

Bucksport Planning Board
6:30 P.M., Tuesday, June 5, 2012
Bucksport Town Office
50 Main Street

AGENDA
(Amended 5-23-12)

1. Call to Order

2. Roll Call

John Daniels

Marc Curtis

George Hanson

Gail Hallowell

Rosemary Bamford

Edward Belcher

David Grant

3. Review and Acceptance of Minutes: Minutes from the May 1st and May 15th, 2012 meetings.

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

8. New Business:

A. Application for approval to construct a water storage tower at 108 Silver Lake Road, tax map 01, lot 55.

Applicant: The Maine Water Company

B. Application for approval to occupy an existing storefront with an indoor recreational facility at 81 Main Street, tax map 32, lot 284.

Applicant: Bucksport Fitness

9. Administrative Business

10. Discussion

11. Adjournment

**Bucksport Planning Board
6:30 P.M., Tuesday, June 5, 2012
Bucksport Town Office
50 Main Street**

MINUTES

1. Call to Order: 6:30 P.M. by George Hanson, Chair

2. Roll Call

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> John Daniels | <input checked="" type="checkbox"/> Marc Curtis | <input checked="" type="checkbox"/> George Hanson |
| <input checked="" type="checkbox"/> Gail Hallowell | <input checked="" 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 May 1 & May 15, 2012 meetings were reviewed.

MOTION(Curtis): To approve the May 1 & May 15, 2012 meeting minutes.

SECOND(Bamford)

DISCUSSION: The Chair noted a spelling error. The CEO will correct the spelling of 'discussion' in the official copy of both the May 1st & May 15th minutes.

VOTE: 7-0 Motion adopted

4. Chair's Report: None.

5. Code Enforcement Officer's Report: The CEO reported that the Town of Bucksport has been designated a business friendly community by the Maine Department of Economic and Community Development. Copies of the approval letter were provided to board members. The chair will be attending the award ceremony in Augusta on June 6th along with Dave Milan, Economic Development Director, and Dave Keene, Bucksport Mayor.

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.

No public comments were received.

7. Unfinished Business: None.

8. New Business:

- A. Application for approval to construct a water storage tower at 108 Silver Lake Road, tax map 01, lot 55.
Applicant: The Maine Water Company**

Rick Knowlton was present to represent the applicant. The CEO conducted an introductory presentation. The applicant was requesting approval to replace an existing water tower with a larger water tower. The new tower would nearly double the storage capacity. No department directors expressed concerns. The application complied with all minimum content requirements.

The applicant explained the purpose of the tower, which will replace the existing tower constructed in 1927. The board inquired about the appearance of the structure, the

construction time, the demolition of the existing tank, the water pressure to be provided, inspection requirements, and if secondary containment would be provided in the event of a rupture.

The Chair inquired if any board member had a conflict of interest or bias regarding the application. No member responded in the affirmative.

The chair invited public comments. No comments were submitted.

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

Environment Standards: The board determined that the following environment standards were applicable:

1. Soils are suitable for the land use.
Documentation: It was noted that the tower design will be engineered and soils tests will be conducted.
2. Stormwater runoff from the land use is minimized to the greatest practical extent and adequately managed to reduce the risk of relevant detrimental effects.
Documentation: It was noted that the site plan shows adequate drainage features.
3. 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 BMPs would be employed during construction.

Special Areas Standards: The board determined that no special areas standards were applicable.

Local Areas Standards: The board determined that following local areas standards were applicable:

1. The scale and site features of the land use are consistent with the development patterns in the local area or neighborhood.
Documentation: It was noted that the site is currently developed with a water storage tank.
2. The land use is appropriately separated and shielded from abutting land uses and public or private ways to adequately mitigate any relevant detrimental effect.
Documentation: It was noted that the existing vegetated buffer will be maintained.
8. Any relevant detrimental effects of smoke and dust from the land use are adequately mitigated.
Documentation: It was noted that the vegetated buffer will mitigate dust impacts on abutting properties.
9. Any relevant detrimental effects of subterranean vibration from the land use are adequately mitigated.
Documentation: It was noted that a pre-blast survey would be conducted if blasting was required to install the structure.

Public Safety Standards: The board determined that the following public safety standard was applicable:

5. The proper management of solid wastes is adequately protected from any relevant detrimental effects of the land use.
Documentation: It was noted that existing debris on the property will be removed and disposed of during the construction project.

Specific Uses Standards: The board determined that the following specific use standard is applicable: Parking in Section 13.15.8.7.

Documentation: It was noted that the proposed parking lot would be sufficient to provide employee parking.

Dimensions Standards: The board determined that the following dimensional standards were applicable:

Section 14.9.4, 14.9.5 and 14.9.6, which require a minimum of 10 feet from front, side and rear property lines.

Documentation: It was noted that the site plan identified that the minimum setbacks would be met.

The board commenced their findings upon conclusion of the standards review.

MOTION(Bamford): To find that the proposed use will have no impact on the environment that is contrary to the purposes of this ordinance.

SECOND(Curtis)

DISCUSSION: None

VOTE: 7-0 motion adopted

No special area standards were found to be applicable, so a finding on these standards was not required.

MOTION(Bamford): To find that the proposed use will have no impact on local areas that is contrary to the purposes of this ordinance.

SECOND(Curtis)

DISCUSSION: None

VOTE: 7-0 motion adopted

MOTION(Curtis): To find that the proposed use will have no impact on public safety that is contrary to the purposes of this ordinance.

SECOND(Daniels)

DISCUSSION: None

VOTE: 7-0 motion adopted

MOTION(Bamford): To find that the proposed use has met all applicable specific use standards.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 7-0 motion adopted

MOTION(Bamford): To find that the proposed use has met all applicable dimensions standards.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 7-0 motion adopted

Upon conclusion of their findings, the chair advised the applicant that the application had been approved. The CEO will issue a land use permit.

**B. Application for approval to occupy an existing storefront with an indoor recreational facility at 81 Main Street, tax map 32, lot 284.
Applicant: Bucksport Fitness**

Elaine Morey was present to represent the applicant. The CEO conducted an introductory presentation. The applicant was requesting approval to occupy an existing storefront at 81 Main Street with a fitness studio. No department directors expressed concerns. The application complied with all minimum content requirements.

The applicant described her business, which is currently located at 98 Main Street. The new location will be smaller, but more suitable for her needs.

The Chair inquired if any board member had a conflict of interest or bias regarding the application. Member Hallowell indicated that her daughter owns the property. The board discussed the matter and a motion was made:

MOTION(Bamford): To find that Member Hallowell must be recused due to a question of bias.

SECOND(Curtis)

DISCUSSION: None

VOTE: 6-0-1 motion adopted (Hallowell abstained)

The chair invited public comments. No comments were submitted.

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

Environment Standards: The board determined that no environment standards were applicable.

Special Areas Standards: The board determined that no special areas standards were applicable.

Local Areas Standards: The board determined that following local areas standard was applicable:

- 5 Any relevant detrimental effects from noise are adequately mitigated.
Documentation: It was noted that recorded music will be played during classes, but a double exterior wall separates the space from an adjoining building. No noise impacts should occur.

Public Safety Standards: The board determined that no public safety standards were applicable:

Specific Uses Standards: The board determined that the following specific use standard is applicable: Parking in Section 13.15.8.7.

Documentation: It was noted that existing public parking along Main Street would be sufficient to meet off-street parking requirements for the use.

Dimensions Standards: The board determined that no dimensional standards were applicable.

The board commenced their findings upon conclusion of the standards review.

No environment standards were found to be applicable, so a finding on these standards was not required.

No special area standards were found to be applicable, so a finding on these standards was not required.

MOTION(Curtis): To find that the proposed use will have no impact on local areas that is contrary to the purposes of this ordinance.

SECOND(Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted

No public safety standards were found to be applicable, so a finding on these standards was not required.

MOTION(Bamford): To find that the proposed use has met all applicable specific use standards.

SECOND(Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted

No dimensions standards were found to be applicable, so a finding on these standards was not required.

Upon conclusion of their findings, the chair advised the applicant that the application had been approved. The CEO will issue a land use permit.

9. **Administrative Business:** None
10. **Discussion:** The CEO raised the following issues for discussion:
 1. Aside from the erosion control standard, there are really no standards that the board can apply to the construction phase of a project. However, the board typically does discuss and express expectations regarding the mitigation of construction-related impacts from such things as noise and dust. It was suggested that some construction standards should be in the ordinance if the board wished to regulate that activity. The board discussed the matter, but did not reach a decision on whether or not the ordinance should be updated.
 2. The procedure for determining applicability of performance standards seems to consume an inordinate amount of time. It was suggested that board members be assigned responsibility for reporting on a group of standards, rather than the chair handling the task. Preparation before the meeting is the key to make this approach work. The CEO noted that sometimes it appears that the standards are receiving their first review at the meeting because of the time consumed to decide applicability. The board discussed the matter, but did not decide if the CEO's suggested approach should be taken.
 3. The CEO encouraged all board members to be prepared to discuss their concerns and ask questions at the appropriate time during the application review. This is an ongoing issue that is most noticeable during the general questions segment of the application review. In addition to general questions, board members tend to ask questions that should be asked during the performance standards review. This results in time spent needlessly covering the same question more than once, making for an inefficient review process. The board discussed the matter, and it was suggested that the general question segment be eliminated as a solution. However, it was not decided to do so.

4. The CEO suggested that some items under consideration might be more efficiently handled through a consent agenda process. The board discussed this option, but was unsure exactly how it would work. The CEO will consult with other towns using this tool and report back to the board.
5. The CEO suggested that the board consider recommending to the town council that they review land use ordinance amendments proposed by the board directly, rather than routinely referring proposed amendments to their ordinance committee for their recommendations. The board discussed the matter and suggested that the new town manager should be consulted before taking any action.

11. **Adjournment:** 9:50PM

Minutes prepared by
Jeffrey Hammond
Recording Secretary