

NORTH HAVEN PLANNING BOARD
MEETING MINUTES
JANUARY 11, 2017
TOWN OFFICE 5:00 PM

Present: Pat Curtis, Jeff Crawford, Doug Record, Jamien Shields, Becky Bartovics, Paul Quinn (CEO), and Tammy Brown (associate CEO).

Guests: Ben and Patti Sparhawk

1. Call to Order: at 5:02 p.m.

2. Approve Minutes of Dec 14, 2016: Moved by Becky and seconded by Jamien. Approved 4-0

3. Land Use Ordinance Discussion with Ben & Patti Sparhawk: The Sparhawk's building project was approved by the CEO after they purchased abutting property from a neighbor to make bring their lot into conformance with the dimensional requirements for the Village District as stated in the Land Use Ordinance for North Haven Maine. Setbacks for the house were made using Main Street as a two rod road and the conclusion was that the building is also in conformance with the Ordinance. The road (Main Street) is in fact a three rod road, therefore the house does not meet the setback as stated in the Ordinance, making the building non-conforming and subject to expansion restrictions. It is the opinion of the Planning Board, the CEO, and the Town's attorney that this mistake should be borne by the Town and the Sparhawk's should proceed with their project.

4. Conversion Question from Caroline Minot Bell re Three Existing Residential Units: We need to confirm that there are three distinct separate units that have existed prior to the ratification of Town of North Haven Land Use Ordinance and Subdivision Ordinance.

Moved by Becky that Carrie Minot Bell, the owner of the property at 42 and 46 Main Street (Map 30, lot 102), submit a Land Use Application to the CEO for her project. Seconded by Doug. Approved 5-0

5. CEO Report:

New Permits Issued:

28/16 April Brown
Map 32 Lot 03, Village District
RE: Deck

29/16 Richard Bortz
Map 30 Lot 88, Village District
Re: Permit Renewal , #33/15 Deck

01/17 Barclay & Lucy Tittmann
Map 23 Lot 06A, Rural District
Re: Addition to move existing bathroom

02/17 Sam Hallowell
Map 31 Lot 21A, Shoreland Zone
RE: Shed/Storage Building

03/17 Corey & Lindsey Beverage
Map 32 Lot 18, Village District
RE: 8X9 Addition

04/17 Corey & Lindsey Beverage
Map 32 Lot 18, Village District
RE: Moving building

05/17 Corey & Lindsey Beverage
Map 32 Lot 18, Village District
RE: 8X8 Addition

Denied Permits:

None at this time

Pending Permits:

None at this time

Update:

Ann Kiley to Edward & Ann Lamont, Jr.

Tammy met with Paul Gibbons to discuss this issue. Paul Gibbons has contacted Ann Kiley's attorney to inform them the right of way that they extinguished must be reinstated due to the fact the abutting property is not in common ownership. Tammy is awaiting corrective deeds.

Possible ordinance change:

Recently we have run into a situation where the CEO has assisted a property owner with a road setback measurement. The property owner was trying to eliminate the non-conformance issue with their property. The CEO used a two rod road measurement on a roadway that is actually three rods. So the non-conforming issue still stands for this property. CEO and Tammy have been discussing ways to rectify this problem. CEO suggests decreasing the setback requirement along the three road roadways by 10 feet changing from the current 35' foot setback to a 25' foot setback. This would change the ordinance language to read "Setback from the road...25 feet plus one half the width of the road".

Example:

Currently for a three rod road you need 24.75' plus 35' (59.75') to meet the road setback. If the language was change it would be 24.75' plus 25' (49.75') to meet the road setback. This would begin to eliminate a number of properties being non-conforming strictly due to road setbacks.

Tammy reached out to MMA Legal regarding this issue on December 30, 2016. The question posed to MMA Legal is "Can a Planning Board or Board of Selectman make a dimensional change to a portion of our Ordinance or does this change need to go to a Town Meeting for an official vote? Still awaiting a response.

The CEO needs to check the cutting activity in the shoreland at the property of Thomas Maier (Map 23, lot 24A). If necessary, he will contact the State Department of Forestry to inspect the cutting.

The CEO needs to inspect the burn piles at Iron Point.

The CEO needs to check a new building at Brown's Boatyard.

6. Remarks for Town Report: Remind people to check with the CEO before cutting or excavation in the Shoreland Zone. Twenty nine (29) applications were approved for 2016. New Land Use Ordinance.

7. Other Business: Tammy created a document listing the widths of all the roads on the island. This information will be used to determine setbacks and will be included in the new Land Use Ordinance. Date for PB workshop: Wednesday, January 18, 2017.

8. Reminder: next meeting Feb 8, 2017

9. Adjourn: Moved by Becky and seconded by Doug, approved 5-0 at 6:52 p.m.

Respectfully submitted: Jeff Crawford