

Approved by the Planning Board July 14, 2016

**Town of Machiasport**  
**P.O. Box 267 - Machiasport, Maine**  
**Planning Board Meeting**  
**THURSDAY- June 9, 2016**  
**7:00 Planning Board Meeting**

**MINUTES**

**Chair**

Jill Prescott, Jr. 2014-2017

**Vice Chair**

Shirley Erickson  
2013-2016

Rick Bury 2015-2018

Jeff Huntley 2014- 2017

Michael Hinerman  
2015-2016

**Code Enforcement  
Officer (CEO)**

James Bradley

**Secretary**

Sandra K. Prescott

**I. Roll Call**

Present: Bill Prescott, Jr., Shirley Erickson, Michael Hinerman, Rick Bury, Jim Bradley, CEO, (7:45 p.m.), Jeff Huntley (8:00 p.m.), Greg R. Berry, Brandon Belanger, Jessica Rushton, David Thomas, Dan Monter, Laurie Schoppee, Ryan Schoppee, Jacob Schoppee, and Whitney Porter.

Absent: None

Quorum: Yes

**Bill Prescott, Jr.** called the meeting to order at 7:00 p.m.

**A. Planning Board Correspondence**

**Bill Prescott, Jr.** referred the members to the MMA's Maine Townsman May issue in the communications file.

**II. Adjustments to Agenda**

**Sandra K. Prescott, Secretary** provided two (2) Building Permit Applications to the Planning Board that were received after the deadline: BP# 16-14-John Bielecki, SLZ, to add roof to existing porch and to add an extension to porch; and BP# 16-15-Lucille Parker, to tear down part of a structure.

**MOTION made by Michael Hinerman** seconded by Shirley Erickson to review and consider BP# 16-14 and BP# 16-15 under item IV. following the Tabled Building Permits. Motion passed unanimously.

**III. Approval of May 12, 2016 Planning Board Minutes**

**MOTION made by Michael Hinerman** seconded by Rick Bury to approve the May 12, 2016 Planning Board minutes. Motion passed unanimously.

**IV. Consideration of Building Permits**

A. BP# 16-11- Blake & Mallory Olsen, Set-up & install modular home

The Applicants were not present.

**Bill Prescott, Jr.** noted that he had reviewed Mr. and Mrs. Olsen's Application for a modular home and it appeared to be complete.

**Rick Bury** noted that the Building Permit Application was a bit confusing as far as identifying which type of home it would be (e.g. stick built, modular, manufactured, etc.). He referenced questions in the Application numbered fourteen (14) and fifteen (15) and noted they were not applicable, therefore these two (2) questions should be marked N/A.

**MOTION made by Shirley Erickson seconded by Rick Bury to approve BP# 16-11. Motion passed unanimously.**

B. BP# 16-12-Judy Gordon, SLZ, Install manufactured home

The Applicant was not present.

**Bill Prescott, Jr.** reported that Ms. Gordon's sister had contacted him to ask what the process would be to install a manufactured home on Ms. Gordon's lot on Hooper Lane. He added that Ms. Gordon's old house was recently burned down by the Fire Department, and she was proposing to replace the old house with a two (2) bedroom manufactured home. He noted that Ms. Gordon's property abuts his property, so he is aware that this lot is in the SLZ and that there is an inlet between his property and hers. He added that he was not certain of the distance from the new home to the shore and he suggested that she contact Jim Bradley, CEO to request a site visit. He also noted that the sketch included with the Building Permit Application indicates that the upstairs will be "unfinished" and the Application did not include an HHE-200 form.

**Shirley Erickson** suggested that since this property is in the SLZ and the distance from the shore to the new home is unknown and Jim Bradley, CEO and the Applicant are not present, the Building Permit Application should be carried over to the next meeting to provide time for the CEO to do a site visit and report back to the Planning Board.

**Bill Prescott, Jr.** also noted that Jim Bradley, CEO had agreed to contact the State to seek clarification on whether it is the lot or location of the building/structure which triggers the SLZ requirements.

**Michael Hinerman** noted that if the ground is not disturbed within 250 feet from the shore then the CEO should not have to approve the Building Permit Application.

**Rick Bury** noted that the site plan does not indicate how far the building/structure would be from the shore.

**Bill Prescott, Jr.** added that it is not always possible to determine from a sketch what the distance is from the shore and the proposed location of a new home, which is why the CEO should do a site visit for verification purposes.

**Michael Hinerman** questioned if the old septic system was for a one (1) or two (2) bedroom home and he noted that the age of the system is unknown.

**Shirley Erickson** added that when the Planning Board considers a Building Permit Application in the SLZ, the Board reviews and approves the Application in consultation with the CEO. Since the CEO is not present, she recommended tabling Ms. Gordon's Application.

**MOTION made by Michael Hinerman seconded by Rick Bury to table BP# 16-12 as the Application is incomplete due to no HHE-200 form and the need for the CEO do a site visit to verify the distance of the proposed new home from the shore. Motion passed unanimously.**

C. BP# 16-13-Jacob Schoppee, to prepare the site and install a mobile home on a new lot

The Applicant was not present.

**Bill Prescott, Jr.** reported that Laurie Schoppee had called him to inquire what the process would be for her son Jacob to develop his lot. He said he understood that a small temporary trailer would be brought to the site while the site preparation was being completed and he suggested that Ms. Schoppee contact Jim Bradley, CEO to determine if a Building Permit was needed for a temporary trailer. He noted that he had discovered that a large mobile home versus a small temporary trailer was delivered and placed on Mr. Schoppee's lot. He called back Ms. Schoppee to clarify that her son Jacob should present a Building Permit Application to the Planning Board at tonight's meeting. He said when he talked with Ms. Schoppee that she understood that Jacob needed to obtain an HHE-200 before the Board could consider the Application. He indicated that he did not think an After-The-Fact Application fee should be required for BP# 16-13 as he believed the Applicant made a good faith effort to determine in advance what was required for the proposed project.

**MOTION made by Shirley Erickson seconded by Rick Bury to table BP# 16-13 as the Application is incomplete due to no HHE-200 form. Motion passed unanimously.**

**TABLED -Building Permits:**

- D. BP# 15-19-David Thomas, After-The-Fact Application to remove and replace a trailer

The Applicant David Thomas was present.

**Bill Prescott, Jr.** noted that this item has been pending since last fall and that in order for the Board to approve the After-The-Fact Building Permit Application for Mr. Thomas, the CEO must approve the septic system. He noted that Jim Bradley, CEO was not present tonight to report on the status of the septic system for the new trailer Mr. Thomas placed on his property.

**David Thomas** noted that he was pleased that the Planning Board has been patient with him. He informed the Board that he plans to contact Dean Bradshaw to evaluate his septic system and he was prepared to install a new septic system if necessary. He estimated that the current septic system was installed around 1972, but he could not find its exact location or any information about the system. He stated that he could not afford to install a new septic system at this time, but anticipated being able to do so later this summer.

**Bill Prescott, Jr.** asked Mr. Thomas if he could provide the Planning Board with a timeframe for when he might be able to resolve this issue.

**David Thomas** responded that around mid-August.

**Michael Hinerman** suggested that the Planning Board place this item on their September Planning Board agenda.

**Shirley Erickson** asked how the well driller knew where to install his new well without knowing the location of his septic system.

**David Thomas** noted that the well driller took the corner of the property way off to the side and mapped out what he estimated to be 150 feet from where the septic system is assumed to be located.

**Bill Prescott, Jr.** noted that since they have moved the well on the other side of the trailer it appears that the septic system will be far enough away.

**MOTION made by Michael Hinerman seconded by Shirley Erickson to table BP# 15-19 until the September Planning Board meeting. Motion passed unanimously.**

- E. BP# 16-09-Gregory Berry, addition to add 2 bedrooms & extend living room

The Applicant Gregory Berry was present.

**Bill Prescott, Jr.** noted that Jim Bradley, CEO was asked to do a site visit to Mr. Berry's property to gather additional information about the septic system design, setbacks, and lot size to support

two (2) additional bedrooms as proposed in BP# 16-09. He stated that Mr. Berry is presenting the Board with a second (replacement) Application BP# 16-09B. He noted that BP# 16-09B is not to add two (2) bedrooms, but instead calls for expanding the living room and moving a small outbuilding which would mean that an HHE-200 form would not be necessary.

**Bill Prescott, Jr.** suggested that the Planning Board consider BP# 16-09B and withdraw BP# 16-09. He noted that since the Board is reviewing only one Application then it should not be necessary for Mr. Berry to pay two (2) Building Permit Application fees and that the Board may want to consider returning the \$40 fee Mr. Berry submitted with BP# 16-09.

**Greg Berry** noted that BP# 16-09B is proposing to remove an outbuilding and extend the living room and not to add two (2) additional bedrooms. He said he had spoken to Dean Bradshaw who did recall preparing his septic design. He added that Mr. Bradshaw remembered that the State needed to make adjustments in his septic design to ensure compliance. He estimated that the old septic system was installed around 1994.

**Rick Bury** asked if the existing septic system was for two (2) bedrooms.

**Greg Berry** said he thought it was, but he did not have a copy of the HHE-200.

**Michael Hinerman** noted that he thought the septic system was installed by the Town under the Small Community Grant Program.

**Shirley Erickson** suggested renumbering the Building Permit Applications as BP# 16-09A and BP# 16-09B.

**Bill Prescott, Jr.** agreed and noted BP#16-09B was proposing to remove an outbuilding and to extend the living room and that no additional bedrooms would be added.

**Jim Bradley, CEO** arrived at the meeting.

**Bill Prescott, Jr.** provided the CEO with an overview of the discussion regarding the withdrawal of Mr. Berry's BP# 16-09 and the replacement Application BP# 16-09B which proposes removing an outbuilding and extending the living room and noted that no new bedrooms would be added. He asked Jim Bradley, CEO if he had conducted a site visit to Mr. Berry's property.

**Jim Bradley, CEO** reported that he had conducted a site visit and noted that Mr. Berry could not add any additional bedrooms without first providing an HHE-200 form. He reviewed some of the challenges of the site, and stated that it was his recommendation that a municipal official make an occasional site visit to verify the number of bedrooms in the home.

Discussion ensued regarding the development of the motion to cover all the necessary components regarding the modified project put forth by Mr. Berry and which municipal official would conduct the site visits.

**MOTION made by Rick Bury seconded by Michael Hinerman to: withdraw BP# 16-09 (renumbered BP# 16-09A) and replace it with BP# 16-09B; to approve BP#16-09B which is to remove an outbuilding and to extend the living room (not to add any additional bedrooms); the CEO may conduct an occasional site visit to verify that there are only two (2) bedrooms in the home; and to refund the \$40 fee paid for BP# 16-09 (renumbered BP# 16-019A). Motion passed unanimously.**

**Jeff Huntley** arrived at the meeting.

**See Item II. Above- Adjustments to Agenda**

- F. BP# 16-14-John Bielecki, SLZ, to add roof to existing porch and add an extension to porch

The Applicant was not present.

**Bill Prescott, Jr.** explained that Mr. Bielecki had contacted him about a Building Permit Application to enclose his existing porch and add an extension to the porch. He said Mr. Bielecki indicated that he could not meet the Friday deadline as he had just arrived back in town. He stated that Mr. Bielecki indicated that he has a contractor ready to do the cement work now, but that the contractor may not be available next month if he has to wait until July to get a Building Permit. He reported that Mr. Bielecki would be out of town and unable to attend tonight's meeting. He noted that the lot was in the SLZ and may require a site visit from Jim Bradley, CEO.

**Rick Bury** asked how far the structure would be from the shore.

**Bill Prescott, Jr.** noted that the sketch showed 200 feet from the shoreline

**MOTION made by Michael Hinerman seconded by Rick Bury to approve BP# 16-14 contingent upon the CEO verifying that the structure meets the SLZ requirements. Motion passed unanimously.**

G. BP# 16-15- Lucille Parker, to tear down part of a structure

David Thomas was present to represent the Applicant.

**David Thomas** presented the Application, requesting permission to tear down part of a structure. He stated that the building had mold, part of the structure was falling in, and the building was unsafe. He indicated that Ms. Parker was living in a small area of the structure that included a bedroom and bathroom. He requested permission to tear down approximately 75% of the building. **Rick Bury** noted that the Application just came in today and should be considered as an extenuating circumstance.

**Michael Hinerman** stated that the safety concerns and presence of mold were good reasons to consider the Building Permit Application.

**David Thomas** indicated that Ms. Parker will submit a Building Permit Application when she decides how she wants to proceed with rebuilding the structure.

**MOTION made by Michael Hinerman seconded by Rick Bury to approve BP#16-15. Motion passed unanimously.**

**MOTION made by Michael Hinerman seconded by Shirley Erickson to remove from the Table, BP # 16-13, as the Applicant has arrived. Motion passed unanimously.**

**Laurie Schoppee** apologized for arriving late and noted that after talking with Bill Prescott, her son Jacob obtained a copy of the HHE-200 form. She shared a copy of the HHE-200 form.

**Bill Prescott, Jr.** noted that BP # 16-13 was brought back to the table for reconsideration and thanked Ms. Schoppee for attending the meeting to clarify the Building Permit Application to place a mobile home, not a temporary trailer, on her son Jacob's lot. He noted that the well must meet the setback requirements.

**Shirley Erickson** asked how far the mobile home would be set back from the road and the lot size.

**Laurie Schoppee** said the mobile home would be at least 50 feet from the center of the road and the lot was approximately 18 acres.

**MOTION made by Michael Hinerman seconded by Rick Bury to declare BP# 16-13 complete and to approve the Application. Motion passed unanimously.**

#### V. CEO Report- Jim Bradley

**Shirley Erickson** asked the CEO if he had contacted the State to find out if it is the lot or location of the building/structure which triggers the SLZ requirements. She noted that it was unclear as to

whether or not the proposed projects for BP#16-12 and BP# 16-14 were in the SLZ and required CEO approval.

**Jim Bradley, CEO** responded that he had checked with the State and found that when any portion of a building or structure is located within 250 feet of the shore then it is considered in the SLZ and subject to the SLZ requirements.

**Jim Bradley, CEO** agreed to do a site visit to determine if BP# 16-12 and BP# 16-14 were located within the SLZ and if so, he would review and sign them.

**Bill Prescott, Jr.** provided the CEO with an overview of BP#16-12 indicating the Application did not include an HHE-200 form, the distance of the proposed home to the shore was unknown, and that an inlet existed on the property.

**Jim Bradley, CEO** agreed to conduct a site visit to get clarification and resolution on these issues. He indicated he would contact the MDEP, if necessary, to clarify the setbacks for inlets.

**Jim Bradley, CEO** provided a brief report on the following:

- True North, a salmon company located on Smalls Point Road, is adding a new leach field to improve the Company's capacity to process salmon.
- Nick Kotsovolos is installing a modular home on his lot at the Little Kennebec Bay Shores subdivision. He stated that the site work is underway and that he had visited the site.
- George Ingrish has filed an application to bring power by Emera Maine to his new home site; however, the paperwork has not yet been completed. He noted that the CEO must sign off on the paperwork.
- The USACE had contacted him to ask if the Planning Board would consider adding some language to the Building Permit Application to "flag" where there are properties that may be affected by the contaminated water supply.

**Shirley Erickson** noted that she had attended the Public Hearing held by the USACE last month and had asked the USACE for clarification of the wording in the Proposed Plan related to Land Use Controls. She stated that the USACE indicated in the Proposed Plan that they had been working with the Town to develop notices that would be provided with Building Permits issued for properties within the impacted areas. She noted that when she attended the May Board of Selectmen's meeting and asked about their work with the USACE on developing these notices, that Selectman Jeff Davis reported that the Selectmen had not been engaged in discussions with the USACE about land use controls. She stated that she encouraged the Board of Selectmen to get clarification from the USACE on how such notifications would occur.

**Jim Bradley, CEO** acknowledged that people should be informed.

**Michael Hinerman** said the tax maps are available to the public and are posted on the Town's website. He said it was his opinion that the USACE is responsible for these notifications and not the Town. He added that the USACE should do the research, produce a map, and post the results.

**Jeff Huntley** agreed that he did not want the Town to take on this responsibility.

**Michael Hinerman** said this problem could go on for many years and the existing sites could change in the future and the contamination could move to new and different sites we wouldn't know about. He stated that this is another reason why the USACE should provide any notifications they feel are necessary.

## **VI. Old Business**

- A. Update on June 6<sup>th</sup> Public Hearing on proposed amendments to the Building Permit Ordinance

**Bill Prescott, Jr.** reported that he attended the Public Hearing conducted by the Board of Selectmen held on June 6, 2016 as did Michael Hinerman, Jeff Huntley, and Jim Bradley, CEO. He estimated that ten (10) members of the public were present. He explained during the Public Hearing that the Planning Board was attempting to simplify the Building Permit Ordinance and that

language was changed to clarify the role of the CEO and Planning Board when reviewing Building Permits in the SLZ. The Secretary made three (3) technical changes due to some rewording of the Ordinance. He indicated that it was noted in the new Ordinances presented by the Ordinance committee that they did not include grandfather clauses, therefore, the Building Permit Ordinance's grandfather clause would prevail and would allow a 10,000 square foot lot to have a windmill if setbacks could be met. He also noted there were no comments on the proposed changes to the Building Permit Ordinance and reported that all five (5) of the amended/new Ordinances will now go before the Annual Town Meeting on June 27<sup>th</sup>.

**VII. New Business- None**

**VIII. Public Comments-None**

**IX. Reports/Comments from members**

**Rick Bury** commented that he would like to express his annual concern that he does not understand why the Town of Machiasport doesn't deal with the Junkyard Ordinance. He stated he was concerned that the largest junkyard may be leaching and could be getting worse, and wondered why the Selectmen will not enforce the Junkyard Ordinance.

**Bill Prescott, Jr.** noted that without enforcement of the Junkyard Ordinance, it allows the number of junkyards to increase and the number of estimated junkyards in Town is anywhere between 15-30. He suggested that perhaps the CEO could nudge the Selectmen to enforce this Ordinance.

**Jim Bradley, CEO** said he has spoken to the Selectmen in the past as the Ordinance states that the Selectmen, not the CEO, enforce the Junkyard Ordinance. He said he would be happy to assist the Selectmen with enforcement and informed them that it could take three (3) years to bring the town into full compliance. He estimates the cost to enforce the Ordinance to be \$7,000 per year for the first two (2) years and \$5,000 for the third year. He noted that enforcement such as this involves a time consuming legal process and noted that once enforcement begins, the State Police can assist, if necessary.

**Rick Bury** asked if the Parking Ban Ordinance could remove some of these junk cars adjacent to the roadway.

**Jim Bradley, CEO** said it could, but still does not address the Junkyard Ordinance. He noted that the State Law defines the size of junkyards and what constitutes a junkyard.

**Jeff Huntley** wondered if the Town could just go after the "major" junkyards and if it might be time for the Ordinance Committee to rewrite the Junkyard Ordinance.

**Rick Bury** suggested that perhaps we should ask the townspeople if they want the Town to enforce the Junkyard Ordinance.

**Bill Prescott, Jr.** noted that since the Planning Board will not meet before the July 14, 2016 regularly scheduled meeting he will ask the Secretary to prepare the agenda for that meeting. He noted that the Selectmen will meet on the June 28, 2016 (day after the Annual Town Meeting) to make their annual appointments and then the Planning Board can elect the Chair and Vice Chair for the 2016-2017 FY at the Board's July meeting.

**Shirley Erickson** reported that she had attended the May 16, 2016 Board of Selectmen's meeting and suggested the following:

- The Selectmen write a letter to the USACE to seek clarification on their Proposed Plan related to Land Use Controls.
- The Selectmen write a letter to the Maine Department of Corrections to request that they dismantle the base housing units due to their continued deteriorating condition.

- Consider sponsoring an annual Town clean-up day much like the Town of Machias just conducted.

Shirley Erickson also noted that she had recently visited the Town of Cutler and noticed that their tax maps include the SLZ information. She stated that she found them helpful and thought it would be something for the Town of Machiasport to think about doing.

**X. Adjournment**

**MOTION made by Rick Bury seconded by Michael Hinerman to adjourn the Planning Board meeting at 8:45 pm. Motion passed unanimously.**

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

**Note: This meeting was also tape recorded. A copy of the recording is available for review at the Town Office during regular business hours.**

Approved by the Planning Board \_\_\_\_\_  
Date

Attested by: \_\_\_\_\_  
Bill Prescott, Jr., Chair, Planning Board

**The next meeting for the Planning Board will be held on July 14, 2016.**