

PLANNING BOARD MINUTES
WEDNESDAY, FEBRUARY 17, 2016
MUNICIPAL BUILDING COUNCIL CHAMBERS – 7:00 P.M.

Present: John Beckett, Michael Costello, David Thompson and Jason Charland.
Absent: Phil Ruck, Judd McIntosh, Lisa Buck and Christa Schwintzer.

John Beckett chaired the meeting in Phil Ruck's absence. Michael Costello and Jason Charland were designated voting members.

Acceptance of the agenda.

MICHAEL COSTELLO MOVED ACCEPTANCE OF THE AGENDA. DAVID THOMPSON SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

Approval of the Minutes of November 18, 2015.

MICHAEL COSTELLO MOVED TO APPROVE THE MINUTES OF NOVEMBER 18, 2015. DAVID THOMPSON SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

Public Hearings.

- a. Consideration of the change of one nonconforming use to another nonconforming use for the property located at 74 Mill Street, Tax Map 27-12 Lot 35 in the General Development Shoreland zone by Byer of Maine for a cross fitness gym.

Jay Shields and Josh Crofton-MacDonald (proposed tenant) spoke about their request. The area where the cross fit gym would be located is to the rear of the existing building in an addition near the loading dock. This is a low impact public access facility with 8-10 members and 2 coaches at any one time. There will be no noise or music generated with this use. They are in contact with the State Fire Marshal's Office relating to life safety issues they are dealing with. Depending on the cost involved with these issues will determine if this use goes forward but they will work together. Jay Shields explained that he lives next door and he wants a quiet atmosphere for the neighborhood; he is comfortable with this use here. Parking is not a problem and he does not allow parking on Mill Street for his employees. This will be a pre-requisite in the lease to use the parking provided on the lot.

Michael Costello asked if both the fitness business and the mill business would run at the same time and was told there will be some crossover on the times. They have a separate parking space for the forklift so it won't interfere with pedestrian traffic.

The public hearing was opened. There were no questions or comments from the audience.

Evan Richert went over his summary report. This is before the board because of the change of use of a nonconforming use. One nonconforming use can be changed to another nonconforming use as long as it has no greater adverse impact on the adjacent properties and resources as the current industrial and warehousing uses of the section of the building. There will be no exterior changes to the property.

The public hearing was closed.

John Beckett read the findings of fact into the record:

1. Requirements under Article IV-Section 18-106(e) and Section 18-106(f) – no concerns from board members.

2. Requirements under Article X-Section 18-202(d) and Section 18-304(c) – no concerns from board members.

MICHAEL COSTELLO MOVED TO APPROVE THE CHANGE OF ONE NONCONFORMING USE TO ANOTHER NONCONFORMING USE FOR THE PROPERTY LOCATED AT 74 MILL STREET, TAX MAP 27-12 LOT 35 IN THE GENERAL DEVELOPMENT SHORELAND ZONE AND THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE FOR BYER OF MAINE FOR A CROSS FITNESS GYM. DAVID THOMPSON SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

- b. A contract zone request by Starr Properties LLC to change the Shoreland zoning of the property located at 5 College Avenue, Tax Map 19-4 Lot 66 from Limited Commercial (LC) to General Development (GD) to allow for the placement of a gazebo/pavilion to within 40 feet of the high water mark of the Stillwater River.

John Beckett made the board and the applicant aware that he is an abutter to this property. He feels he can be objective in the review of this application. The board members and the applicant had no objection to his participation in the review.

Tracey Whitten explained that the purpose of this structure is for weddings. Current zoning allows placement of structures no closer than 75 feet from the water and this is not feasible because of the lot sloping. By locating it to within 45 feet of the water, the area is flat and would be at the edge of the easement area for the sewer easement. The contract zone will limit what can occur here. This is a wooden structure on a cement slab with landscaping around it.

Michael Costello was concerned about the water level and the possibility of damaging the structure. Ms. Whitten was not concerned about this as it doesn't often rise that high.

The public hearing was opened.

Reinhard Zollitsch asked the size of the structure and if it is a seasonal use and if it is enclosed. Ms. Whitten replied that it is a 12 foot by 18 foot wooden structure with a cement base and will be an open structure. A picture was passed around for everyone to see. She would not be limiting its use to certain seasons so if someone wanted a February wedding she would allow that.

Mr. Zollitsch is concerned about changing the zoning from Limited Commercial to General Development. He is concerned about other uses being allowed to go in here.

Evan Richert explained the setback from the high water mark is the issue with the zone being changed. Most zones allow a 75 foot setback and the General Development zone allows a 25 foot setback. With the contract zone it would limit what uses could be done in the Shoreland zone and would be limited to just the pavilion and tightly drawn up for just the pavilion. Evan Richert read the contract to those present pertaining to the language limiting this to just the pavilion. He also explained that Joe Madigan from the Water Pollution Control Facility walked the site and identified the location of the pavilion and the sewer easement. He has no concerns with this request.

The public hearing was closed.

Evan Richert explained the board needs to make a recommendation to the Town Council. The Town Council will then hold their own public hearing on this request.

MICHAEL COSTELLO MOVED THAT THE BOARD APPROVE AND RECOMMEND TO THE TOWN COUNCIL THE REQUEST FOR A CONTRACT ZONE FOR STARR PROPERTIES LLC TO CHANGE THE SHORELAND ZONING OF THE PROPERTY LOCATED AT 5 COLLEGE AVENUE, TAX MAP 19-4 LOT 66 FROM LIMITED COMMERCIAL TO GENERAL DEVELOPMENT TO ALLOW FOR THE PLACEMENT OF A GAZEBO/PAVILION NO CLOSER THAN 40 FEET OF THE HIGH

WATER MARK OF THE STILLWATER RIVER. DAVID THOMPSON SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

Discussion.

Evan Richert made the board aware that probably at the March meeting the board would be reviewing proposed ordinance amendments that came out of the Comp Plan meetings.

DAVID THOMPSON MOVED TO ADJOURN. JASON CHARLAND SECONDED THE MOTION. MOTION UNANIMOUSLY APPROVED.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Ruth Vaughan