

Town of Machiasport
P.O. Box 267 - Machiasport, Maine
Planning Board Meeting
THURSDAY- July 14, 2016
7:00 Planning Board Meeting

MINUTES

Chair

Michael Hinerman
2016-2019

Vice Chair

Jeff Huntley 2014-2017

Bill Prescott Jr. 2014-2017

Rick Bury 2015-2018

Jimmy Clark 2016-2019

**Code Enforcement
Officer (CEO)**

James Bradley

Secretary

Sandra K. Prescott

I. Call meeting to order/ Roll Call

Michael Hinerman called the meeting to order at 7:12 p.m.

Present: Jeff Huntley (arrived 7:16), Rick Bury, Michael Hinerman,

James Clark, Jim Bradley, CEO, Jeff Henderson, Selectman, Jake Spencer, and Dale Rogers, and Rick Heller

Absent: Bill Prescott, Jr.

Quorum: Yes

Rick Bury asked to address the Board and requested that his statement become part of the record. He expressed his deep regret that Shirley Erickson, a sixteen (16) year member of this board, has not been reappointed and with no notice or reason given to her. He noted that she was not even contacted by the Board of Selectmen as a courtesy and he said he was incensed and believed this action was reprehensible and a horrible thing for the Selectmen to do to such a longtime public servant. He noted that if she had not found out from someone else she would be here tonight. He noted that in his opinion it was a petty, personal vendetta and there was no excuse for it. He said the Selectmen should apologize, in writing, to Shirley.

He said he had great respect for members of the Planning Board he had served with over the years and wished the members coming back on the board the best of luck as he said they are here under adverse circumstances.

He questioned how the Selectmen could appoint a town employee to fill Shirley's position as this appointee answers to the Board of Selectmen. When it was learned that Jeff Henderson, was a Selectman, he told him that the Selectmen have a lot to answer for and he had a big problem with the Board of Selectmen and asked that Jeff express the discontent he is expressing tonight to the other Selectmen next week when their Board meets. He informed Jeff that instead of worrying about what Shirley Erickson was doing, the Selectmen should be thinking about the twenty-seven (27) septic fields and the Junkyard enforcement as these are the important issues.

(Note: Rick turned in his key to Planning Board member Michael Hinerman and he left the meeting. He said he was done on this board and no longer wish to serve the present Board of Selectmen and he left).

Jeff Huntley said that his personal belief was that if the town fathers didn't reappoint him when he was up for reappointment that was their right and he would not be upset as they are the ones who make the appointments.

Michael Hinerman suggested that no action be taken on Rick's verbal resignation and that he be given time to reconsider. He also felt that the board had no authority to accept it and a resignation should be in writing to the Board of Selectmen.

A. Election of Chair and Vice Chair for FY 2016-17

MOTION made by Jeff Huntley seconded by Jimmy Clark to place in nomination the name of Michael Hinerman for Chair of the Planning Board for FY 2016-2017. Jeff Huntley and Jimmy Clark voting yes and Michael Hinerman did not vote. Motion passed.

MOTION made by Jimmy Clark seconded by Michael Hinerman to place in nomination the name of Jeff Huntley for Vice Chair of the Planning Board for FY 2016-2017. Jimmy Clark and Michael Hinerman voted yes and Jeff Huntley did not vote. Motion passed.

B. Planning Board correspondence

Michael Hinerman noted for the record that the tape recorder for the meeting was not available and the Secretary will record the minutes.

1. The May issue of the Maine Townsman is available for members to review.
2. An Email from Judy East, WCCG RE: online GIS mapping tools RE:
3. Clifford Norton has returned his Building Permit card to indicate his building project (BP# 16-04) has been completed.

II. Adjustments to Agenda- None

III. Approval of Planning Board Minutes-June 9, 2016

MOTION made by Jeff Huntley seconded by Michael Hinerman to approve the June 9, 2016 Planning Board minutes. Motion passed. Jimmy Clark did not vote.

IV. Consideration of Building Permits

- A. BP # 16-17- Dale Rogers, new single family residence, East Side

The applicant was present.

Dale Rogers said he had owned this property for about fifteen (15) years and had just not gotten around to developing it. He was proposing to place a modular home on the lot.

Jim Bradley, CEO noted that he was familiar with the lot and it already has a septic and well and it was approximately thirty-five (35) acres.

Jimmy Clark asked when the work would be completed.

Dale Rogers said if he gets started now it would likely be this fall.

Jimmy Clark asked how long the septic and well were installed

Dale Rogers said about fifteen (15) years ago.

Jim Bradley, CEO noted that the HHE-200 was enclosed with the Building Permit

MOTION made by Jeff Huntley seconded by Jimmy Clark to approve Building Permit # 16-17. Motion passed unanimously.

- B. BP# 16-16 Downeast Correctional Facility (DCF) 15 x 20 garage (See Attachment # 4 below)

The Applicant was not present.

Michael Hinerman reviewed Attachment # 4, MMA's legal opinion and noted that the Board was not obligated to request a building permit since the DCF was on land owned by the state.

Jim Bradley, CEO noted that the Application for a Building Permit was well done.

Michael Hinerman noted that the Planning Board would consider the Building Permit and he recommended that the fee be waived.

MOTION made by Jeff Huntley seconded by Jimmy Clark to approve Building Permit # 16-16. Motion passed unanimously.

Consideration of TABLED Building Permits:

- A. BP# 16-12- Judy Gordon, SLZ, Map 17, Lot 5, Install manufactured home – distance from SLZ & HHE-200

The applicant was not present.

Michael Hinerman noted that there were two (2) issues pending with this application. (1) an HHE-200 and (2) a site visit conducted by the James Bradley, CEO to determine if the distance from the SLZ was adequate.

Jim Bradley, CEO said Ms. Gordon was proposing a 2-bedroom modular home and has now submitted an HHE-200. He said he did a site visit and the distance from the shoreline met the requirements.

MOTION made by Jeff Huntley seconded by Jimmy Clark to approve BP# 16-12. Motion passed.

Note: Since the Permit is for a building in the SLZ the Permit will be signed by both the chairman and the CEO.

- B. BP# 15-19-David Thomas, After-The-Fact Application to remove and replace a trailer- **Tabled until September meeting**

Consideration of LATE Building Permits: (See Building Permit Ordinance, PERMIT APPLICATIONS, Page 3)

- C. BP# 16-18

The Applicant was represented by Jake Spencer.

MOTION made by Jeff Huntley seconded by Jimmy Clark to consider BP# 16-18 as a late building permit. Motion passed unanimously.

Jake Spencer, represented Joe Hart, the applicant noting that he was seeking to build a garage (42 x 72) on Lucy Lane.

Michael Hinerman said he had some minor concerns about the Application as the lot was very narrow and this was a large building. He asked if there were any issues with the neighbors.

Jake Spencer said he hasn't been able to contact the neighbors; however, the building would meet the fifteen (15) foot property line set back requirement.

Jeff Huntley asked that the record show that even though the permit was submitted in the morning and the fee was not paid until the afternoon he did not consider the permit late.

MOTION made by Jeff Huntley seconded by Jimmy Clark to approve Building Permit # 16-18. Motion passed unanimously.

V. CEO Report- Jim Bradley

1. Reported that a new septic system has been completed at True North
2. Dan Callahan will be replacing his septic system with an upgraded system to accommodate the 5 bedrooms in the bunk house
3. B.J. Wood's Building Permit was conditional upon him obtaining an HHE-200 to accommodate three (3) bedrooms. He needs to upgrade his septic design.

Michael Hinerman noted that based upon the conditional status of the Building Permit he cannot occupy the house until the HHE-200 is approved by the CEO/Plumbing Inspector and constructed. He asked the CEO if B.J. remembered this condition.

Jim Bradley, CEO said he did not think so and will follow up with B.J.

Jimmy Clark said the Planning Board did not have a copy of the final plan and noted that in Maine an occupancy permit was not needed.

Jim Bradley, CEO noted that B.J.'s permit was approved with conditions, but he has not met those conditions yet.

4. USACE has communicated with him and are asking the Planning Board to help identify contaminated property.

Michael Hinerman said that the USACE has studied and identified the areas of contamination and should be dealing with. He felt that having the town or the Planning Board notifying or informing possible buyers of property contamination issues would create a liability on the town's residents. Let the USACE handle notifications and or deed restrictions and give the finished maps or descriptions and supply them to the town.

Jeff Huntley agreed that he would also like a legal opinion.

Jimmy Clark also noted that the USACE had contacted him and he provided a list of properties to them so they can create an overlay for our town map. He noted that the USACAE would maintain a mailing list and they were looking for a decision from the town by September 15, 2016 as to what the town will do. He suggested that the Planning Board could attach a general notice to the Building Permit Application.

Michael Hinerman said he would still like to seek guidance from the Board of Selectmen. He was not sure what liability this would create for the town if the Planning Board got involved and he suggested that Selectman, Jeff Henderson, inform the Board of Selectmen that the Planning Board would like guidance and suggested that the Selectmen obtain a legal opinion on whether the town (Selectmen) or the Planning Board should do something. He said the Board of Selectmen should direct the Planning Board to do something

BY CONSENSUS the Planning Board agreed to ask Selectman, Jeff Henderson agreed to take this issue to the Board of Selectmen and ask them to research this issue, consult with legal counsel, if necessary and then instruct the Planning Board on what they are to do.

VI. Old Business

Jimmy Clark said he would like to have the Planning Board discuss the minimum square feet for non-conforming lots and how the 10,000 square foot requirement is to be applied. He suggested that this item be placed on the next agenda.

Michael Hinerman said that perhaps there could be some research done to explain how this came about. He said it could be researched, however we might need to get an attorney to review the language and give us further guidance.

Jeff Huntley said he remembered when the Planning Board made the decision in 2008 to add the 10,000 square feet in the Building Permit Ordinances. It was added because of the many small lots that existed and 10,000 square feet sounded like a good number at the time so this was the Planning Board's attempt to grandfather those lots.

New Business

- A. Update on June 27th Annual Town Meeting- Building Permit Ordinance and New Ordinances

Michael Hinerman said he attended the Annual Town Meeting and the attendance at the meeting was quite small. There wasn't any discussion. There were a couple of questions, however, to clarify what the minimum lot size would be if one wanted to put a small private windmill on the lot. It was agreed that if the Small Wind Ordinance did not specify the minimum lot size then the Building Permit Ordinance requirements would apply.

VII. Public Comments - None

VIII. Reports/Comments from members - None

IX. Adjournment

MOTION made by Jeff Huntley seconded by Jimmy Clark to adjourn the Planning Board meeting at 8:35 p.m. Motion passed unanimously.

Attachment # 1 Attendance Report 2015-2016

Attachment # 2 List of 2015-16 Building Permits

Attachment # 3 List of 2016-2017 Planning Board meetings

Attachment # 4 MMA Response RE: Item IV. B. above

Attachment # 4 Copies of Ordinances approved at Town Meeting 6/27/16, including the revised Building Permit Ordinance

Minutes recorded for the Planning Board by: Sandra K. Prescott, Secretary

Note: This meeting was not tape recorded.

Approved by the Planning Board 08-11-2016
Date

Attested by: Michael F. Hinerman
Michael Hinerman, Chair, Planning Board

The next meeting for the Planning Board will be held on August 11, 2016.