

Embden Planning Board – May 12, 2016

Members present were Chairman Leo Mayo, Eleanor Ketchum, Ann Bridges, Dwight Barron, Myles Durkin and alternates Frank Nile and Jan Welch. Also present was Robert Dunphy, CEO; Sarah McDaniel, Esquire; Sandra Chouinard; Brian Ricker; and Bruce and Ruth Blake.

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

The minutes of the April meeting were accepted as presented.

Citizens: None

Correspondence: None

Old Business: The Chairman indicated that the Board needed to have a work session on the shoreland zoning ordinance.

The Chairman asked if there was an objection to taking the agenda out of order to take care of the applications for those present. There was no objection.

Sandra Chouinard (Tax May 17, Lot 18; 668 & 672 East Shore Road; site review completed 04/26/16; check #613 - \$400.00) requested a permit to replace a 92 sq. ft. structure with a 192 sq. ft. accessory building 20 ft. from HWM. It was noted that construction had been started and that a stop work order had been issued. A motion was made by DB and seconded by AB to give Sandra Chouinard an “After the Fact” permit to replace a 92 sq. ft. structure with a 192 sq. ft. accessory building 20 ft. from HWM. All were opposed. Motion was denied. Section 4.5.3 – Reconstruction or Replacement section of the EZSO was cited. The secretary will prepare a letter of denial to be sent to Ms. Chouinard. A motion was also made by DB and seconded by MD to accept the “after the fact” fee of \$400.00. All were in favor.

Next on the agenda was the proposed subdivision of Michael and Laura Quinn. Ms. McDaniel delivered to the Board a receipt for \$1,700.00 which represents the fee for the preliminary plan for a major subdivision along with the preliminary plan. She also delivered a letter from Michael and Laura Quinn authorizing A. E. Hodsdon Engineers and attorney Sarah McDaniel to act on their behalf in connection with the subdivision. Several issues were discussed including the need for a site visit; a complete list of abutting landowners including all of Pine Bluff subdivision, Snowshoe Village, Embden Sportsmen’s Club.

The Board also discussed what impact the subdivision would have on Embden Pond since the original lot had access to use the beaches at Snowshoe Village and Sportsmen’s Club. The attorney supplied the Board with her legal opinion concerning whether the 5 acre minimum lot size of the shoreland zone was applicable; whether the Board had the authority to limit access rights to Snowshoe Village beach to less than all of the lots in the Quinn subdivision and whether a second road entrance could be required. The Board discussed the possibility of requiring an impact or feasibility study and obtaining their own legal opinion.

The Board also discussed that a test well and hydrologist report would be required. In reviewing the preliminary plan it was noted that the road width was not the required 66' right of way. Soils tests have been completed on all the lots and DEP has been sent their stormwater management plan for review and approval. Ms. McDaniel discussed the name of the road with EK who would supply her with a road name after EK has had an opportunity to review the remaining names on her list.

After completing their review of the application, a motion was made by AB and seconded by DB to accept the application as presented with the list of abutting landowners to be amended.

It was decided that the Board will do a site visit on June 9, 2016 at 6 p.m.

A motion was made by AB and seconded by DB to accept the preliminary plan with conditions. All were in favor. The conditions being an updated list of abutting landowners, road to be shown on the plan as being a 66 foot right of way, letter from the local fire department, Central Maine Power Company, IF & W; approval from DEP of the stormwater management plan; a site visit by the Board and a copy of the deed description and road association agreement.

Permit #	Issued to	Construction Type	Plumbing Permit #	Amt.	Check #
2462	Russell Bridges	To repair positive foundation drain and to rehabilitate 6' x 19' porch; site review completed 05/12/16; 408 East Shore Road; Tax Map 18, Lot 11 & 12		\$25.00	TR#639-1

Due to the late hour and there were several items on the agenda, it was voted to continue the meeting to May 19, 2016 at 7 p.m.

Present at the continuation meeting were Chairman Leo Mayo, Eleanor Ketchum, Ann Bridges, Dwight Barron, Myles Durkin and alternate Frank Nile. Also present was Bob Dunphy, CEO and Nick Champagne, engineer and representative for the Quinns.

Next on the agenda was an application from Shane Nichols (1589 Embden Pond Road; Tax Map 25, Lot 1; site review 05/12/16; check #6462 - \$25.00) to construct a 6' x 24' deck 19 ½ feet from HWM attached to the north side of the dwelling. A motion was made by AB and seconded by DB to allow Shane Nichols to construct a 6' x 24' deck 19 ½ feet from the HWM attached to the north side of the dwelling. All were opposed due to the fact that the point of attached was not 50 feet from HWM. Section 4.3.5 of the ESZO was cited. A letter of denial will be forwarded to Mr. Nichols.

On the same application Mr. Nichols requested to construct a 12' x 24' one story 12' high accessory building on posts 104' HWM. After findings of fact the Board determined that they needed clarification as to the size and exact location of the leach field. A motion was made by AB and seconded by EK to table any further action on the application until such time as the Board received this additional information. All were in favor. A letter will be sent to Mr. Nichols concerning the Board's action.

The Chairman turned the meeting over to Dwight Barron, vice chairman and requested that Frank Nile sit in place of DB.

Permit #	Issued to	Construction Type	Plumbing Permit #	Amt.	Check #
2463	Tammy Goodrich	To emplace 14' x 72' mobile home on concrete slab with 8' x 24' deck on posts; to construct 24' x 24' one story garage on concrete slab; all property line set backs to be met; site review completed 04/29/16; 350 Bert Berry Road; Tax Map 12, p/o Lot 16	Int. #1647 Ext #1646	\$25.00	TR639-1

The Vice Chairman turned the meeting back over to the Chairman.

The next item that the Chairman discussed was familiarizing the new Board members with the subdivision ordinance and review the application for a subdivision which has been previously submitted by Michael and Laura Quinn. The Board reviewed the application in conjunction with the ordinance to see what information, if any, was missing. The Chairman indicated that he had discussed with the selectmen the legal questions that had been raised and was given authority to review the matter with the town attorney. It was also noted that the Board, at its next regular meeting needs to classify it a major subdivision and that the name of the road and subdivision will need to be discussed.

There being no further business to come before the Board, it was voted to adjourn. Adjourned at 8:24 p.m.

Respectfully submitted,

Ann C. Bridges, Secretary