

**TOWN OF TREMONT
PUBLIC HEARING
TREMONT COMMUNITY BUILDING
TUESDAY, MARCH 22, 2005
6:00 PM**

Planning Board Chairman George Urbanneck opened the Public Hearing held on Tuesday, March 22, 2005, at 6:00 pm for final plan review of a subdivision application submitted by Douglas Gott Map 7 Lot 15, Residential – Business Zone. The subdivision of a 12.7 acre portion of Lot 15 on Kelleytown Rd & Alder Lane, into six residential house lots “Alder Lane Subdivision.”

Present were Chairman George Urbanneck, Planning Board Members Wayne Patton, Jim Keene, Galen Warman, Mike Ryan and Linda Graham, CEO Millard Billings, and Recording Secretary Debbi Nickerson.

Members of the public present were Carlton Johnson, Alex Harley – Johnson, Tim Brochu with CES, Inc., Roger St Amard, Douglas Gott, John Kelly with Acadia National Park, Margo Stanley and Eric Davis.

There was no discussion.

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Galen Warman, to close the Public Hearing. Motion passed by a show of hands 6-0. The Hearing was closed at 6:01 pm.

Planning Board Chairman George Urbanneck opened the Public Hearing held on Tuesday, March 22, 2005, at 6:01 pm for preliminary plan review of a subdivision application submitted by CES, Inc. for Ralph Shapiro Map 11 Lot 25, Rural Residential Zone. The subdivision of 26 acres into six residential house lots between Tremont Rd. and Hodgdon Pond.

Present were Chairman George Urbanneck, Planning Board Members Wayne Patton, Jim Keene, Galen Warman, Mike Ryan and Linda Graham, CEO Millard Billings, and Recording Secretary Debbi Nickerson.

Members of the public present were Carlton Johnson, Alex Harley – Johnson, Tim Brochu with CES, Inc., Roger St Amard, Douglas Gott, John Kelly with Acadia National Park, Margo Stanley and Eric Davis.

There was no discussion.

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Galen Warman, to close the Public Hearing. Motion passed by a show of hands 6-0. The Hearing was closed at 6:02 pm.

**TOWN OF TREMONT
REGULAR PLANNING BOARD MEETING
TREMONT COMMUNITY BUILDING
TUESDAY, MARCH 22, 2005
IMMEDIATELY FOLLOWING THE PUBLIC HEARING**

1. CALL TO ORDER

Planning Board Chairman George Urbanneck called the regular March 22, 2005 meeting of the Planning Board to order at 6:02 pm.

2. ROLL CALL

Present were Chairman George Urbanneck, Planning Board Members Wayne Patton, Jim Keene, Galen Warman, Mike Ryan and Linda Graham, CEO Millard Billings, and Recording Secretary Debbi Nickerson, Planning Board Member Heath Higgins arrived at 6:30 pm.

Members of the public present were Carlton Johnson, Alex Harley – Johnson, Tim Brochu with CES, Inc., Roger St Amard, Douglas Gott, John Kelly with Acadia National Park, Margo Stanley and Eric Davis.

3. ADJUSTMENTS/ ADOPTION OF AGENDA

None

4. APPROVAL OF MINUTES

A. Minutes of March 8, 2005 Planning Board Meeting

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Jim Keene, to accept the minutes as written. Motion passed by a show of hands 6-0.

5. SUBDIVISIONS

A. Preliminary Plan Review – CES, Inc. for Ralph Shapiro – Map 11 Lot 25 Rural Residential Zone. The subdivision of 26 acres into six residential house lots between Tremont Rd. and Hodgdon Pond.

Tim Brochu, Engineer and Surveyor with CES, Inc., representing Ralph Shapiro, explained the foot path has been removed from the subdivision plans.

Chairman Urbanneck asked, “Mr. Shapiro’s just selling the lots, or is he going to build houses?” Mr. Brochu responded, “He’s just going to be selling lots. He’s not a builder, he’s just selling.” Chairman Urbanneck commented, “I think you’ve addressed all the issues that we had brought up last time.”

1. On the application – owner and applicant. The property owner is now listed on the plan.

2. Proposed well sites are marked on the plan.

3. The name of Route 102 changed from Pretty Marsh Rd. to Tremont Rd.

Mr. Brochu asked, “For our final Mylar plan, we’d like to take the topo off.”

Chairman Urbanneck assured him that was fine.

Chairman Urbanneck asked for clarification of the 100' and 250' set-backs listed on the plans. Mr. Brochu explained they are a State requirement.

- Chairman Urbanneck said, "I just want to be sure its clear regarding the Phosphorous Control Notes, I believe its 75' down hill from any disturbed, but it doesn't say that here. It just says a buffer strip of 75' minim. I don't want a prospective buyer to be confused about where the 75' {buffer is}." Mr. Brochu agreed to make it clearer. Chairman Urbanneck said, "You should have the wording identical to what we have, then it will be very clear. And it wouldn't be a bad idea to include the following practices and activities are restricted within the buffer, so again a prospective buyer of one of these lots knows exactly what they're in for. "
- "The shore easement is still listed," said Chairman Urbanneck. Planning Board Member Wayne Patton asked, "He had mentioned something about a fire pond on there and I didn't know if they'd given it any more thought." Mr. Brochu replied, "Yes, we did. We looked into the soils and the sub-service conditions. I was there to see if we had any possible areas to do something like that. He went on to explain, "To have a pond you need to have some type of area where you're going to have water and you've got to be able to dig it down." What CES, Inc. found was a very shallow restrictive layer. Mr. Brochu said, "It appears to us we probably won't be able to put an open fire pond on the property." Chairman Urbanneck assured Mr. Brochu a water supply was not mandated.
- Planning Board Member Jim Keene asked to have "Tremont Fire Department" written under E., to identify method of fire protection on the application.

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Linda Graham, to accept as complete the preliminary application of Ralph Shapiro, whose business is Dawn Ventures, on his application dated 02/15/2005. Motion passed by a show of hands 6-0.

Planning Board Member Jim Keene asked Mr. Brochu to add a few lines to the Mylar to be sure there would be enough for all of the Planning Board to sign. CEO Millard Billings asked if April 12th would be acceptable for Final Review. All agreed; Final Review set for April 12, 2005.

- B. Final Plan Review – Doug Gott – Map 7 Lot 15 Residential – Business Zone to subdivide portions of lots 7 & 7-1 on Ickatika Rd. into 22 residential house lots "Ickatika Estates".

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Mike Ryan, to accept for approval Ickatika Subdivision dated 9/22/04 Final Plan. Motion passed by a show of hands 6-0-1, Planning Board Member Heath Higgins abstained, he had just arrived.

- C. Final Plan Review – Doug Gott – Map 7 Lot 15 Residential – Business Zone a subdivision of a 12.7 acre portion of Lot 15 on Kelleytown Rd. & Alder Lane, into six residential house lots “Alder Lane Subdivision”.

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Linda Graham, accept the Alder Lane Subdivision application dated 10/20/04 for final approval. Motion passed by a show of hands 7-0.

6. NEW BUSINESS

- A. Douglas Gott – Map 7 Lot 15 – Residential – Business Zone. To construct a road twenty feet wide with three foot shoulders for a length of 1200 feet on the end of Alder Lane.

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Linda Graham, to accept the Town of Tremont application from Doug Gott dated 03/04/05 to construct a subdivision road 20’ wide with 3’ shoulders for the length of 1200 feet in the Alder Lane Subdivision. Motion passed by a show of hands 7-0.

- B. Douglas Gott – Map 5 Lot 15 – Residential – Business Zone. To excavate 18,000 yards of ledge in an area 210 feet by 210 feet adjacent to existing excavated area and stockpile on site for future use.

John Kelly, with the National Park Service, asked, “I was wondering, is this location in proximity to property of the {Acadia National} Park border?” Mr. Gott responded, “No, it doesn’t border the Park.” Chairman Urbanneck said, “In response to your question, it looks like we’re about 1,000 feet.” Mr. Kelly said, “Yes, we had the lot up against the Park, and it’s not.” Planning Board Member Galen Warman asked, “Is there anything left up there or will this finish it?” Mr. Gott responded, “There could be, it’s all ledge up there.”

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Galen Warman, to accept the Town of Tremont application dated 03/03/05 from Douglas Gott to excavated 18,000 yards of ledge in a 210 x 210’ area adjoining an existing excavated area. Motion passed by a show of hands 7-0.

- C. Eric Davis representing Howard Monroe – Map 3 Lot 51 – Limited Residential Shoreland Zone. An application for an “After the Fact” Permit to Change the Use of the permitted garage area into living area.

Eric Davis explained the area in the garage where a car could be parked will now be an office/sitting area. Chairman Urbanneck said, “You say in the application ‘Convert previously permitted garage area to guest house.’” Mr. Davis said, “I thought that’s what the board wanted. It’s not a residence.” Chairman Urbanneck stated, “It’s not a dwelling unit, there are no cooking facilities, etc.” “No”, was the response from Mr. Davis. Planning Board Member Jim Keene asked, “That’s on either level?” Mr. Davis replied, “Correct”. Chairman Urbanneck said, “I’d like the minutes to reflect the applicant understands it’s not to be used as a dwelling area including kitchen facilities, etc.” Planning Board Member Wayne

Patton asked, "When you say an office and sitting area, are you talking like a waiting room?" Mr. Davis explained it's a desk and computer, couch and TV. Planning Board Member Wayne Patton asked, "So it's a recreation area?" "Yes" was the response. Chairman Urbanneck asked, "This isn't a home occupation – it's not conducting business?" Mr. Davis replied, "No, it's just for personnel." Chairman Urbanneck asked, "The size of the garage is not being expanded?" "No." Chairman Urbanneck said, "The applicant agrees it's not to be used as a home occupation."

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Linda Graham, to accept the Town of Tremont application, dated 3/14/05, for Eric Davis representing Howard Monroe for an after the fact permit correcting the previously permitted garage to be a lounge and computer space. Motion passed by a show of hands 7-0.

7. OLD BUSINESS

- A. Carlton Johnson representing Up Harbor Marina – Map 17 Lot 18 – Commercial Fisheries/Maritime Activity Zone. An application for a Change of Use to move the residential use from building #1 to building #2 and the commercial use from building #2 to building #1.

Chairman Urbanneck read into the record a letter dated March 15, 2005 from Tracey Thibault, Assistant Shoreland Zoning Coordinator, Bureau of Land and Water Quality (see attached).

Mr. Johnson explained how he'd like to flip the Change of Use between buildings. Planning Board Member Jim Keene asked, "You are in agreement with the letter as it was read particularly the last sentence of the first paragraph, which says, "As I understand it the owner would like to move the residence back to one of the repair warehouses and move his office into the smaller structure closer to the water where the residence is currently located?" Mr. Johnson replied, "Correct." Planning Board Member Jim Keene said, "As to the question of whether the 30% rule applies, yes he's not changing the building footprint, but he is changing the footprint of the use. . . He may move his residential facility into the back end of the other building – the non-water end of the other building, but he would be limited to 780 square feet (600 existing square feet plus 30%)." Mr. Johnson did a quick calculation to discover his proposed plan for building #2 was 2,207 square feet.

Motion made by Planning Board Member Jim Keene, with second by Planning Board Member Heath Higgins, to approve the application of Up Harbor Marina, dated 3/14/05, for a Change of Use for residence move from building #1 to building #2 and to put commercial use from building #2 into building #1. Motion was declined by a show of hands 0-6-1. Chairman Urbanneck said, "The application has been denied based on Zoning Ordinance VII. D. 1. a. The proposed expansion of the non-conforming use exceeds thirty percent of the existing use." Chairman George Urbanneck, Planning Board Members Jim Keene, Mike Ryan, Heath Higgins, Linda Graham and Galen Warman opposed, Planning Board Member Wayne Patton abstained for personal reasons.

B. Report of Land use Ordinance Committee

CEO Millard Billings told the Board the first Public Hearings for Ordinance changes will be held on April 5th. The Planning Board decided to only submit the Subdivision change for this year's Town Meeting. Chairman Urbanneck said, "I would request the Zoning Ordinance Committee to continue to look at the buffering. I think that's the next big issue we really have to deal with."

8. CEO ISSUES

CEO Billings informed the Board he has sent out two Notices of Violation (see attached).

9. NOTICES

Chairman Urbanneck reminded the Board of the Hancock County Planning Commission Meeting March 31, 2005, at 6:00 pm, at the White Birches.

10. OTHER

None

11. SET DATE FOR NEXT MEETING

April 12, 2005

12. ADJOURN

Motion made by Planning Board Member Jim Keene, with second by Planning Board Member Linda Graham, to adjourn the meeting at 8:00 pm. Motion passed by a show of hands 7-0.

Respectfully submitted,

Debbi Nickerson,
Recording Secretary

George Urbanneck