

TOWN OF HANCOCK

Planning Board

Minutes of the July 10, 2024 meeting

Members present: Meredith Akerstein, Scott Dyer, Ken Emerson, Debi Foster, Doug Kimmel;  
Associate Member: Ant Blasi

Others present: Don Baker, Sandy Giuffrida, Cheryl Robinson, Nick Branca, Ruth Franzius, Dan Pileggi, Steve Salsbury, Grady Burns, Randy Sinclair, Carol Lowrie, Sharon Kessler

Interim Chair Ken Emerson called the meeting to order at 6:00 PM and welcomed new member Meredith Akerstein.

**Item 2 on the agenda: Election of new officers** (The order of Items 1 and 2 on the posted agenda was reversed.)

Doug Kimmel nominated himself for Chairman. Scott Dyer seconded. No other nominations received. Kimmel was elected Chair 5-0.

Debi Foster nominated Ken for Secretary. Meredith Akerstein seconded. No other nominations received. Emerson was elected Secretary 5-0.

**Item 1 on the agenda: Approval of Minutes of June 12, 2024 meeting**

Doug moved to add an explanatory sentence at the beginning of Item #3: "Summary: All of the changes proposed by Rudman & Winchell (blue type) and by the Hancock County Planning Commission (red type) were approved by the following steps." Meredith seconded. Motion passed 5-0.

Ant Blasi [a voting member at the June 12 meeting] moved to add that the board had approved unanimously recommended language regarding accessory dwelling units and to accept all ADU amendments to the ECO. Ken seconded. Motion passed 5-0.

Ant moved to approve the minutes as amended. Ken seconded. Motion passed 5-0.

**Item 3 on the agenda: Subdivision review continued—Coastal Estates**

- a. Applicant SFS Development LLC represented by Steve Salsbury
- b. Application received April 4 2024



- c. Fees paid April 4 2024 \$250
- d. Tax map 219 Lot 024
  - i. US Route 1
- e. Zoned Commercial/Rural
- f. Five lots added to the original 85-acre 115-lot subdivision
  - i. Application was tabled pending legal review
  - ii. Applicant was informed that work could continue under the terms agreed upon with the Select Board. Application remains tabled until the July 10 2024 Planning Board meeting.
- g. Town attorney's report recommended by acting CEO John Larson and approved by the Select Board on June 19, 2024.

Summarizing his legal review, Town Attorney Dan Pileggi said the Planning Board had erred in permitting Coastal Estates' mobile home park in a commercial/rural undeveloped zone because Town ordinances restrict mobile home parks to a designated mobile home park zone. Although the board's decision was incorrect, he continued, it is too late to reverse it, all the more so, he stated, because the board had "sufficient information" to determine that the development Coastal Estates proposed was in fact a mobile home park. [Ken Emerson later noted that the words "mobile home sites" did not appear until p.108 in Coastal Estates' original application.]

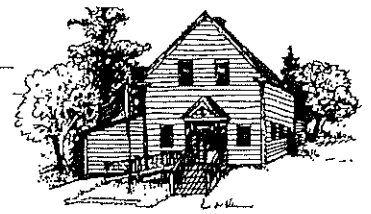
Ant referred Pileggi to the definition of Condominium on Page 95 of the ECO. He asked if the criterion regarding the undivided interest in the common elements being vested in the unit owners had been met in the application. His answer was no.

Pileggi recommended treating Coastal Estates' application to increase the number of lots from 115 to 120 as a permitted or lawful non-conforming use, and to approve or disapprove it on the basis of whether it would expand the permitted development area or simply increase the intensity of the development for the non-conforming use within the area the board had erroneously but irreversibly permitted.

"I think you're stuck with the development, and you move forward with that as it's permitted and follow the rules as it's permitted, and then you have to judge any expansion of that or any application to expand against your non-conforming use standard."

Meredith asked whether the development was still restricted, as originally promoted, to mobile home owners age 55 or over. Randy Sinclair answered, "It's a mix. We can have half 55-plus and we have half for everyone."

Ken pointed out that the traffic impact study Coastal States had submitted based its estimates of increased traffic on the assumption that development residents would be 55 or over and presumably drive less frequently than younger working families. He also noted that the study repeatedly and erroneously referred to a "westbound left-hand turn" (rather than an eastbound



left-hand or westbound right-hand turn) into Coastal Estates, calling into question the study's credibility even for an older population.

When Debi and Don Baker raised questions about sales of storage units or mobile home lots and alleged erosion of Alden Bunker's abutting property, Pileggi replied, "If it's a violation, it should be enforced by the code enforcement officer and then the Select Board. You guys don't have any enforcement rules, right?"

Pileggi urged the Planning Board to resume the systematic checklist review it had begun at its last meeting to determine whether Coastal Estates' application to add five lots was complete, and to determine whether the information was correct later. Pileggi replied yes to Ant's question of whether the application should also be reviewed as a Mobile Home Park.

Ken moved to review the checklist as a mobile home park rather than a subdivision application. Receiving no second, the motion failed.

The board resumed its checklist review at Lots, Setbacks and Dimensions, No. 13 ("Has timber on the parcel been harvested....")

Questions arose about:

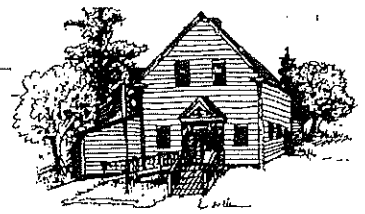
1. Roads and driveways, no. 7: The board asked for evidence of the Maine DOT's approval of 1 rather than 2 exit roads from the development, and requested an updated and corrected traffic study that no longer bases its projections on a resident population 55 years or older.
2. Additional information to review, no. 1: The board requested more information about the 10% of common space a cluster development is required to provide, and how it will be preserved for posterity.
3. Additional information to review, no. 3 (water supply): The board requested documentation, when the water system is completed, that it conforms to state standards before the development receives a certificate of occupancy.
4. The potential impacts of the development, especially now that it is no longer age-restricted, on the Town of Hancock, including the grammar school, traffic, recreation, and general quality of life. Acknowledging that the checklist review did not include specific questions about this, the board expressed a desire for information and discussion about these impacts.

Subject to these conditions, Doug moved that the board accept the application as complete. Meredith seconded. The motion passed 5-0.

Doug moved to conduct a site visit at Coastal Estates at 5 PM on August 14, before the next scheduled Planning Board meeting. Meredith seconded. The motion passed 5-0.

**Item 4 on the agenda: Set new date for public hearing for proposed ECO amendments**

Doug moved to conduct a public hearing on August 28 at 6 pm. Debi seconded. The motion passed 5-0.



**Item 5 on the agenda: CEO report**

Don Baker's report was deferred to the next Planning Board meeting.

**Item 6: Adjourn**

Debi moved that the meeting adjourn at 7:56. Meredith seconded. Motion passed 5-0.