

**TOWN OF TREMONT
REGULAR PLANNING BOARD MEETING
TREMONT COMMUNITY BUILDING
TUESDAY, MARCH 8, 2005
6:00 PM**

1. CALL TO ORDER

Chairman George Urbanneck called the Tuesday, March 8, 2005 meeting of the Planning Board to order at 6:00 PM.

2. ROLL CALL

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

Members of the public present were Carlton Johnson, John F Adams Jr., Phyllis Adams, Eric Davis, and Art Pane.

3. ADJUSTMENTS/ADOPTION OF AGENDA

None

4. APPROVAL OF MINUTES

A. Chairman George Urbanneck asked to have pg. 2, 5. Subdivisions A. Last sentence change from "Final Plan Approval scheduled for March 22, 2005." to "Final Plan Review scheduled for March 22, 2005." and pg. 3, 5. Subdivisions B. change from "Preliminary Plan approval set for March 22, 2005." to "Preliminary Plan review set for March 22, 2005."

Motion made by Planning Board Member Jim Keene, with second by Planning Board Member Galen Warman, to accept the minutes as revised. Motion passed by a show of hands 6-0-1, Heath Higgins abstained; he was not present at the meeting.

5. SUBDIVISIONS

None

6. NEW BUSINESS

A. Carlton Johnson representing Up Harbor Marine – Map 17 Lot 18 – Commercial Fishery/Maritime Activity Shoreland Zone. To add an eight foot by thirty foot finger float onto the southern end of an existing float system. Carlton Johnson explained he had met with the Harbor Committee last month and they seemed to approve of his plan. Planning Board Member Jim Keene asked, "How long is the present last float on there?" Mr. Johnson answered, "That is 35 feet." Planning Board Member Jim Keene then asked, "The float that you purpose to add is 5 feet short of that?" The answer was "Correct." Chairman Urbanneck asked if Mr. Johnson had applied with the Army Corp of Engineers. Mr. Johnson explained, "The procedure I've been told to do is Harbor Committee, Planning Board and

then 'Permit by Rule'." He went on to explain, "If I decide to put a piling on the end for security, as opposed to a mooring, then I'll need DEP as well." Planning Board Member Jim Keene asked, "How close would the end of that be to the riparian rights of the property next to you?" Mr. Johnson responded, "Over 25 feet." Planning Board Member Wayne Patton asked, "Are you putting power and water out on that one?" Mr. Johnson responded, "Correct." Chairman George Urbanneck read the parking requirements to the Board and Mr. Johnson. Chairman Urbanneck did the calculations and discovered there must be at least 12 parking spaces. Mr. Johnson and Planning Board Member Wayne Patton agreed there was enough room for 12 cars. Chairman Urbanneck asked members of the public if there were any comments about Mr. Johnson's application for a finger float extension for Up Harbor Marine. Art Paine said, "The neighbors have been talking about it and the general view is that we want Carlton to do as well as he can with the marina. And we are completely in support of anything he has down there that's money related. As profitable as he can make that marina the happier we are."

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Linda Graham, to accept the Town of Tremont permit application for Up Harbor Marine, Carlton Johnson, dated 2/28/05 for an additional 8' X 30' float off the existing floats already in place. Conditional upon the Permit by Rule. Motion passed by a show of hands 7-0.

- B. Flood Hazard Development Permit Application – Carlton Johnson representing Up Harbor Marine – Map 17 Lot 18 to add an eight foot by thirty foot finger float onto the southern end of an existing float system.

Motion made by Planning Board Member Wayne Patton, with second by Planning Board Member Galen Warman, to accept the Flood Hazard permit for Carlton Johnson doing business as Up Harbor Marine, also make it conditional upon the granting of Permit by Rule by the Army Corp of Engineers. Motion passed by a show of hands 7-0.

- C. Carlton Johnson representing Up Harbor Marine – Map 17 Lot 18 – Commercial Fishery/Maritime Activity Shoreland Zone. To create a two bedroom apartment inside of Building Number 2 (the large commercial building on the right as you approach the pier). Planning Board Member Heath Higgins asked, "Is there a residence there now?" Mr. Johnson responded, "Yes. We have a cottage." Planning Board Member Higgins asked if this was additional. Mr. Johnson assured the Board this apartment would replace the cottage. Planning Board Member Jim Keene asked if the cottage would be torn down. Mr. Johnson said, "We won't tear it down. We won't use it as a residence." Planning Board Member Jim Keene asked, "Will this involve any change in height of the building in which you propose to put your apartment? And, what about the septic system?" Mr. Johnson replied, "We will be using the existing septic system that is there now." Chairman Urbanneck asked, "What is the floor area of the existing cottage?" Mr. Johnson did not know the answer. Chairman Urbanneck continued, "I have a problem, I don't know if it's completely kosher to transfer

grandfathered non-conforming use to another structure on the site. That just doesn't sound right to me." Mr. Johnson said, "I don't want to transfer the rights. What we want is that Commercial Fisheries Marine Activity allows us to have one residence there. What we'd like to do is do that in this building." Chairman Urbanneck pointed out that the Zoning Ordinance requires a 75' set-back for a residence. "So you say you want to use that building, but that's non-conforming for a residence," said Chairman Urbanneck. Planning Board Member Jim Keene asked, "What's the eventual plan for the present cottage?" Mr. Johnson replied, "I see that as a marina office. Also, we've had a number of people interested in renting space from us down there. . . The Bass Harbor Yacht Club needs a home. . . I'd like to see the Southwest Harbor Sailing Program for kids expanded to Tremont. It will be an office type of a set-up." Planning Board Member Heath Higgins said, "The new non-conforming use has to be moved back beyond the 75 foot mark. It's there. But relocating it, I'm not sure of the DEP regulations not just ours." Planning Board Member Mike Ryan asked, "What is the square footage of this building?" 1,753.68 was the response from Mr. Johnston. Planning Board Member Mike Ryan asked, "So there is no expansion on this existing building?" "No sir" replied Mr. Johnson. Planning Board Member Mike Ryan observed, "So you're just changing the inside of it." "Correct." Planning Board Member Mike Ryan asked, "How big is the present residence?" CEO Millard Billings said, "A little over 600." Planning Board Member Heath Higgins said, "I think as far as the permit goes, there should be more information about the sizes and plans, etc. I don't see dimensions on the old structure and its 600 square feet approximately. . . I don't see how anything's going to lay out, first floor, second floor . . . I don't want to prevent him from having his rights but I'd sure like to have more information on what's going to happen there."

Motion made by Planning Board Member Galen Warman, with second by Planning Board Member Linda Graham, to table as incomplete, need more detail on dimensions and set-backs and the new living space, floor plan detail. Motion passed by a show of hands 7-0.

7. OLD BUSINESS

- A. Eric Davis representing Howard Monroe – Map 3 Lot 51 – Limited Residential Shoreland Zone. To discuss the area that was approved as a garage and which has been converted to living area without first obtaining a permit. Eric Davis explained how the garage was converted to living space and the change of use permit was over looked by both he and Howard Monroe. CEO Millard Billings explained the area that was approved as a garage and which was taken to the Planning Board for a change of use permit and later withdrawn in favor of an addition to the garage has been converted to living area without first obtaining a permit. Chairman Urbanneck asked, "So the bottom line is that the applicant needs to get an after the fact permit for the shed/garage?" CEO Billings responded, "Change of use." CEO Billings went on to read from the Zoning Ordinance, pg. 36, 5. Completeness of Application (see attached). Chairman Urbanneck pointed out that neither Erick Davis as representative nor Howard

Monroe returned to the Planning Board within 35 days, therefore a new application needs to be submitted.

- B. Frank Reed representing Chantel Reed – Map 9 Lot 42B – Rural Residential Zone to discuss a Building Permit granted 8/12/02 to construct a 1 ½ story 3 bedroom house 30’ X 40’ and to widen existing driveway by 4 feet. This building was not started and was granted a one year time extension by the Board of Appeals on 7/29/03. Planning Board Members Mike Ryan and Wayne Patton noticed no one was present to discuss this permit with. Chairman Urbanneck asked, “Do we have a question we have to ask him or can we review this and make a decision?” CEO Millard Billings responded, “I’m not sure there is anything here for you to decide on. I just wanted to put all this in front of the Planning Board and make sure I was on solid ground with where I was going before this went to Board of Appeals.” CEO Billings went on to explain, “He was granted a building permit application. Then he was granted an extension on the building permit application. Then he built a garage/storage shed.” Planning Board Member Jim Keene asked, “When was this built?” The response was, “Last fall.” Planning Board Member Jim Keene asked, “2004?” CEO Billings replied, “No, prior to 2004 . . . Fall 2003.” Planning Board Member Jim Keene asked, “Do you know while you were looking if he had done excavating and “improvements” to the land in preparation for building within that time period?” CEO Billings replied, “Yes. It was assessed last April, so it really was built before July 04 when that permit ran out. . . . He did the road extension. He did some site work where he put the garage. When I approached him that he didn’t have a building permit for his garage/shed he said, ‘I have the building permit for this house. I’ve just made it smaller.’ At that time I said, ‘OK. If you want to use that permit for this building it’s OK because your allowed to build it smaller then this permit, but if you want to build a house you will have to come back for another building permit.’” Chairman George Urbanneck asked, “What does a building permit actually say?” Planning Board Member Linda Graham responded by paraphrasing the application, “Single family residential with 3 bedrooms; widen the driveway from Rt. 102 along the north fence of cemetery from 12’ to 16’.” Chairman Urbanneck wondered, “If that’s not what he built, shouldn’t he have gotten a new permit at the time to build a shed?” CEO Billings responded, “Probably.” Planning Board Member Wayne Patton said, “If he used that permit to build a garage then once he’s done with the garage he’s done with the permit. To do anything else he has to start again.” CEO Billing responded, “That was my position. He way over paid with the \$140 for the house for what the cost of the garage would be, if he was willing to let it go at that, fine.” Planning Board Member Heath Higgins said, “He can’t claim that shed is a significant start so he gets his 5 years.” Chairman Urbanneck noted, “16’ X 20’, that’s more then half the floor area, or foot print of the house, so he can’t be adding an additional 30’ X 40’ . . . It’s clear that he’ll still have another 30’ X 40’ house someplace.” The Planning Board Members agreed, Mrs. Reed needs to file a new application.

C. REPORT OF LAND USE ORDINANCE COMMITTEE

Chairman Urbanneck said, "I did read through the Ordinance, and I think Mike did too, and I don't see any conflict with the proposed Ordinance revision." CEO Millard Billings will forward the proposed changes to Sub-division and Stream definition to MMA for review before the Public Hearings begin.

8. CEO ISSUES

CEO Billings told the Board he had sent out a Notice of Violation/Order for Corrective Action to Monroe (see attached).

9. NOTICES

None

10. OTHER

Chairman Urbanneck asked CEO Billings to set a date for a site visit, on a convenient Saturday at 10 AM, to - Map 8 Lot 9 – Robert Egbert who has submitted an application for a pier, floats and ramps.

11. DATE FOR NEXT MEETING

Next Planning Board Meeting will be March 22, 2005

12. ADJOURN

Motion made by Planning Board Member Jim Keene, with second by Planning Board Member Linda Graham, to adjourn the meeting. Motion passed by a show of hands 7-0. The meeting was adjourned at 7:55 PM.

Respectfully submitted,

Debbi Nickerson,
Recording Secretary

George Urbanneck