

Embden Planning Board – July 11, 2024

Members present were Leo Mayo, Ann Bridges, Kelly Bragg, Myles Durkin, Randy Caldwell, and alternates Charles Pease and Anthony Sparrow. CA also present were CEO Terri Lamontagne; William Uhler, Dean LePage, Tracy Knapp, Greg and Sandra Scribner; Paula Sansouci; Ralph Jordan and Curtis Libby.

The minutes of the June, 2024 meeting was accepted as presented.

Curtis Libby (6 Rocky Point Drive; Tax Map 24, Lot 7) wanted to know if he could still replace the steps back on the deck on the north side to the deck. A motion was made by RD and seconded by MD to allow Mr. Libby to finish the project noted in Permit #2116 issued on 03/13/2008 to Louis Pimpare. All were in agreement. A letter will be sent to Mr. Libby for his files.

Permit #	Issued to	Construction Type	Plumbing Permit #	Amt.	TR #
2945	Trace Knapp	To reconstruct existing 9'8" x 30' permanent pier to be 15' x 9'8" permanent pier; to install silt fence on shoreline with open ends and to install erosion mulch berm; received DEP Permit by Rule and Army Corp of Engineers Permit #NAE-2023-01620; site review completed 07/01/23; 1022 East Shore Road; Tax Map 015, Lot 008		\$25.00	#231252
2946	Gregory Scribner	To rehabilitate existing 19'3" x 18'8" deck with bench; steps 4' x 4'4" – 12' HWM; site review completed 07/07/24; 5 Sumac Drive; Tax Map 021, Lot 008		\$100.00	#241205-1
2947	Ralph Jordan	To remove existing 10' x 18' accessory building and replace with 10' x 14' one story 10'4" high accessory building; 66' HWM 15' from side boundary; to emplace 12 yds of gravel; Site review completed 07/07/24; 16 Thistle Drive; Tax Map 028, Lot 012		\$100.00	#241103-1
2948	Paul Fortin	To construct 18' x 22' one story 20' high garage on concrete slab; 205' HWM; to emplace 60 yds of gravel; site review completed 07/07/24; 21 Balsam Drive, Tax Map 022, Lot 029		\$100.00	#241132-1

Next on the agenda was an application by William Uhler (19 Uhler Drive; Tax Map 027, Lot 011; site review completed 07/07/24; TR#241261-1 - \$100.00) to reclaim existing runoff drainage system including two sediment pools and to remove alders. During the discussion of the application, it was determined that part of the project was within 75 feet of normal high water mark which would require a DEP Permit by Rule. The landowner was also asked if his contractor was DEP certified. The CEO indicated that the contractor was not DEP certified. After a review of the application a motion was made by AB and seconded by RC to table any action until

the landowner has provided the Board with a DEP Permit by Rule and the name of a DEP certified contractor. All were in favor.

Dean LePage (32 Blue Jay Drive; Tax Map 003, Lot 021; site review 07/07/24; TR#241204-1 - \$100.00) requested an “After the Fact” permit to change the height of the roof; enclose open porch; and emplace steps with 6’ normal high water mark. Also, of this occurred in 2007. A motion was made by AB and seconded by RC to grant Dean LePage an “After the Fact” permit to change the height of the roof; enclose open porch; and emplace steps with 6’ normal high water mark. All were opposed. It was cited that the ordinance in effect at that time did not permit expansion of any portion of the structure lying within 50’ of the normal high-water mark. A letter of denial will be sent to Mr. Lepage

Due to the late hour and several items remained on the agenda, it was voted to continue the meeting to July 25, 2024 at 6:30 p.m. It was noted that the CEO would not be available on July 18, 2024.

Present at the continuation meeting July 25, 2024 were Leo Mayo, Ann Bridges, Kelly Bragg, Myles Durkin, Randy Caldwell and alternates Chuck Pease and Anthony Sparrow. Also present were CEO Terri Lamontagne and Judy and Woody Gould.

Permit #	Issued to	Construction Type	Plumbing Permit #	Amt.	TR #
2949	Judith & Woody Gould	To construct 14’ x 14’ covered open-sided 12’ high Platform; 210’ HWM; see also permit No 2941 issued 05/09/24; site review completed 05/01/24; 196 Cardinal Drive; Tax Map 35, Lot 044			

The secretary asked the chairman if she could address the Board. The secretary noted that there will be an appeal hearing on August 14, 2024 at 6:30 p.m. at the town office in regard the Downey’s appeal. She also indicated that work on the solar ordinance was progressing and that she hoped to have a final draft ready for the Select Board on August 1, 2024.

The CEO addressed the Chairman stating that she would not be available on August 8, 2024 as she would be at a training session. She said that she only had one application for the agenda and that appeared to be incomplete. The Board agreed to still meet on August 8, 2024 at 7 p.m.

There was some discussion as to whether the Board could change their meeting time from 7 p.m. to meet at 6:30 p.m. and would like to start with the

September meeting. Everyone was in agreement. A letter will be sent to the Select Board changing the time of the Board meetings.

A motion was made by AB and seconded by RC to revisit the LePage “After the Fact” application to get an email from Colin Clark, DEP in to the record. All were in favor. A copy of the email is attached hereto.

Permit #	Issued to	Construction Type	Plumbing Permit #	Amt.	TR #
2950	Steven Wentworth	To enclose and roof over existing 7' x 14' porch on posts with windows and door; site review completed 07/07/24; 11 McGrath Road; Tax Map 020, Lot 003		\$100.00	#241044-1
2951	Town of Embden Embden Travelers SC	To emplace 10' x 40' Conex storage container 10' located on Town of Embden property; received letter of authorization from Town; site review completed 07/07/24; 752 Cross Town Road; Tax Map 034, Lot 024		\$100.00	#241133-1
2952	Robert Veneziano	To build railings around existing 18' x 16' existing deck; site review completed 07/07/24; 29 White Birch Drive; Tax Map 028, Lot 015-001		\$100.00	#241153-1
2953	Thomas Sheehan	To construct 21' x 24' one story 12'6" high addition to existing building on concrete slab and posts; part of Spruce Ridge Subdivision; site review completed 07/07/24; 40 Rusty Drive; Tax Map 005, Lot 034		\$126.00	#241225-1

Next on the agenda is an application by Richard Linkletter (16 Timber Lane; Tax Map 027, Lot 008-011; TR#241230-1 - \$100.00; site review completed 07/07/24). The Board was unable to determine from the application exactly what the Linkletter’s wanted to do. A motion was made by MD and seconded by RC to table the application for more detailed information concerning the project. All were in favor.

There being no further business to come before the Board, it was voted to adjourn. Adjourned at 8:45 p.m.

Respectfully submitted,

Ann C. Bridges, Secretary

7/15/24, 1:10 PM

TDS Webmail

rockybridges@tds.net

Fwd: Statute of Limitations within Shoreland Zone

From: rockybridges@tds.net
Subject: Fwd: Statute of Limitations within Shoreland Zone
To: Chuck Taylor <Embden-Select@Embden.org>, Wayne McLaughlin <wayne.mclaughlin@tds.net>, Jan Welch <23pondlife@gmail.com>
Mon, Jul 15, 2024 01:09 PM

This is a response from Colin Clark about the Lepage issue for your information.

From: "Colin A Clark" <Colin.A.Clark@maine.gov>

To: rockybridges@tds.net

Cc: "Leo Mayo" <lem4749@gmail.com>, "Embden-CEO" <embden-ceo@embden.org> **Sent:** Monday, July 15, 2024 10:38:10 AM

Subject: RE: Statute of Limitations within Shoreland Zone

I will contact the AGS office to confirm but I do not believe there is any statute of limitations for land use issues. And if this is not permissible under the towns ordinance I would advise to have them remove the violation or you could see a bunch of people trying to do the same thing if they know they can get ATF permitting for violations such as this

Colin A. Clark

Shoreland Zoning Coordinator in the Bureau of Land Resources

Maine Department of Environmental Protection

Tel (207) 441-7419

www.maine.gov/de

News Alert: The Bureau of Land Resources now has a new lookup tool on the Department's website for permit inquiries -

https://www.maine.gov/dep/gis/datamaps/LAWB_Permits/index.html

From: rockybridges@tds.net <rockybridges@tds.net>

Sent: Monday, July 15, 2024 10:33 AM

To: Clark, Colin A <Colin.A.Clark@maine.gov>

CC: Leo Mayo <lem4749@gmail.com>; Embden CEO <embden-ceo@embden.org> **Subject:** Statute of Limitations within Shoreland Zone

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Colin:

Leo Mayo, Chairman of the Embden Planning Board has asked me to contact you to see if there is any statute of limitations dealing with "after the fact" permits with the Shoreland Zone.

In 2007 an individual raised the roof of his camp and enclosed a screened-in porch (making more living space) without a permit from the

Planning Board. The structure in question is 6 feet from normal high water mark. The CEO found the violation during an inspection of

property in the area. The CEO reviewed the town's records for any permits and only found one in 1992 to repair and shingle roof.

Last night the landowner has submitted an application to the Planning Board requesting approval of his "after the fact" permit. The Planning Board denied the application citing that they did not get a proper permit at the time the work was done and they did not comply with the town's ordinance in effect in 2007 dealing with volume and no additions to structure within 50' of NWM.

Again, is there any statute of limitations within shoreland zone? If so, could you give me a Maine statute for reference. Any guidance you can

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