (Town 32 Lot 9A).

Mr. Hooper represented Mr. McLaughlin and explained to the Board that this expansion involved additional storage space and some retail space. The parking area would be improved, repairing the entrances with a redesign controlling the storm water, quality and quantity, from the culvert on Peck Farm Road. An infiltration basin will also be constructed and that application has been approved. This same application was presented last year and very little has changed. Mr. Hooper explained that the only change was the handling of water.

This proposal will max out what can be done with the size of the property. He also explained that there is a small area (designated in white on the drawing) on the right side of the building. This is designated for 'future parking spaces'. There will be 73 parking spaces in total for now thus alleviating the present parking problems. Erosion control details and the details of infiltration were reviewed. This request did not have to go to the DEP because it did not trigger any thresholds.

Acting Chair O'Brien closed the public portion.

There was not further discussion.

Motion by Robbins and seconded by Vigneault that Case #197 - Ernest McLaughlin d/b/a Audette's Hardware request for a conditional use permit for an expansion to a high impact commercial use for an addition to the existing commercial building in the General Commercial Zoning District, 2 Peck Farm Road, (Town 32 Lot 9A) be approved. Vote was unanimous (6-0).

### **Other Business**

CEO Young brought to the attention of the Board Members that there was an amendment to application #167 (Business Park), which was approved by the Board in March 2005. The change was only to the contour of a section of the property.

The Planning Board acknowledges that the changes on these contours addressed as an amendment to the original application is a change that does not require Board approval.

The Board acknowledges receipt of the letter explaining the amendment and the plan. No vote was required. Acknowledgement was sufficient.

### **Approval of Minutes**

Minutes of September 7, 2005 were approved by Board Member Ashby and seconded by Hoffman. Vote was 5 approving with Board Member Robbins abstaining. Vote (5-0).

Acting Chairman O'Brien adjourned the meeting at 8:25 p.m. with a unanimous vote (6-0).