

TOWN OF HANCOCK

Planning Board

Minutes of the 14 December 2022 meeting

Members present: Nick Branca, Scott Dyer, Ken Emerson & Ant Blasi

Others present: Don Baker, Donald LaGrange, Shane Jordan

Call to Order at 6:30 PM

Nick Branca designated Ant Blasi a voting member of tonight's meeting in the absence of Debi Foster and Doug Kimmel.

Item 1 on the agenda: Approval of November 10 2022 Minutes

Ken Emerson moved to approve the minutes. NB seconded. Motion passed 3-0.

Items 2 and 3 on the agenda: Public Hearing and Finding of Facts-Hancock Country Village Subdivision

No member of the public appeared to comment on the application.

Findings of Fact in consideration of the application of Donald Lagrange of Hancock, Maine for "Hancock Country Village" a Two (02) Lot minor subdivision comprised of Five (5) buildings with Four (4) dwelling units total, one (1) building with Two (2) dwelling units, one (1) building with One (1) dwelling and a future building containing a single (1) dwelling and workshop at 826 U.S. Highway 1, Tax Map 220, Lot 56.

The application was first proposed on 20 Sept. 2022, when the Planning Board received an application for Site Plan Review to divide the existing property boundary lines into Lot 2A and Lot 2B. No additional units will be developed. Regarding the number of dwelling units, the Board referred to the Subdivision Ordinance, page 5. The term "subdivision" also includes...the construction or placement of 3 or more dwelling units on a single tract or parcel of land... The Board began review of Mr. Lagrange's submissions as a Subdivision Application review.

Construction and naming of Lily Pad Lane were approved at the 12 February 2020 meeting. This application is classified as a Minor Subdivision. Since there is no new development at this time, the Board waived the requirement for a site inspection, and will use the ten (10) foot contour intervals set on 12 Oct. 2022. The current application and plan were reviewed for completeness at the Planning Board meeting of 12 Oct. 2022.

Notice was given to the applicant on 12 Oct. 2022 that the application was complete and abutters were notified on 25 Oct. 2022. The technical review fee was paid on _____ and a public hearing was advertised in 27 Oct. 2022 and 03 Nov. 2022 issues of The Ellsworth American. The public hearing was held on 09 Nov. 2022. No abutters attended the public

hearing.

The Planning Board proceeded to do a Finding of Fact on the subdivision criteria as established in Title 30-A, M.R.S.A., §4401, et. seq., and the Hancock Subdivision Ordinance on 09 Nov. 2022. Planning Board members present and voting were Nick Branca, Scott Dyer, Ken Emerson and Ant Blasi.

Findings of Fact and Decision ~ Hancock Country Village Subdivision

- 1. Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
- A. The elevation of the land above sea level and its relation to the flood plains;
 - B. The nature of soils and sub soils and their ability to adequately support waste water;
 - C. The slope of the land and its effect on effluents;
 - D. The availability of streams for disposal of effluents; and
 - E. The applicable state and local health and water resources rules and regulations.

Met Not Met

Motion by NB that this criterion is met for the following reasons:

- A. The elevation is 90+' above sea level, and is not in the flood zone;
- B. There is an existing septic on Lot 2B designed by Bill LaBelle; and a proposed septic site designed by Bill LaBelle on Lot 2A;
- C. Water drains to a swale and two (2) man - made ponds on the property;
- D. There are no streams on the lot; and
- E. There is an existing septic system and new septic designs by Bill LaBelle.

There is no new development that would require changes to the previously approved application.

Seconded by Scott Dyer. No discussion.

The motion passed 4-0.

2. Sufficient Water. The proposed subdivision has sufficient water available for the foreseeable needs of the subdivision.

Met Not Met

Motion by NB that this criterion is met as there is a well shown on the plan, and a report from well driller Wendell G. Jones on file with the Town indicates sufficient water availability. Seconded by KE. No discussion.

The motion passed 4-0.

3. Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

Met Not Met Not Applicable

Motion by NB that this criterion is not applicable as there is no municipal water supply. Seconded by AB. No discussion.

The motion passed 4-0.

4. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

Met Not Met

Motion by NB that this criterion is met. There is no new development that would require changes to the previously approved application.

Seconded by SD. No discussion.

The motion passed 4-0.

- 5. Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing and proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, Section 754, the State Department of Transportation has provided documentation indicating the driveway(s) or entrance(s) conform to Title 23, M.R.S.A., Section 704 and the rules adopted under that section.

Met Not Met

Motion by NB that this criterion is met as the applicant has an MDOT driveway/entrance permit # 16944 issued on December 15, 2015, and a second entrance. The additional traffic will not result in a significant increase. There is no new development that would require changes to the previously approved application.

Seconded by SD. No discussion.

The motion passed 4-0.

- 6. Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

Met Not Met

Motion by NB that this criterion is met as there is an existing septic system on Lot 2B on record with the Town and a proposed site design on Lot 2A.

Seconded by SD. No discussion.

The motion passed 4-0.

- 7. Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

Met Not Met

Motion by NB that this criterion is met according to a note on the plan that the owner will provide trash pickup. There is no new development that would require changes to the previously approved application.

Seconded by SD. No discussion.

The motion passed 4-0.

- 8. Aesthetic, cultural and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights of way for physical or visual access to the shoreline.

Met Not Met

Motion by NB that this criterion is met as the subdivision will not affect any of the above as none of the above exist in the area and the development is consistent with the surrounding land uses.

Seconded by SD. No discussion.

The motion passed 4-0.

9. Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

Met Not Met

Motion by NB that this criterion is met as the subdivision is in the Commercial Zone along US Highway 1 and conforms with the current Hancock Subdivision Ordinance. There is no new development that would require changes to the previously approved application.

Seconded by SD. No discussion.

The motion passed 4-0.

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section.

Met Not Met

Motion by NB that this criterion is met as the applicant states the units will remain in private single ownership to be constructed as funds are available. The technical capacity is met due to building construction experience as well as accreditation in Maine International Residential building codes. There is no new development that would require changes to the previously approved application.

Seconded by SD. No discussion.

The motion passed 4-0.

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

Met Not Met

Motion by NB that this criterion is met as the only water bodies on the property are a dug pond and a drainage swale. There is no new development that would require changes to the previously approved application.

Seconded by SD. No discussion.

The motion passed 4-0.

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

Met Not Met

Motion by NB that this criterion is met as previous phases of this project as well as the proposed new construction have planned for the direction and holding capacity of ground water. There is no new development that would require changes to the previously approved application. Seconded by SD. No discussion.

The motion passed 4-0.

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Flood Way Maps and Flood Insurance Rate Maps, and information presented by the applicant (in previous applications) whether the subdivision is in a flood-prone area. If the

subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that the principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

Met Not Met

Motion by NB that this criterion is met as the subdivision is not in the Flood Zone.
Seconded by SD. No discussion.

The motion passed 4-0.

14. Freshwater wetlands. All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of local soil and water conservation district.

Met Not Met

Motion by NB that this criterion is met as the man-made dug ponds are shown on the plan.
There are no natural wetlands at this location.

Seconded by SD.

Discussion: AB noted that no aping of freshwater wetlands has been conducted.

The motion passed 4-0.

14-A. Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland can be done with the help of the local soil and water conservation district.

Met Not Met

Motion by NB that this criterion is met as there is no farmland within the subdivision.
Seconded by SD. No discussion.

The motion passed 4-0.

15. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9.

Met Not Met

Motion by NB that this criterion is met as there are no rivers, streams or brooks within the subdivision.

Seconded by SD. No discussion.

The motion passed: 4-0.

16. Storm water. The proposed subdivision will provide for adequate storm water management.

Met Not Met

Motion by NB that this criterion is met as there is no new development that would require changes to the previously approved application.

Seconded by SD. No discussion.

The motion passed 4-0.

17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section

480-B, none of the lots created within the subdivision has a depth to shore frontage ratio greater than 5 to 1.

Met Not Met

Motion by NB that this criterion is met as there are no lots with any shore frontage in the subdivision. The subdivision consists of one (1) existing apartment building with two (2) dwellings, and one (1) existing building with one (1) dwelling and one (1) garage on Lot 2B. On Lot 2A is one proposed single-family dwelling, garage, and outbuilding. There is no new development that would require changes to the previously approved application.

Seconded by AB. No discussion.

The motion passed 4-0.

18. Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

Met Not Met Not Applicable

Motion by NB that this criterion is not applicable as Hancock has no great ponds.
Seconded by SD. No discussion.

The motion passed 4-0.

19. Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe

conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Met Not Met Not Applicable

Motion by NB that this criterion is not applicable as the subdivision is not near an adjoining municipality.

Seconded by SD. No discussion.

The motion passed 4-0.

20. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, Section 8869, Subsection 14.

Met Not Met

Motion by NB that this criterion is met as no wood has been harvested on the property within the last 5 years.

Seconded by SD. No discussion.

The motion passed 4-0.

21. State Subdivision Law Criteria. In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to title 30-A, MRSA, Section 4404, from time to time.

Met Not Met

Motion by NB that this criterion is met as after checking the State Subdivision Law, there have been no additional criteria added. There is no new development that would require changes to the previously approved application.

Seconded by SD. No discussion.

The motion passed 4-0.

Motion on Subdivision:

Motion by NB that this Board approves the subdivision application of Donald Lagrange for revision of the boundary lines of the Hancock Country Village with no conditions.

Seconded by KE. No discussion.

The motion passed 4-0.

Item 4 on the agenda: Application Review: Jordan Electric LLC

The Planning Board reviewed owner Shane Jordan's Site Plan Review Application. Noting that a site plan review was unnecessary because the applicant did not propose any structural changes to the building at 609 US Route 1 formerly housing Riggs Rugs. NB and AB said that Jordan need only apply for a Change of Use Permit. NB made a motion to approve such a permit.

Seconded by SD. No additional discussion.

The motion passed 4-0.

Off the agenda: Update on the proposed Harbors and Waters Ordinance

KE asked NB to update the Planning Board about the proposed ordinance. NB said he had reported to the Select Board the questions that the Planning Board raised at its November meeting about a public official—a Town-appointed harbor master—enforcing the rules of a private entity—the Hancock Point Village Improvement Society—on private, HPVIS property. The Select Board tasked NB to seek legal advice from the Maine Municipal Association.

NB said the MMA advised him it could find no precedent for such an arrangement, that the proposed ordinance should eliminate references to HPVIS and privately owned property, and that the Town might consider acquiring the property or obtaining an easement. NB informed the Select Board of this counsel and, at its request, submitted a revision of the proposed

ordinance that followed the MMA's editorial advice. The Select Board, NB said, will determine how next to proceed.

Item 5 on the agenda: CEO Report

Don Baker said he had sent a letter, to be hand-delivered by the Hancock County Sheriff, to the owner of the White Birches Motel, imposing a fine of \$200 a day, beginning on July 1, 2022, for failing to apply for a Change of Use permit from a motel accommodating short-term transients to a facility renting to long-term residents. DB noted that the dimensions of the White Birches rooms do not meet the minimum requirements for long-term leases.

DB also reported that he had issued 1 plumbing and 8 building permits, and collected \$1,196.70 in fees.

Off the Agenda

DB said that because Debi Foster had a family emergency and the applicant for secretary to the Planning Board (among other Town of Hancock duties) was ill, an interview with Planning Board members would be postponed to a future meeting.

AB made a motion at 8:05 pm to adjourn meeting, seconded by Nick Branca, which carried 4-0.

Next meeting – Wednesday, January 11, 2023, at 6:30pm

Respectfully submitted,

Ken Emerson

(in Debi Foster's absence)