

Embden Planning Board – January 8, 2015

Members present were Chairman Leo Mayo, Ann Bridges, Dwight Barron, and Myles Durkin. Also present were Robert Dunphy, CEO.

The meeting was opened by Chairman Leo Mayo at 7:04 p.m.

The minutes of the December meeting were accepted as presented.

Correspondence: The chairman delivered a copy of a letter from Doug Denico, Director of the Maine Forest Service indicating that the Town of Embden needs to update the shoreland zoning ordinance concerning timber harvesting. The Board will need a work session once they have received the revised state standards relating to shoreland zoning ordinances.

Old Business:

The Board was advised that the matter of Rick Young (Permit #2418, Tax Map 27, Lot 23; 19 White Birch Drive) which was lacking the fee for an “after the fact” permit was currently in the hands of the CEO and the Selectmen.

Suzanne Carrier (Tax Map 26, Lot 7-1; 1919 Embden Pond Road) The CEO stated that he has informed Ms. Carrier that more information was needed including a PBR and a complete erosion control plan by a certified contractor and that it would be spring before she will be able to complete her application.

Maurice Nadeau and Carolyn Collins (Permit #2400, Tax Map 4, Lot 8; Katie Crotch Road) lacking MDOT entrance permit number. Mr. Nadeau and Ms. Collins have been notified that their Permit #2400 had been revoked. The matter is now in the hands of the CEO.

After the issuance of Permit #2435, the Chairman turned the meeting over to the Vice Chairman DB.

Permit #	Issued to	Construction Type	Plumbing Permit #	Amt.	Check #
2435	Roxana Moody	To change 24' x 24' one story garage on concrete slab to a single family dwelling; site review completed 12/21/14; part of Pine Bluff Estates Subdivision; 170 Pine Bluff Drive; Tax Map 7, Lot 1-10	Ext. 1617 Int. 1622	\$25.00	TR#5-1
2436	Charles Frear	To construct 12' x 20' one story 10' high lean-to on concrete slab attached to existing garage – 250+ ft. HWM; site review completed 12/02/14; 587 Fahi Pond Road; Tax Map 35, Lot 26		\$25.00	TR#3263-1
2437	David McKenney	To construct 45' x 46' two story 36' high dwelling with 12' x 8' porch on full foundation; to construct 10' x 20' deck and 10' x 30' deck on posts; to construct 36' x 48' two story 30' high garage on slab; site review completed 12/23/14; located on access road to water treatment plant; Tax Map 7, Lot 10	Ext. 1623 Int. 1624	\$25.00	TR#11-1

Next on the agenda was an application from Elizabeth Lindsay and Durwood Beckwith (Tax Map 3, Lot 20; 74 Eames Road; site reviews 11/28/14 & 12/22/14; TR #3433-1 - \$25.00; Part of Northview on Fahi subdivision) to construct 24' x 24' two story 28' high dwelling on existing slab with 5' x 24' attached porch on posts and an attached 20' x 24' one story garage 17' high on slab with all construction 112' from HWM. The previous structure on the lot had burned. However, Ms. Lindsay and Mr. Beckwith were not the owners of the property at the time of the fire. A great deal of discussion ensued.

During the fact finding, it was determined that the structure was only 12 feet from the edge of Eames Road. ESZO Section 5.13.1 requires that all structures shall be at least 48 feet from the centerline of roadways. This made the structure only 37 feet from the centerline of Eames Road.

The Board also reviewed a copy of the deed to Lindsay/Beckwith which was recorded in the Somerset County Registry of Deeds in Book 4843, Page 333. In reviewing the deed, it was determined that the lot was subject to several covenants and restrictions. Covenant 1 stated that all lot and structures are subject to all rules and regulations and ordinances of the municipality. . . . , and all other uses of the property. Covenant 5 stated that no more than one single family dwelling house with attached garage (no larger than 26' x 26') may be erected on any lot. Any detached structures may be no larger than 12' x 12'. The combined dimensions of the house and attached garage exceeded the dimensions set forth in Covenant 5 of the deed.

After the Board finished reviewing the deed and EZSO, a motion was made by LM and seconded by AB to allow Elizabeth Lindsay and Durwood Beckwith to construct 24' x 24' 2 story 28' high dwelling on existing slab with 5' x 24' attached porch on posts and an attached 20' x 24' one story garage 17' high on slab with all construction 112' from HWM. A vote was taken and Board members AB, LM and MD were opposed. Therefore, the motion failed. The Vice Chairman instructed the secretary to prepare a letter of denial to be sent to Elizabeth Lindsay and Durwood Beckwith.

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

Respectfully submitted,

Ann C. Bridges, Secretary