

**Bucksport Planning Board**  
**6:30 P.M., Tuesday, October 7, 2014**  
**Bucksport Town Office**  
**50 Main Street**

**AGENDA**

- 1. Call to Order**
- 2. Roll Call**  

<input type="checkbox"/> Daniel See	<input type="checkbox"/> Steve Feite	<input type="checkbox"/> George Hanson
<input type="checkbox"/> Brian MacDonald	<input type="checkbox"/> Rosemary Bamford	<input type="checkbox"/> Edward Belcher
<input type="checkbox"/> David Grant		
- 3. Review and Acceptance of Minutes:** Minutes from the September 2, 2014 meeting.
- 4. Chair's Report**
- 5. Code Enforcement Officer's Report**
- 6. Limited Public Forum:** An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.
- 7. Unfinished Business:**
  - A. Act on the request to waive a survey for an application for a change of use from Residential to Commercial at 333 Central Street, Tax Map 5, Lot 55.  
Applicant: Kevin and Barbara Buza
- 8. New Business:**
  - A. Application for approval of a site expansion at 65 Heritage Park Road.  
Applicant: Eugene & Donna Berry
  - B. Application for approval of a change of use at 58 State Route 46.  
Applicant: Michael Ormsby
- 9. Administrative Business**
- 10. Discussion**
- 11. Adjournment**

**Bucksport Planning Board**  
**6:30 P.M., Tuesday, October 7, 2014**  
**Bucksport Town Office**  
**50 Main Street**

**MINUTES**

1. **Call to Order:** 6:30 P.M. by Edward Belcher, Acting Chair

2. **Roll Call**

<input checked="" type="checkbox"/> Daniel See	<input checked="" type="checkbox"/> Steve Feite	<input checked="" type="checkbox"/> George Hanson
<input checked="" type="checkbox"/> Brian MacDonald	<input type="checkbox"/> Rosemary Bamford	<input checked="" type="checkbox"/> Edward Belcher
<input checked="" type="checkbox"/> David Grant		

Staff present : Jeffrey Hammond, CEO

3. **Review and Acceptance of Minutes:** The draft minutes from the September 2, 2014 meetings were reviewed by the board.

MOTION(Hanson): To approve the September 2, 2014 meeting minutes.

SECOND(MacDonald)

DISCUSSION: None.

VOTE: 5-0 Motion adopted. (Member Grant arrived after this vote.)

4. **Chair's Report:** No report.

5. **Code Enforcement Officer's Report:** No report.

6. **Limited Public Forum:** An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.

Eugene Berry submitted a letter to board members pertaining to a filling issue raised by the CEO for his property at 65 Heritage Park Road. Board members read the letter. The CEO suggested that further discussion could take place during Mr. Berry's application review.

7. **Unfinished Business:**

- a. Act on the request to waive a survey for an application for a change of use from Residential to Commercial at 333 Central Street, Tax Map 5, Lot 55.**  
**Applicant: Kevin and Barbara Buza**

The applicant was not present, but aware of the agenda item. The CEO explained that the board did not act on the survey waiver request during their review of the application at the September 2<sup>nd</sup> meeting. This needed to be addressed.

The board discussed the importance of locating the property lines. The deed has a description of the boundary lines, but the lines are not marked on the ground. The CEO explained that property owners are required to identify their property lines when a setback needs to be measured, but a survey is not required. After further discussion, a motion was made:

MOTION(See): To grant the survey waiver request.

SECOND(MacDonald)

DISCUSSION: None.

VOTE: 6-0 Motion adopted.

8. **New Business:**

**a. Application for approval of a site expansion at 65 Heritage Park Road.  
Applicant: Eugene & Donna Berry**

Eugene Berry was present. He expressed his displeasure with having to appear before the board for an application review of a filling activity on his property at 65 Heritage Park Road. He asserted that the fill was for landscaping purposes, which could be conducted without a permit or review. The CEO informed the board that Mr. Berry would need to take his concern to the board of appeals if he disagreed with the CEO's decision about the need for a review. The planning board had no authority to dismiss an application on that basis.

The CEO went on to explain that Mr. Berry's application was incomplete and he had not paid an application review fee of \$50.00. In this situation, the ordinance requires that the application be dismissed without prejudice. Member Grant asked if the board could somehow grant approval of the application without having the fee paid and other application submissions provided, and he made a motion to that effect. After discussion, Member Grant withdrew his motion.

The CEO showed photos of the filled site and the approved site plan that identified the drainage path to be preserved. Mr. Berry's fill has blocked a portion of the drainage path. In addition, silt fence was installed in the drainage path and is acting as a dam. The CEO reminded the board that their duty was to review and act on the application or, if a review could not be conducted due to missing information or an unpaid fee, they were required to dismiss the application without prejudice. Because Mr. Berry had challenged the decision to require a review of the filling activity, a legal opinion was obtained from MMA legal services. The attorney agreed with the decision. A copy of the attorney's email was provided to board members and to Mr. Berry.

Member See raised the proposal again that the board review and approve the application as presented. After discussion, Member See changed his position and made a motion:

MOTION(See): To dismiss the application without prejudice.

SECOND(Hanson)

DISCUSSION: Member Grant asked for clarification of the motion. The CEO read the language from the ordinance addressing dismissals. Mr. Berry commented about being treated unfairly and his difficulties with the review process. Member Hanson concluded the discussion by defending the board's responsibilities and explaining to Mr. Berry about the duty of property owners to return to the board for approval of changes they wish to make to their original approved site plans.

VOTE: 5-0-1 Motion adopted (Member Grant abstained).

After Mr. Berry left, board members conducted a discussion about how filling activities should be regulated to ensure that property owners do not find themselves in situations similar to Mr. Berry's situation. The CEO emphasized that it is always prudent to inquire about regulations before starting any land improvement, but sometimes that is forgotten.

**b. Application for approval of a change of use at 58 State Route 46.  
Applicant: Michael Ormsby**

Michael Ormsby was present. Mr. Ormsby was requesting approval to change the occupancy of an existing building at 58 State Route 46 to an on-site and off-site service business, including a marine service business and a gunsmith business separately owned and operated. Both businesses would be moved from their present Main Street location. An addition would be constructed to house the gunsmith business.

The CEO conducted a brief introductory presentation.

The applicant had complied with all initial application content requirements. Evidence of ownership was submitted during the application review.

The Chair inquired if any board member had a conflict of interest or bias regarding the application. No one claimed a bias or conflict.

The chair invited public comments. No comments were received.

Upon conclusion of preliminary discussions, the board commenced their standards review.

#### ENVIRONMENT STANDARDS

The board found the following Environment Standards to be applicable:

Soil that may be exposed during any soil disturbance activity of the land use is adequately protected from unreasonable erosion and sedimentation.

DOCUMENTATION: It was noted that appropriate erosion control methods would be employed during the construction of site improvements. The board found this to be acceptable.

#### SPECIAL AREAS STANDARDS

The board determined that no Special Areas Standards were applicable.

#### LOCAL AREAS STANDARDS

The board found that no Local Areas Standards were applicable:

#### PUBLIC SAFETY STANDARDS

The board found the following Public Safety Standards to be applicable:

Public wastewater facilities are adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The applicant stated that bluing agents used by the gunsmith will be properly disposed of at a licensed facility. No hazardous chemicals will be disposed of in the public sewer.

The proper management of solid wastes is adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The applicant will make use of the town's transfer station for waste disposal.

SPECIFIC USES STANDARDS

The board found that no Specific Uses Standards were applicable:

DIMENSIONS STANDARDS

DIMENSIONS OBJECTIVES THAT MUST BE MET:

Sections 14.94, 14.9.5 and 14.9.6 which require a setback no less than ten feet from property lines for structures.

DOCUMENTATION: The applicant stated that the proposed addition will comply with minimum setbacks.

Upon conclusion of the standards review, the Board conducted their findings.

**FINDING FOR ENVIRONMENT STANDARDS**

MOTION: (Hanson) The proposed land use will have no impact on the environment that is contrary to the purposes of this ordinance.

SECOND: (Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted.

**FINDING FOR SPECIAL AREAS STANDARDS**

There are no applicable special areas objectives. A vote is not required.

**FINDING FOR LOCAL AREAS STANDARDS**

There are no applicable local areas standards. A vote is not required.

**FINDING FOR PUBLIC SAFETY STANDARDS**

MOTION: (See) The proposed land use will have no impact on public safety that is contrary to the purposes of this ordinance.

SECOND: (Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted.

**FINDING FOR SPECIFIC USES STANDARDS**

There are no applicable local areas standards. A vote is not required.

**FINDING FOR DIMENSIONS STANDARDS**

MOTION: (Grant) The proposed land use has met all applicable dimensional standards.

SECOND: (See)

DISCUSSION: None

VOTE: 6-0 motion adopted.

BASED ON THE CONCLUSIONS OF THE PLANNING BOARD AS DOCUMENTED ABOVE, THE PROPOSED LAND USE WILL NOT HAVE ANY IMPACT THAT IS CONTRARY TO THE PURPOSES OF APPENDIX K LAND USE AND, THEREFORE, THE APPLICATION IS APPROVED.

The applicant was advised of the Board's findings and decision.

9. **Administrative Business:** None
10. **Discussion:** The CEO informed the board of an upcoming meeting at the Alamo regarding redeveloping Wilson Hall, a dilapidated historical building in Bucksport. Don Houghton spoke to the board about his involvement in saving the building.
11. **Adjournment:** 8:33PM

Minutes prepared by  
Jeffrey Hammond  
Recording Secretary