

Planning Board Meeting
October 10, 2017
7PM

In attendance: Hank Aho, Jesse Casas, Mitch Garnett, Ashley Hebert, Steve Ocean, Dave Studer, Bob Temple, Dave Williams Public: Dale Brann, Douglas Brann, Paul Gibbons, Joshua Carle

Mitch Garnett called the meeting to order at 7:00PM with roll call and welcomed Ashley Hebert as the new alternate member to the Planning Board.

Steve Ocean moved to accept the 08/08/17 summary, David Williams seconded, all in favor.

Mitch Garnett asked if anyone had any questions regarding Bob Temple's CEO report. David Williams had a question about two permits having the same 911 address. **Steve Ocean moved to accept Bob Temple report with correction, David Williams seconded, all in favor.**

New Business

Request by Douglas and Dale Brann to create a nonconforming lot for their daughter on Brann Road. Bob Temple explained that he incorporated all the standards for a nonconforming lot for a family member and met with the applicant to prepare the draft Finding of Fact. This will be used for a basis to review the application. Doug Brann stated his daughter would like to build a summer home. They have no way to give her a conforming lot with road frontage. Bob Temple told them they could gift a lot. They sectioned off 1.2 acres to gift to her to build a house (20 X 24 cabin style). It would only be accessed from Brann Road, private road. Mr. Studer told the Brann's they would need to put a basic septic plan. Dave Studer asked about the lot size in that district (5 acres and could have ½ of that-for nonconforming). Mr. Brann stated that it would be back 500 feet from road and it is a nonconforming lot. Dave asked if Mr. Brann could give her 2.5 acres; he can but some of it will go within 500 feet of Vanner Road. **Dave Studer moved to approve conditional on meeting on all criteria.** Hank Aho asked if the house is on his lot. Doug Brann presented the full map of the property. **Dave Studer withdrew his motion.** There was discussion about meeting road frontage. Doug stated they could give 2.5 acres but not 5 acres. The Board went through the Finding of Fact - #7 needs to be changed to and stated on the deed that you can't transfer the property to someone else within 5 years; #12 lot size changed to 2.5 acres; #13 – applicant has enough acreage to make a 5 acre parcel and have 300 foot frontage the map was looked at. Mr. Brann stated they cannot give a 5 acre lot with enough road frontage for a conforming lot. Steve Ocean stated Mr. Brann needs to give a reason why he cannot create a lot that meets the minimum size. Mr. Brann stated there is not enough road frontage on Vanner Road to meet the minimum lot size. Road frontage from Vanner Road changes the district from Farm and Forest to Rural. There was continued discussion regarding road frontage. Dave Studer asked if the Board believe the applicant could have a 5 acre parcel with the right amount of frontage (Mr. Brann stated a 5 acre lot will not happen; 2.5 acre is doable). Dave Studer stated if the Board finds the applicant cannot create something that meets all the standards then we can grant the exemption. Hank Aho asked if the Brann Road is deeded right of way; Mr. Brann said it is a deeded access. Mitch Garnett explained: Mr. Brann that it comes down to the fact that if

you can supply the Board a reason why you can't make it a conforming lot. If it's the road frontage that the applicant meet the minimum lot size and minimum road frontage for Farm and Forest. The applicant stated he would be able to meet the minimum lot size but not the minimum road frontage. If the applicant can give the measurement of the road frontage and it's less than what is required than there is reason to ask for a non-conforming lot. Mitch Garnett explained, showing on the map, that if the total frontage is less than 300 feet; the applicant said it is more than 300 feet. Mitch Garnett stated the Board is bound by the ordinance to consider that the applicant can give a lot that meets the standard (5 acres with the right frontage). Mitch Garnett stated this cannot be approved without a reason that this won't meet the minimum standard for Farm and Forest. Mitch Garnett stated the Board cannot approve the application for a non-conforming family lot as it is. Mitch Garnett asked Mr. Brann if he is withdrawing his application. Mr. Brann said, "Looks like it. I can't do anything. Ridiculous, in a town like this that you can't give up an acre of land to one of your children. This isn't New York City."

Mitch Garnett moved to the next new business: Request by J. Carle regarding existing building and new addition in the Commercial District for an informal discussion. The building is on Augusta Road, Old Vigue garage. Wants Planning Board input regarding processing stone using stone from off site.

Paul Gibbons, Mr. Carle's attorney, stated that Mr. Carle wants to make sure he can put his business there. He knows, from reading the ordinance, that he would need a site plan review. Mr. Gibbons suggested he come to the Board informally to find out if he can put his business here rather than going through the expense of having a site plan done then find out he can't do it. They would like feedback from the Planning Board, at this pre-application meeting, because it's an unusual set of circumstances.

Jesse Casas, in interest of full disclosure, stated he and Josh have known each other professionally and personally. Josh did call Jesse about this situation and Jesse recommended the same thing his attorney did, to come here.

Paul Gibbons passed out a tax map showing that the property is in both commercial/rural and rural districts going back over 500 feet. By looking at the non-conforming use standard in section 7, it says you can change one non-conforming use to another non-conforming use so long as the use will be deemed to have been brought into closer conformance with the provision of this ordinance or have been made no worse. What they are proposing is a non-conforming use. If the Board finds that what they are trying to do is less non-conforming than what is there now then they can proceed forward to change one non-conforming use to another non-conforming use.

Joshua Carle explained what he is planning to do, presenting the Board with a booklet of products they make. They quarry stone and bring it in fabricating stone into patio, walkways, counter tops anything that has do with the residential side; they do not do commercial work. The material is brought in, run through the saws (inside the building), fabricated. and then shipped back out. All the saws run off water to keep the dust down and use water processing presses to recycle the water so it is a closed loop. There are five various size saws; the noise is minimal.

Dave Studer stated the last permit, on that property, was given for auto recycling.

Mitch Garnett asked if the proposed use is manufacturing. Paul Gibbons stated it is light manufacturing bringing to the Board's attention the definition of mineral processing which this proposal is not mineral processing which is prohibited in this district. If we come back with

light industrial and the Board says it is a use we can put there then we will present a site plan. Paul invited the Board to Joshua Carle's other facility in Rockport to listen about the noise. Hank Aho stated non-conforming uses discontinued for two years, that lapse. Paul Gibbons stated the site is not completely abandoned. Dave Studer stated this property was presented with a Conditional Use Permit. Dave Studer asked where the rock would be coming from to fabricate. Joshua Carle stated it would come from their three primary quarries (Belfast, York, Swanville). They will use the existing building and build another one similar to the size that is there.

Bob Temple explained that he had visited the site in Rockport. If they present an application to the Board, we need to look at Article 4, which deals with permits and the permit application in terms of submissions – fairly routine; deal with non-conformance to make a decision in a finding of fact that it's less non-conforming; district regulations and definitions (commercial enterprise or not, etc.). It is not the typical manufacturing type hardly any noise.

According to the definition, Jesse Casas stated this is not mineral processing.

Steve Ocean suggested we consult with Peter Drum regarding the non-conforming before we give an answer.

Hank Aho stated which ever road the Board goes down we need to consider this carefully and be able to explain it to the public.

Mitch Garnett explained that the Board needs time to get some legal advice.

Paul Gibbons stated his client will apply for a permit without a site plan review. This is an opportunity to have something that is an improvement than what is there now, it won't bother anyone, it's quiet and people will be employed.

Hank Aho stated that mineral processing is directly related to mineral excavation which this is not the case.

Mitch Garnett asked what type of permit they would apply for.

Paul Gibbons stated his client will apply for a permit to allow for the operation under paragraph 14 – structure greater than 1200 square feet as similar to other structures in the area and we don't think it is mineral processing. Light manufacturing is not permitted in this district.

Hank Aho stated this gets you the building how will you apply for the use?

Paul Gibbons stated that one of the permitted uses, in the ordinance, is similar uses included in the North American Industry Classification System of the United States (NAICS).

Mitch Garnett suggested applying right up front what the use will be; how it will be cleaned up and made into an operation with employed people and it will be an asset to the town. In the spirit of the ordinance, it fits with what the writers of the ordinance were trying to do not to have another rock crusher there but a processing/manufacturing operation. Eventually there would be a public hearing.

There was some discussion regarding a possible visit to the facility in Rockport.

Dave Williams moved to adjourn the meeting at 8:42pm.

Respectfully submitted,

Mary Anderson

