

Bucksport Planning Board
7:00 P.M., Tuesday, October 6, 2009
Bucksport Town Office
50 Main Street

AGENDA

1. **Call to Order**
2. **Roll Call**
 John Daniels Marc Curtis George Hanson
 Gail Hollowell Rosemary Bamford Edward Belcher
 David Grant
3. **Review and Acceptance of Minutes:** Minutes from the September 17, 2009, special meeting.
4. **Chairman's Report**
5. **Code Enforcement Officer's Report**
6. **Unfinished Business:** None
7. **New Business:**
 - A. Application for approval to change the use of a nonconforming structure in the Stream Protection Shoreland District. The applicant proposes to change the use of a structure at 6 Pine Street from commercial to residential.
Applicant: Kirk Davis for Jen Ming Chen
 - B. Application to establish a home occupation in the Limited Residential Shoreland District. The applicant proposes to offer massage therapy and neurofeedback therapy at 23 Hollow Lane.
Applicant: Stephanie Bridges
8. **Other Business**
9. **Discussion**
10. **Adjournment**

Bucksport Planning Board
7:00 P.M., Tuesday, October 6, 2009
Bucksport Town Office
50 Main Street

MINUTES

1. **Call to Order:** 7:00 P.M. by Chairman George Hanson

2. **Roll Call**

<input checked="" type="checkbox"/> John Daniels	<input 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:** Minutes from the September 17, 2009 special meeting were reviewed. On page 8 the section number for the vehicle access to site standard should be #1. On page 9, in standard #24, "were" should be "was" for proper verb tense.

MOTION(Bamford): To approve the September 17, 2009 Minutes, as amended.

SECOND(Hallowell)

DISCUSSION: None

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

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

5. **Code Enforcement Officer's Report:**

1. Al Gordon will be recognized at the town council meeting on October 8th.
2. A public hearing for the proposed land use ordinance will be held by the town council on October 8th.
3. The ordinance committee will be discussing burning regulations on October 8th at 6:00P.M.
4. Copies of the fall 2009 HCPC newsletter were handed out.
5. Copies of proposed changes to Article 5 of Chapter 4 were handed out.
6. The board was asked about interest in receiving copies of the 2010 handbook of land use laws. Member Bamford would like a copy.
7. The board was advised of other business to be taken up, including two subdivision issues and a late shoreland application.

6. **Unfinished Business:** The board reviewed the draft findings of fact for the 3 telecommunication facilities approved at the September 17th meeting.

MOTION(Bamford): To approve the findings of fact as submitted.

SECOND(Belcher)

DISCUSSION: None

VOTE: 6-0 motion adopted.

7. **New Business:**

- A. **Application for approval to change the use of a nonconforming structure in the Stream Protection Shoreland District. The applicant proposes to change the use of a structure at 6 Pine Street from commercial to residential.**

Applicant: Kirk Davis for Jen Ming Chen

Kirk Davis was present to represent the property owner. The CEO provided board members with copies of the application and conducted an introductory presentation with photos and maps. The owner would like to convert the use of the nonconforming structure to a two-family occupancy.

The board conducted a preliminary review of the application and found that it contained:

1. Date of receipt
2. Written responses to all requested information
3. Appropriately scaled site plan
4. Evidence of right, title or interest
5. Owner or agent signature

The board considered conducting a site visit.

MOTION(Grant): A site visit is not required.

SECOND(Bamford)

DISCUSSION: None

VOTE: 6-0 motion adopted.

The board considered if the application was complete.

MOTION(Grant): To find the application to be complete.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted.

The board considered if a public hearing was necessary.

MOTION(Grant): A public hearing is not necessary.

SECOND(Daniels)

DISCUSSION: None

VOTE: 6-0 motion adopted.

The board considered when to conduct the final review of the application.

MOTION(Daniels): To immediately conduct final review.

SECOND(Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted.

The board reviewed the applicable Section 15 Land Use Standards and noted no concerns. Adequate parking will be provided with space on the lot and in the garage.

The board conducted the criteria findings as follows:

The proposed land use:

Is in conformance with the provisions of Section 15, Land Use Standards.

MOTION(Hallowell): So moved.

SECOND(Bamford)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will not result in water pollution, erosion, or sedimentation to surface waters.

MOTION(Hallowell): So moved.

SECOND(Bamford)

DISCUSSION: None.

VOTE: 6-0 motion adopted

Will adequately provide for the disposal of all wastewater.

MOTION(Bamford): So moved.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

MOTION(Grant): So moved.

SECOND(Bamford)

DISCUSSION: None.

VOTE: 6-0 motion adopted

Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.

MOTION(Hallowell): So moved.

SECOND(Belcher)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will protect archaeological and historic resources as designated in the comprehensive plan.

MOTION(Daniels): So moved.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.

MOTION(Grant): So moved.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will avoid problems associated with floodplain development and use.

MOTION(Hallowell): So moved.

SECOND(Daniels)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will maintain safe and healthful conditions.

MOTION(Grant): So moved.

SECOND(Bamford)

DISCUSSION: None

VOTE: 6-0 motion adopted

The board considered their final decision on the application.

MOTION(Bamford): To approve the application, without conditions.

SECOND(Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted

**B. Application to establish a home occupation in the Limited Residential Shoreland District. The applicant proposes to offer massage therapy and neurofeedback therapy at 23 Hollow Lane.
Applicant: Stephanie Bridges**

Stephanie Bridges was present.

The CEO provided board members with copies of the application and conducted an introductory presentation with photos and maps. The applicant would like to establish a home occupation.

The board conducted a preliminary review of the application and found that it contained:

6. Date of receipt
7. Written responses to all requested information
8. Appropriately scaled site plan
9. Evidence of right, title or interest
10. Owner or agent signature

The board considered conducting a site visit.

MOTION(Bamford): A site visit is not required.

SECOND(Belcher)

DISCUSSION: None

VOTE: 6-0 motion adopted.

The board considered if the application was complete.

MOTION(Hallowell): To find the application to be complete.

SECOND(Belcher)

DISCUSSION: None

VOTE: 6-0 motion adopted.

The board considered if a public hearing was necessary.

MOTION(Grant): A public hearing is not necessary.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted.

The board considered when to conduct the final review of the application.

MOTION(Bamford): To immediately conduct final review.

SECOND(Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted.

The board reviewed the applicable Section 15 Land Use Standards and noted no concerns. Adequate parking will be provided in the existing parking lot.

The board conducted the criteria findings as follows:

The proposed land use:

Is in conformance with the provisions of Section 15, Land Use Standards.

MOTION(Bamford): So moved.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will not result in water pollution, erosion, or sedimentation to surface waters.

MOTION(Belcher): So moved.

SECOND(Hallowell)

DISCUSSION: None.

VOTE: 6-0 motion adopted

Will adequately provide for the disposal of all wastewater.

MOTION(Bamford): So moved.

SECOND(Daniels)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

MOTION(Grant): So moved.

SECOND(Belcher)

DISCUSSION: None.

VOTE: 6-0 motion adopted

Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.

MOTION(Bamford): So moved.

SECOND(Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will protect archaeological and historic resources as designated in the comprehensive plan.

MOTION(Daniels): So moved.

SECOND(Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.

MOTION(Bamford): So moved.

SECOND(Daniels)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will avoid problems associated with floodplain development and use.

MOTION(Hallowell): So moved.

SECOND(Bamford)
DISCUSSION: None
VOTE: 6-0 motion adopted

Will maintain safe and healthful conditions.

MOTION(Grant): So moved.
SECOND(Belcher)
DISCUSSION: None
VOTE: 6-0 motion adopted

The board considered their final decision on the application.

MOTION(Bamford): To approve the application, without conditions.
SECOND(Belcher)
DISCUSSION: None
VOTE: 6-0 motion adopted

8. Other Business:

1. The board received a request from Bruce Clement to confirm that the road construction for his mobile home park met the board's requirements. Mr. Clement showed the board pictures of the work completed on the road, which included the installation of a culvert and gravel. The CEO noted that the board placed a condition of approval on the subdivision plan that required improvements to the existing driveway providing access to the park lots before building permits may be issued. The board discussed the matter and the chair called for a motion:

MOTION(Grant): The road has been constructed to the satisfaction of the board.
SECOND(Bamford)
DISCUSSION: It was noted that an entrance permit for the improvements of the entrance was issued by the public works director.
VOTE: 6-0 motion adopted

2. The board received a request from David Saunders to extend the deadline of the required improvements in the Royal Ridge Subdivision by one year. The current deadline is May 10, 2010, and Mr. Saunders would like to delay paving to avoid damage from construction activity. The full length of the gravel road has been built. The CEO advised the board that the town's attorney opined that this may be reviewed as an administrative function and not as an amendment or revision of the subdivision. The board discussed the matter and the chair called for a motion:

MOTION(Bamford): To extend the deadline for completion of all required improvements to May 10, 2011, with the condition that Mr. Saunders obtains an updated letter of credit.
SECOND(Grant)
DISCUSSION: None.
VOTE: 6-0 motion adopted

Mr. Saunders asked the board to confirm that he may now sell any of the lots in his subdivision. He was not convinced that he could legally do this until the required improvements were completed.

MOTION(Hallowell): Mr. Saunders may sell any of the 13 lots in his subdivision.
SECOND(Grant)
DISCUSSION: None.
VOTE: 6-0 motion adopted

3. The board was asked to consider reviewing an application that was submitted after the agenda was posted. The application was for a new commercial use in the shoreland district and it did not require abutter notice. The board agreed to conduct a review of the application.

The applicant was Wayne Mayo, who proposed to operate an auction gallery at 98 Main Street. Mr. Mayo was present. The CEO explained that the proposed business was a significant change from the most recent use and it was decided that planning board approval was required.

The CEO provided board members with copies of the application and conducted an introductory presentation with photos and maps.

The board conducted a preliminary review of the application and found that it contained:

11. Date of receipt
12. Written responses to all requested information
13. Appropriately scaled site plan
14. Evidence of right, title or interest
15. Owner or agent signature

The board considered conducting a site visit.

MOTION(Bamford): A site visit is not required.
SECOND(Daniels)
DISCUSSION: None
VOTE: 6-0 motion adopted.

The board considered if the application was complete.

MOTION(Bamford): To find the application to be complete.
SECOND(Hallowell)
DISCUSSION: None
VOTE: 6-0 motion adopted.

The board considered if a public hearing was necessary.

MOTION(Grant): A public hearing is not necessary.
SECOND(Belcher)
DISCUSSION: None
VOTE: 6-0 motion adopted.

The board considered when to conduct the final review of the application.

MOTION(Bamford): To immediately conduct final review.
SECOND(Hallowell)
DISCUSSION: None
VOTE: 6-0 motion adopted.

The board reviewed the applicable Section 15 Land Use Standards and noted no concerns. Adequate parking will be provided by existing public parking in the vicinity.

The board conducted the criteria findings as follows:

The proposed land use:

Is in conformance with the provisions of Section 15, Land Use Standards.

MOTION(Hallowell): So moved.

SECOND(Grant)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will not result in water pollution, erosion, or sedimentation to surface waters.

MOTION(Daniels): So moved.

SECOND(Bamford)

DISCUSSION: None.

VOTE: 6-0 motion adopted

Will adequately provide for the disposal of all wastewater.

MOTION(Grant): So moved.

SECOND(Bamford)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

MOTION(Bamford): So moved.

SECOND(Hallowell)

DISCUSSION: None.

VOTE: 6-0 motion adopted

Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.

MOTION(Daniels): So moved.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will protect archaeological and historic resources as designated in the comprehensive plan.

MOTION(Bamford): So moved.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.

MOTION(Grant): So moved.

SECOND(Bamford)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will avoid problems associated with floodplain development and use.

MOTION(Grant): So moved.

SECOND(Bamford)

DISCUSSION: None

VOTE: 6-0 motion adopted

Will maintain safe and healthful conditions.

MOTION(Bamford): So moved.

SECOND(Daniels)

DISCUSSION: None

VOTE: 6-0 motion adopted

The board considered their final decision on the application.

MOTION(Bamford): To approve the application, without conditions.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0 motion adopted

9. **Discussion:** The CEO informed the board of the resolution of a shoreland violation at 1580 State Route 46. Pictures were displayed of the site before and after corrective actions were taken.

10. **Adjournment:** 9:24 P.M.

Minutes prepared by
Jeffrey Hammond
Recording Secretary