

**Bucksport Planning Board**  
**6:30 P.M., Tuesday, April 6, 2010**  
**Bucksport Town Office**  
**50 Main Street**

**AGENDA**

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 March 18, 2010, special meeting.
4. **Chairman's Report**
5. **Code Enforcement Officer's Report**
6. **Unfinished Business**
7. **New Business:**
  - A. Application for approval of a new commercial use in an existing structure in the C2 District. The applicant proposes to establish a take-out & eat-in restaurant at 10 State Route 46. The business name is Carrier's Mainely Lobster.  
  
Applicant: William Carrier Jr  
  
A public hearing will be conducted during the review of this application.
8. **Other Business:**
  - A. Continued review of the proposed Rules of Procedure.
  - B. Public hearing for a proposed amendment to Appendix K Land Use Ordinance. The amendment will change a mandatory public hearing for planning board application reviews to a public comment period.
  - C. Review of a proposed amendment to Appendix K Land Use Ordinance. The amendment will allow parking lots for public boat launching facilities to be located less than 50 feet from a shoreline, subject to certain conditions. The amendment will also change a portion of the Resource Protection Overlay District adjacent to Silver Lake to the Limited Residential Overlay District.
  - D. Election of Chairman and Secretary for the ensuing year.
9. **Discussion**
10. **Adjournment**

**Bucksport Planning Board  
6:30 P.M., Tuesday, April 6, 2010  
Bucksport Town Office  
50 Main Street**

**MINUTES**

1. **Call to Order:** 6:30 P.M. by Chairman George Hanson

2. **Roll Call**

- |  |  |  |
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| <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:** Minutes from the March 18, 2010 special meeting were reviewed.

MOTION(Curtis): To approve the March 18, 2010 Minutes, with the following amendments: on page 5, objective #5- change "recycles" to "recycled"; and on page 7, first paragraph after objective 6, improve syntax by breaking up sentence with multiple commas.

SECOND(Hallowell)

DISCUSSION: None

VOTE: 6-0-1 motion adopted (Member Grant abstained because he had a conflict of interest in the application review conducted at that meeting).

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

5. **Code Enforcement Officer's Report:** The CEO reported on the following:
1. The Leadbetter restaurant project on Main Street is expected to start soon. The building permit will be issued once a finalized floor plan is submitted.
  2. Eric Merritt has advised that his subdivision road at Brewer Lake will be open for inspection within a month. The CEO will inspect and report back to the board.
  3. The ordinance committee will be meeting at 6:00 P.M. on April 7<sup>th</sup> to discuss 3 proposed ordinances involving a requested change to the two-hour parking limit on Main Street, a change to setback requirements for parking lots serving public boat launching facilities, and a change to the regulation of bicycles. The CEO provided the board with copies of the proposed amendment to Chapter 12 involving the use of bicycles on public property.
  4. The town council will be holding a public hearing on April 8<sup>th</sup> on 3 proposed ordinances involving festival licensing, banner sign regulations and planning board standards.
  5. The CEO provided the board with an update on the drainage issues with the two AT&T cell tower sites. Improvements were made after an engineer inspected the sites, but a couple of questions remain and the CEO is trying to contact the engineer to discuss them. The board agreed that, once the CEO is satisfied with the drainage improvements, a letter of approval can be sent to AT&T.

6. **Unfinished Business:** None

**7. New Business:**

- A. Application for approval of a new commercial use in an existing structure in the C2 District. The applicant proposes to establish a take-out & eat-in restaurant at 10 State Route 46. The business name is Carrier’s Mainely Lobster.**

**Applicant: William Carrier Jr**

**A public hearing will be conducted during the review of this application.**

William Carrier Jr was present. David Pooler, licensed surveyor was also present for the applicant. The record of review is as follows:

Proposed Land Use: Restaurant, eat-in & take-out

Location: 10 State Route 46      Tax Map 27 Lot 03      Zoning District: C3

- 1.  CEO conducts introductory presentation

Notes: The board was shown photos of the project site and zoning district identification. The CEO noted that restaurants are permitted in the C3 District.

- 2.  Applicant conducts introductory presentation (optional)

Notes: The applicant provided a brief description of the proposed business.

- 3.  General questions from the Board

Notes: The board asked questions about the planned capacity of the restaurant.

- 4.  Board conducts public hearing

Notes: The public hearing was opened at 7:17. There was no public comment and the public hearing was closed at 7:17.

- 5.  Board conducts application review

ENVIRONMENT STANDARDS

ENVIRONMENT OBJECTIVES THAT MUST BE MET (EXCEPT AS NOTED N/A):

- N/A      1) Soils are suitable for the land use.  
DOCUMENTATION: There is no evidence of unstable soils.
- N/A      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: Site plan shows 140 sq. ft. of impervious surface to be added. Letter from Kiser & Kiser states that the site improvements will have an unmeasurable impact on stormwater discharge from the property. The board waived the requirement of a stormwater management plan.
- N/A      3) Soil that may be exposed during any soil disturbance activity of the land use is adequately protected from unreasonable erosion and sedimentation.  
DOCUMENTATION: Site plan refers to some erosion control measures. The board waived the requirement of a detailed erosion and sedimentation control plan.

- N/A 4) Surface and subsurface waters are adequately protected from the detrimental effects of any water pollutant from the land use.  
 DOCUMENTATION: The proposed use will not be introducing any pollutants on or into the ground.
- N/A 5) The ambient air environment is adequately protected from the detrimental effects of any air pollutant from the land use.  
 DOCUMENTATION: The proposed use will not produce any air pollutants.
- N/A 6) Significant wildlife habitat, and other important habitat as identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use.  
 DOCUMENTATION: The proposed use is not located in or adjacent to any significant wildlife habitat.
- N/A 7) Vegetation within any applicable shoreland district is protected from excessive cutting or removal.  
 DOCUMENTATION: The proposed use is not located in a shoreland district.
- N/A SITE VISIT DOCUMENTATION TO VERIFY COMPLIANCE WITH ANY ENVIRONMENT OBJECTIVE:  
 A site visit was not required by the board.
- N/A SPECIAL CONDITIONS TO ENSURE COMPLIANCE WITH ANY ENVIRONMENT OBJECTIVE:  
 There were no special conditions required by the board.

**FINDING**

Is there clear and convincing evidence in the record to support the conclusion that the above applicable environment objectives have been met? VOTE: 7YES 0 NO

There are no applicable environment objectives. A vote is not required.

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

The proposed land use will have an impact on the environment that is contrary to the purposes of this ordinance.

Comments: None

**SPECIAL AREAS STANDARDS**

**SPECIAL AREAS OBJECTIVES THAT MUST BE MET (EXCEPT AS NOTED N/A):**

- N/A 1) Areas of prehistorical and historical importance are adequately protected from any relevant detrimental effect of the land use.  
 DOCUMENTATION: The proposed use is not located in or adjacent to any area of prehistorical or historical importance.
- N/A 2) Vistas of scenic value are adequately protected from any relevant detrimental effect of the land use.  
 DOCUMENTATION: The proposed use is not located in any vista of scenic value.
- N/A 3) Areas for public access to water bodies, wetlands and areas developed with commercial fisheries and maritime activities are adequately protected from any relevant detrimental effect of the land use.  
 DOCUMENTATION: The proposed use is not located in any shoreland area.
- N/A 4) Areas of flood hazard are adequately protected from any relevant detrimental effect of the land use.  
 DOCUMENTATION: The proposed use is not located in any area of flood hazard.

- N/A 5) Areas with unique natural character identified in the Bucksport Comprehensive Plan, as adopted, are adequately protected from any relevant detrimental effect of the land use.  
DOCUMENTATION: The proposed use is not located in any area with unique natural character.
- N/A SITE VISIT DOCUMENTATION TO VERIFY COMPLIANCE WITH ANY SPECIAL AREAS OBJECTIVE:  
A site visit was not required by the board.
- N/A SPECIAL CONDITIONS TO ENSURE COMPLIANCE WITH ANY SPECIAL AREAS OBJECTIVE:  
There were no special conditions required by the board.

**FINDING**

Is there clear and convincing evidence in the record to support the conclusion that the above applicable special areas objectives have been met? VOTE: YES NO

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

The proposed land use will have no impact on special areas that is contrary to the purposes of this ordinance.

The proposed land use will have an impact on special areas that is contrary to the purposes of this ordinance.

Comments: None

**LOCAL AREAS STANDARDS**

**LOCAL AREAS OBJECTIVES THAT MUST BE MET (EXCEPT AS NOTED N/A):**

- N/A 1) The scale and site features of the land use are consistent with the development patterns in the local area or neighborhood.  
DOCUMENTATION: The proposed use will be located in an existing building.
- N/A 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: The site plan shows fencing to be installed and a vegetated buffer adjacent to an existing commercial use.
- N/A 3) Any relevant detrimental effects of electromagnetic fields from the land use are adequately mitigated.  
DOCUMENTATION: The proposed use will not generate electromagnetic fields.
- N/A 4) Any relevant detrimental effects of artificial lighting from the land use are adequately mitigated.  
DOCUMENTATION: The site plan shows yard lighting. An existing street light will also illuminate the parking area.
- N/A 5) Any relevant detrimental effects of noise from the land use are adequately mitigated.  
DOCUMENTATION: Noise from vehicle traffic will be mitigated by the fencing and vegetated buffer.
- N/A 6) Any relevant detrimental effects of nuisance odors from the land use are adequately mitigated.  
DOCUMENTATION: The proposed use will not generate any nuisance odors.

- N/A 7) The solar gain utilized by active or passive solar energy collection systems that may be impacted by the land use is adequately protected.  
DOCUMENTATION: The proposed use is not located in the path of any solar collection system.
- N/A 8) Any relevant detrimental effects of smoke and dust from the land use are adequately mitigated.  
DOCUMENTATION: The proposed use will not generate any smoke or dust.
- N/A 9) Any relevant detrimental effects of subterranean vibration from the land use are adequately mitigated.  
DOCUMENTATION: The proposed use will not generate any subterranean vibration.
- N/A SITE VISIT DOCUMENTATION TO VERIFY COMPLIANCE WITH ANY LOCAL AREAS OBJECTIVE:  
A site visit was not required by the board.
- N/A SPECIAL CONDITIONS TO ENSURE COMPLIANCE WITH ANY LOCAL AREAS OBJECTIVE:  
There were no special conditions required by the board.

**FINDING**

Is there clear and convincing evidence in the record to support the conclusion that the above applicable local areas objectives have been met? VOTE: 7YES 0 NO

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

The proposed land use will have no impact on local areas that is contrary to the purposes of this ordinance.

The proposed land use will have an impact on local areas that is contrary to the purposes of this ordinance.

Comments: None

**PUBLIC SAFETY STANDARDS**

**PUBLIC SAFETY OBJECTIVES THAT MUST BE MET (EXCEPT AS NOTED N/A):**

- N/A 1) The quantity and quality of public and private drinking water supplies are adequately protected from any relevant detrimental effects of the land use.  
DOCUMENTATION: The proposed use will have no impact on drinking water supplies.
- N/A 2) The safety and sufficiency of energy supply services are adequately protected from any relevant detrimental effects of the land use.  
DOCUMENTATION: The proposed use will have no impact on energy supplies.
- N/A 3) Public safety services are adequately protected from any relevant detrimental effects of the land use.  
DOCUMENTATION: The fire chief and police chief submitted letters in which they stated that their services will not be adversely impacted.
- N/A 4) Public wastewater facilities are adequately protected from any relevant detrimental effects of the land use.  
DOCUMENTATION: The director of the treatment plant submitted a letter stating that the proposed use will not adversely affect the public wastewater facility, provided a grease trap is installed.

- N/A 5) The proper management of solid wastes is adequately protected from any relevant detrimental effects of the land use.  
DOCUMENTATION: The applicant will provide seafood wastes to a local farmer for composting. Other solid wastes will be removed by a licensed contractor. Dumpsters on the lot will be appropriately screened from view from Route 1.
- N/A 6) The safety and sufficiency of streets and sidewalks are adequately protected from any relevant detrimental effects of the land use.  
DOCUMENTATION: The police chief did not identify any concerns about traffic safety from the increased vehicular traffic in and out of the parking lot for the proposed use.
- N/A SITE VISIT DOCUMENTATION TO VERIFY COMPLIANCE WITH ANY PUBLIC SAFETY OBJECTIVE:  
A site visit was not required by the board.
- N/A SPECIAL CONDITIONS TO ENSURE COMPLIANCE WITH ANY PUBLIC SAFETY OBJECTIVE:  
A grease trap must be installed.

**FINDING**

Is there clear and convincing evidence in the record to support the conclusion that the above applicable public safety objectives have been met? VOTE: 7YES 0 NO

- There are no applicable public safety objectives. A vote is not required.
- The proposed land use will have no impact on public safety that is contrary to the purposes of this ordinance.
- The proposed land use will have an impact on public safety that is contrary to the purposes of this ordinance.

Comments: None

**SPECIFIC USES STANDARDS**

**SPECIFIC USES OBJECTIVES THAT MUST BE MET (EXCEPT AS NOTED N/A):**

- N/A OBJECTIVES: Section 13.15.8 Parking Lots is applicable. The site plan included 2 employees spaces and 14 for customers. Internal travel lane width of 20 feet is met. Adequate maneuvering for delivery vehicles is shown. Future additional parking is possible once the existing abandoned dwelling is removed.
- N/A SITE VISIT DOCUMENTATION TO VERIFY COMPLIANCE WITH ANY SPECIFIC USES OBJECTIVE:  
A site visit was not required by the board.
- N/A SPECIAL CONDITIONS TO ENSURE COMPLIANCE WITH ANY SPECIFIC USES OBJECTIVE:  
There were no special conditions required by the board.

**FINDING**

Is there clear and convincing evidence in the record to support the conclusion that the above applicable specific uses objectives have been met? VOTE: 7YES 0 NO

- There are no applicable specific uses objectives. A vote is not required.
- The proposed land use has met all applicable specific uses standards in this ordinance.
- The proposed land use has not met all applicable specific uses standards in this ordinance.

Comments: None

DIMENSIONS

DIMENSIONS OBJECTIVES THAT MUST BE MET (EXCEPT AS NOTED N/A):

- N/A OBJECTIVES: Sections 14.9.4, 14.9.5 & 14.9.6. Property line setbacks of 10 feet. The site plan documents compliance with this setback requirement.
- N/A SITE VISIT DOCUMENTATION TO VERIFY COMPLIANCE WITH ANY DIMENSIONS OBJECTIVE:  
A site visit was not required by the board.
- N/A SPECIAL CONDITIONS TO ENSURE COMPLIANCE WITH ANY DIMENSIONS OBJECTIVE:  
There were no special conditions required by the board.

**FINDING**

Is there clear and convincing evidence in the record to support the conclusion that the above applicable dimensions objectives have been met? VOTE: 7YES 0 NO

- There are no applicable dimensions objectives. A vote is not required.
- The proposed land use has met all applicable dimensions standards in this ordinance.
- The proposed land use has not met all applicable dimensions standards in this ordinance.

Comments: None

DECISION

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.

**8. Other Business:**

**A. Continued review of the proposed Rules of Procedure.**

The CEO informed the board that there were no further revisions of the proposed rules of procedure to review at this time.

**B. Public hearing for a proposed amendment to Appendix K Land Use Ordinance. The amendment will change a mandatory public hearing for planning board application reviews to a public comment period.**

The CEO informed the board that public notice of this hearing did not comply with statutory requirements and would have to be readvertised. The hearing will have to be postponed until the next regular meeting.

**C. Review of a proposed amendment to Appendix K Land Use Ordinance. The amendment will allow parking lots for public boat launching facilities to be located less than 50 feet from a shoreline, subject to certain conditions. The amendment will also change a portion of the Resource Protection Overlay District adjacent to Silver Lake to the Limited Residential Overlay District.**

The board reviewed the proposed amendment and discussed the purpose. A proposed parking lot for the existing public boat launch at Silver Lake did not

comply with the required 50 foot setback, so this language allows something less than 50 feet, provided certain strict conditions are met. The amendment has been reviewed by the DEP shoreland unit and will be approved if adopted by the town council. The ordinance committee will be reviewing it on April 7<sup>th</sup>.

**D. Election of Chairman and Secretary for the ensuing year.**

MOTION(Bamford): To reelect George Hanson as chairman.

SECOND(Grant)

DISCUSSION: None

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

MOTION(Grant): To reelect Marc Curtis as secretary.

SECOND(Hallowell)

DISCUSSION: None

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

- 9. Discussion:** Robert Wardwell was present and requested an opportunity to discuss with the board his plans to mine stone at his Bucksmills Road property. The board agreed to meet with him.

Mr. Wardwell was unsure why he needed to obtain town approval to mine stone in his existing approved gravel pit. He understood he needed DEP approval, but he thought his existing permit would allow him to mine stone without town approval. The CEO explained that the existing permit limited the activity to a gravel extraction business, which does not include mining stone with dynamite, otherwise known as quarrying.

The CEO explained that the new land use ordinance prohibits quarries subject to DEP approval on any property that is not directly accessed by River Road or State Route 46. Mr. Wardwell's property is not directly accessed by either road, and he is proposing a quarry that is subject to DEP approval. Therefore, it is not a permitted use.

Mr. Wardwell may pursue a contract zoning application review, which could allow a quarry on his property subject to certain conditions, and subject to approval by the planning board and town council.

The board suggested to Mr. Wardwell that he be prepared to submit much more documentation than the hand-drawn site sketch that they were shown, if he would like to seek approval through contract zoning.

- 10. Adjournment:** 10:10 P.M.

Minutes prepared by  
Jeffrey Hammond  
Recording Secretary