



Town of Casco
Planning Board Minutes
July 13, 2020

Planning Board Members Present:

Lynne Potter (Chair) Jim Macklin, Stan Buchanan, Gene Connolly and Jim Macklin, Alternates, Steve Linne & Ryan McAllister.

Public Present:

Alex Sirios (CEO), James Seymour (Town Planner) Mary Tremblay (CEO Admin. Assistant), Robert Fairbanks (Applicant), Trevor Tidd, Holly Hancock.

1. Call the Meeting to Order:

Chairman Lynne Potter calls the meeting to order at 7:00 p.m.

2. Determine a Quorum:

Chairman Lynne Potter determined a quorum was present 5 regular members and 2 alternates

3. Approve the March 9, 2020 Meeting Minutes:

Gene Connolly moved to approved the March 9, 2020 Meeting Minutes as written

Jim Macklin, Vice Chairman seconded the motion

No discussion

The Board voted 5 in favor 0 opposed, 0 abstentions

4. Old Business:

Revisit Tabled Item:

Sebago Technics regarding an application for Contract Zoning on behalf of Hancock Leasing, LLC for property known as Map 43, Lot 23-B and Map 43, Lot 24-C. known as 4 Edes Falls Road and formerly owned by Spurwink located on Meadow Road. Village Zone District.

Alex stated he met with Hancock Lumber about two weeks ago and discussed a couple of different options that they may want to explore. He noted they left the last meeting about contract zone with the feeling that the town or citizens at the meeting weren't too excited about it. Hancock's goal with particular property is to do something the town wants. He stated they have revisited the idea and are exploring options as far as residential development is concerned. They may not be back with the original Contract Zoning idea. He noted they may do 1 single family and tear down all the commercial buildings

and may try to set up doing something like a 2 single family homes or duplex. They may be back in August with the original or just withdraw it all together. He stated they asked for it to be tabled a couple more weeks for them to determine what the next steps will be.

Jim Macklin moved to continue to table until the August meeting

Gene Connolly seconded the motion

The Board voted 5 in favor, 0 opposed, 0 abstentions

5. New Business:

Planning Board Application – Robert Fairbanks and Jennifer Gates 14 Lake Shore Drive – Tax Map 21, Lot 8 Take down current garage and rebuild/setback will be further from lake and on new foundation of same square footage.

Robert Fairbanks presented his application to the Board. He stated the property was purchased in 2015 and over the last 5 years the foundation of the existing garage was deteriorating to the point it was not fixable. He noted being a construction engineering teacher he made an assignment for his students and put together a comprehensive presentation for the board. He stated he received a forwarded email from Jim Seymour which recommended some additional information and adding them to the notes on the plan. He noted after reviewing the recommendations, he has been in contact with the contractor that did the septic system, the surveyor and the local certified erosion control landscaping company that will be at the property on July 29th to satisfy the notes made to the plan, which will include; elevation of the garage to make sure it is 1 foot above the flood zone, erosion control plan to stake out leach field and locate the new garage at least 15 feet from the edge of the leach field. The proposed garage plans shows it has been moved out of the wetland and stream protection, no trees will be disturbed and will replace vegetation and buffer zone.

Lynne asked for the overall height of the building

Robert Fairbanks noted 17 feet tall from grade.

Jim Seymour noted the plan is straight forward. He stated it is in the stream and wetland district but more important is that it is in the Resource Protection and this is the non-conformity part of it. It is a non-conforming single family structure and any relocated structures cannot exceed the footprint area of the existing structure and the setback cannot be any more non-conforming then the existing structure. He noted by moving it back and reducing the footprint the applicant has met those requirements. They have met the one-time 30% volume expansion rules and regulations. They added the three recommended conditions that were going to be suggested to the Board, which can be address prior to construction. He noted it is pretty straight forward with showing all the information required with the exception of those 3 small conditions.

Alex agreed with Jim's interpretation, the applicant did a good job putting it together other than those few small details. He noted it went before the board because it is also a non-conforming use which the ordinance requires any expansion has to be approved by the Planning Board before a permit is issued. The applicant has done a really good job of making this work with the rules and has been very

understanding since it was ready to go since February and has been patience waiting for a meeting to be held which is appreciated.

Lynne asked the Board for questions

Jim Macklin asked if approved that Alex will make sure the condition items will get done and submitted back to Alex.

Alex stated yes.

Ray Grant stated that the plan is good, but he would like to see a note on the plan stating that the garage cannot be converted to a living space.

Alex stated ok and what would be the reason?

Ray Grant stated he does not want to see more people living there or being used as living space.

Alex stated if that is something the Board would like to do.

Ray Grant stated the board is giving him an exception by doing this. He noted he does not want to see two homes on a lot that is not a conforming lot already.

Alex stated it could not be a dwelling unit meaning; it could not have a bedroom, bathroom and kitchen. Alex noted by saying it cannot be living space; you are basically saying it can only be storage which means they could not use it as a game room, bunk house, bedroom, or office so the board will be conditioning that approval on no living space just as accessory residential storage space, which is technically the use of the structure.

Ray Grant noted if you do not put a restriction on it, it can be turned into a seasonal cottage.

Alex stated it would still require permits.

Robert Fairbanks stated he does not object to adding that it could only be used as storage/accessory not a dwelling he has no issue with that.

Jim Seymour stated if the board approves the conditions it will be the applicant's responsibility to get a plan back to Alex and I for review and once those conditions are met you will get the building permit. Jim noted you do not need to come back to the board if those conditions are approved by the board.

Alex stated if there were to be any changes to the plan for a dwelling or living space it would have to come back to the board if that condition is approved.

Steve Linne stated it is his belief that the ordinance states that on relocating non-conforming structure that is required to be put back beyond the line to the greatest practical extent possible. He noted he does not see any line showing on the plan that it is back as far as possible, and if it is not back as far as possible wouldn't it need to go to the Zoning Board for a variance.

Alex noted it does not mean it has to meet the setback. He stated it is as far back as practical which in this case it is very heavily wooded, which is shown by the dash line on the lot which is all impervious with the driveway and being very heavily wooded the canopy of the trees actually hang over the driveway. He noted to go to the greatest practical extent you would not be able to get 250' from the water as it shows the lot is like a peninsula so moving back further to the road he wouldn't really be getting away from the water. He stated in this case he feels the applicant has met greatest practical extent by moving it away from the water.

Jim Seymour stated there are mature trees back there and with the importance of protecting the lake the trees are just as important than trying to move the building back another 20 feet.

Ryan McAllister stated he understands what Jim and Alex are saying. He noted he drove by the property and it seems if the applicant were to encroach or remove the corner flower bed you would be able to get the proposed garage fully out of the Stream and Wetland area.

Alex replied the Resource Protection area is the main concern and that may be correct, you may be able to get it out of that zone but it's not really necessary to do since it is in a less strict zone than the RP zone which is the entire lot.

Stan Buchanan asked if there was any concern over removing and where the demo debris is going

Alex stated one of the requirements of the building permit will be listing where that material will be going and what is going in its place. If relocating a non-conforming structure it will need to be re-vegetated with grass or sometimes low bush blueberries, but the ordinance just requires re-vegetation.

Jim Seymour note on page 3 of his memorandum there is the list of 8 Shoreland Zoning requirements and conditions he proceeded to read through them. He stated the Board can read through them all and vote on each one individually or vote on them as a whole unit.

Lynne Potter stated she did not see any need to go through each and every one individually.

The Board agreed

Lynne Potter asked for a motion

Stan Buchanan moved to accept the application as written with the conditions attached

Gene Connolly seconded the motion

The Board voted 5 in favor, 0 opposed, 0 abstentions

6. Additions:

Lynne Potter asked what has happened with the Wayne Ward property issues and has all the deadlines been met.

Alex replied no he has not done anything as of yet. He stated it will be before the Selectboard July 21st, the plan has been updated as asked which is good, the follow through of the actual plan not so good. He

stated they should be getting an updated plan down the road. He has not met the June 30th deadline the Planning Board had given him.

Alex stated the Shoreland Zoning Ordinance Amendment and the Commercial Zone Ordinance Amendment are on hold as of now since the Annual Town Meeting did not take place. He stated this will be until either a special town meeting is held or next June at the Town Meeting.

Alex stated he is leaving and this is he last week in Casco and is heading to Raymond. He noted Mary and Jim Seymour will follow up with the new Town Manager when one is hired. He is done full time but will be working part-time until September.

7. New Meeting:

August 10, 2020

8. Adjourn:

Lynne Potter moved to adjourn

Stan Buchanan seconded the motion

The Board voted 5 in favor, 0 opposed, 0 abstentions

The Board adjourned at 7:35 p.m.

Lynne Potter, Chairman
Respectfully Submitted by
Mary Tremblay, Deputy CEO, CEO Admin. Assistant