

Embden Planning Board – March 14, 2013

Members present were Chairman Leo Mayo, Ann Bridges, Eleanor Ketchum, Jay Wilson, Dwight Barron, and alternates, Alton McClamma and Myles Durkin. Also present were CEO Robert Dunphy; Bill and Jane McQuillan; Lee and Starla Fortin; and Linda Hayes.

The meeting was opened by Chairman Leo Mayo at 7:00 p.m.

The minutes of the February 14, 2012 meeting were accepted as presented.

Citizens Mr. and Mrs. McQuillan wanted to know if the Chairman had an update concerning the revised deed regarding a lot on Loon Road. The Chairman reported that the deed had not been recorded as of today. After some discussion, a motion was made by JW and seconded by DB, to have the Chairman and Secretary prepare a letter to Jay Strickland stating that he was in violation of Article 10 of the Embden Subdivision ordinance and that he had 15 days from the date of the letter to comply and that if not completed within the time frame the matter would be sent to the Selectmen for further action. All were in favor.

Mr. and Mrs. Fortin requested an update from the CEO about the runoff in the same area caused by one of the lot owners. The CEO indicated that he was waiting for a meeting with DEP. The Chairman explained to Mr. and Mrs. Fortin that this was not a planning board issue but a CEO/DEP matter.

EK informed the Board that the correct physical address for the permit issued to Donna LeBlanc was 279 Kennebec River Road.

Next on the agenda was a matter concerning Paul Fortin and his purchase of property in the subdivision known as Laurel Place. The Chairman indicated that he currently was doing work for Mr. Fortin and would step down and turn the meeting over to the Vice Chairman. After some discussion, the Board indicated that they had no objection that Leo Mayo remain as Chairman.

During the fact finding procedure the Board reviewed the deed transferring the property to Mr. Fortin which was recorded in the Somerset

County Registry of Deeds in Book 3413, Page 11. The Board also reviewed the survey plans for Embden Pond Overlook and Embden Pond Overlook Phase II as well as the recorded plan for Laurel Place. The purpose of the review was because the Board had received a letter from Attorney Harville who represents Mr. Fortin and his engineer that Mr. Fortin would like to nullify the 13-unit condominium project known as Laurel Place. The final plan for Laurel Place had been approved by the Board and the plan had been recorded in the Somerset County Registry of Deeds. This property known as Laurel Place is currently owned by Paul Fortin, Trustee of the Paul R. Fortin Living Trust. The Board reviewed the possible procedures to nullify the subdivision which included amending the plan which would require a new survey plan, notification of abutting landowners, and possible public hearing or the Board could prepare, sign and have recorded in the Somerset County Registry of Deeds an Affidavit. Discussion followed.

A motion was made by JW and seconded by DB to use an Affidavit to nullify the 13-unit condominium known as Laurel Place which plan has been recorded in the Somerset County Registry of Deeds and which property is currently owned by Paul Fortin, Trustee of the Paul R. Fortin Living Trust. All were in favor. The secretary will draft an Affidavit for review by the Chairman who will forward same to the Town's attorney for final approval.

The Chairman indicated that the Board should resume work on the Embden Shoreline Zone Ordinance. A motion was made by AB and seconded by EK to continue the meeting to March 21, 2013 at 7:00 p.m. for a work session on the shoreline zone ordinance.

Present at the continuation meeting held on March 21, 2013 were Chairman Leo Mayo, Eleanor Ketchum, Ann Bridges, Jay Wilson, and alternates Alton McClamma and Myles Durkin.

The Chairman advised the Board that the Affidavit concerning Laurel Place had been delivered to the Town's attorney and he would redraft the Affidavit and forward it to the Board for signature.

The Chairman also advised the Board that the letter had been sent to Jay Strickland.

The Board began work on revising the shoreline zoning ordinance. It has been recommended that when the ordinance is presented to the Town

that the existence ordinance be repealed in its entirety and that the Town adopt the new ordinance in its entirety. It was determined that this would be the cleanest way to approach it. The Town would like to have the ordinance in order for a possible June town meeting.

The Board reviewed the various sections of the ordinance which had been forwarded to DEP. Minor changes were made. Some time was spent on the two section dealing with timber harvesting. The Board needs to determine which section would be in the final ordinance whether to use the short version or the version which was indicated "state standards". It was unclear to the Board members which section was the same as what we currently had; which allowed the Board to issue permits and the Forestry Department would be the enforcing agency; and which allowed the Board to issue the permits and the CEO would be the enforcing authority. The Chairman indicated that the Board should review these sections for more discussion at the next meeting and that he would check with DEP for more clarification of the two sections.

There being no further business to come before the Board, it was voted to adjourned. Adjourned at 8:30 p.m.

Respectfully submitted,

Ann C. Bridges
Secretary