

Planning Board Meeting Minutes 02/24/03

To: WaterboroME_PlanMin

Abstract: February 24, 2003

I. ROLL CALL

Sue Dunlap calls the meeting to order a 7:35 p.m. noting attendance of Tim Neill, Dwayne Woodsome, Roland Denby, Teresa Lowell, Everett Whitten and Kurt Clason.

II. APPOINTMENTS

Ron Woodward is present with his revised plan for YCCA head start showing the location of the well with a wellhead protection zone being 300 feet from the septic system. The plans are signed by the board.

III. MINUTES OF PREVIOUS MEETINGS

IV. REPORT OF OFFICERS

Roland Denby presented an amendment for the town report stating that thanks should be given to the secretary.

V. OLD BUSINESS

David Benton entered the meeting and verified the road reviews agreement with the proposed article to require road standards for access to new houses with the exception of changing the limit to nine houses to coincide with the street design ordinance.

Roland states the standards for a cul-de-sac should be in the road standards not the subdivision standards.

There is discussion about amending the distance to increase it to more than 100 feet for requiring a certain standard of access. Dwayne Woodsome made the motion to approve the road standards with a distance of 250 feet. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Dwayne Woodsome made the motion to approve as written for article numbered 17. Roland Denby seconds. Motion carries with a unanimous vote in favor.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.06 paragraph 1 sentence 1;

To Read: A. No building permit shall be issued to erect any structure on a lot without frontage on an existing public or private way unless an access road meeting the following criteria has been constructed within a deeded right of way, a minimum of fifty feet in width. The access road shall be constructed to a minimum width of twelve feet in width if serving one dwelling unit, and fifteen feet if serving two dwelling units. The access road shall contain a minimum depth of fifteen inches of bank run gravel and have drainage ditches and culverts at all appropriate points as determined by the Waterboro Road Commissioner. Such an access road shall serve no more than two dwelling units. Any access road serving between three and nine dwelling units shall meet the road design and construction standards of the Town of Waterboro Street Design Ordinance for a low

volume road but need not be paved. Any access road serving more than nine dwelling units shall meet the road design and construction standards of the Town of Waterboro Street Design Ordinance. All privately owned roads will remain private until such time as all the requirements of the Town of Waterboro Street Design Ordinance are met and the road has been approved and accepted by the voters at an annual town meeting. Where additional dwelling units will be built on an existing private way, resulting in three or more dwelling units being served by the existing private way, such private way must be upgraded to the requirements established by this section for access roads serving three or more dwelling units. For fire protection purposes all access roads must be maintained and plowed the required width of the road.

B. No building permit shall be issued to erect a structure which is located more than 250 feet from a public or private road unless an access road meeting the condition standards of section A. above has been constructed.

Now Reads: All lots shall abut upon an existing or proposed road which meets all municipal and other applicable governmental regulations and standards or, if landlocked, shall have a legally recorded access right of way of no less than fifty (50) feet in width, to a public or private road.

Dwayne Woodsome made the motion to approve article 18 and send to town attorney. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

ARTICLE : Shall the townspeople vote to amend the Town of Waterboro Site Plan Review Ordinance as follows:

Add section III. Design Standards and change current section III. Administration to section IV. change current section IV. Definitions to Section V;

To read: Architectural Design:

A. The purpose of these guidelines is to provide design standards with which to assist the development or renovations of commercial properties to compliment the overall rural atmosphere of the Town of Waterboro. The guidelines are directed towards, but are not limited to, assisting corporate franchises and commercial development in the design of structures that reflect the small town atmosphere of Waterboro. Consideration must be given to scale and pedestrian orientation for the design of, or renovation of a commercial structure so as to make it fit in and compliment the surrounding neighborhood.

Consideration must be made to encourage the ability of pedestrians to gain access where none is currently provided between commercial buildings to include but not limited to sidewalks.

b. The objective of these regulations is not intended to restrict imagination, innovation or variety in the new construction or renovation of commercial buildings and related property, but rather to encourage continued economic development, conserve property values and further enhance the visual appearance of the community with these standards in mind:

Design Standards

Monotony of design or warehouse style structures shall be avoided. Variation in

detail, form and siting shall be used to provide visual appeal. In order to prevent the construction of warehouse style buildings - buildings with long horizontal rooflines - all new buildings and additions shall have pitched roofs of 3:12 or greater or gabled roofs, where practical. In cases where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the façade to create the appearance of multiple attached buildings. All sides of a structure should receive design consideration. In commercial structures with over 100 feet parallel to the road front, building elevations facing the road shall be designed to give the appearance of multiple attached buildings. Wherever possible, all roof top mechanical units shall be located so as not to be visible from the street level or from public areas from ground level.

The exterior surfaces of all buildings shall be covered with wood or vinyl clapboard, wood or vinyl shingles or brick. Pitched roofs shall be constructed with shingles, metal roofing (with consideration made to a snow fall area) or other materials traditionally used in this region.

Windows shall comprise no less than 10 % nor more than 40% of the exterior wall surface of the portions of the building facing the road front. Windows may be used for either interior illumination or for display purposes.

Landscape:

Boundaries with existing residential properties must be planted with vegetative screening, which will create an effective visual barrier from the ground level to a height of ten feet. If the existing vegetative cover meets the intent of this standard the existing cover may be maintained.

Design of Drive thru facilities: Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive through facility shall be located in the area of the site adjacent to a residential use or residential zone. Communications systems must not be audible on adjacent properties to residential uses. Vehicular access to the drive-through shall be a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public street, within the entry from the street, or within designated parking areas. The drive-through must not interfere with any sidewalk or bicycle path.

Amend Section II 12. To read: The proposed water supply will meet the demands of the proposed use or for fire protection purposes. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

Now Reads: The proposed water supply will meet the demands of the proposed use or for fire protection purposes.

Amend Section III. Administration by adding the following sections:

Recording of the Approved plan: One copy of the approved site plan must be recorded in the York County Registry of Deeds within thirty (30) days of approval and a certified copy with the book and page number provided to the Code Enforcement Officer. Failure to record the plan within thirty (30) days shall void the approval. The Planning Board may extend this period for cause, provided that the request for extension is made in writing prior to the end of the thirty (30) day period.

Improvement Guarantees:

(1) Improvement Guarantee - The Planning Board shall require the posting of an improvement guarantee in such amount and form as specified in subsection 2 below as reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

(2) Upon substantial completion of all required improvements, the developer must notify the Planning Board of the completion or substantial completion of improvements, and must send a copy of such notice to the appropriate municipal officials. The respective municipal officials shall inspect all improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

(3) The Planning Board shall either approve, partially approve or reject the improvements on the basis of the report of the municipal officials.

(4) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

2. Form of Guarantee - Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the Town Manager, Town Planner, Board of Selectmen or Town Attorney.

(1) Security Bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in Maine.

(2) Letter of Credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.

(3) Escrow Account. The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require Town approval for withdrawal and must stipulate that the Town can withdraw the money upon forty-eight (48) hours advance notice to the applicant to complete the guarantee improvements.

Minor changes to approved plans: Minor changes in approval plans necessary to address field conditions may be approved by the Planner or Code Enforcement Officer provided that any such change does not affect compliance with the standards or alter the essential nature of the proposal. Any such changes must be endorsed in writing on the approved

plan by the Planner or Code Enforcement Officer.

Approval Block: Space must be provided on the plan drawing for the signatures of the Planning Board and date together with the following words, "Approved: Town of Waterboro Planning Board."

Amendments to Approved plans: Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval by the Planning Board. A note on the plan submitted for final approval with this statement shall be required on all plans.

Amend section III. G. To read: Appeals involving an action of the Planning Board under this ordinance may be appealed to the Zoning Board of Appeals of the town of Waterboro by the applicant or an aggrieved party. Any such appeal must be filed within thirty (30) days of the date upon which the Planning Board voted to take action on the application.

Add a section as follows:

I. Administration and Enforcement

This ordinance shall be administered and enforced by the Code Enforcement Officer (CEO) appointed by the Municipal Officers.

It shall be the duty of the CEO or his/her agent to enforce the provisions of this ordinance. If the CEO or his/her agent shall find that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The CEO shall order the discontinuance of illegal use of buildings, structures, additions, or work being done, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The CEO is hereby authorized to institute or cause to be instituted, in the name of the municipality, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

Any person, firm, or corporation being the owner of or having control or use of any building or premises who violated any of the provisions of this ordinance, shall be fined in accordance with Title 30A, §4452 and Section 12 of the Waterboro Zoning Ordinance. Each day such a violation to exist after notification shall constitute a separate offense. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to

public health and safety or will result in substantial environmental damage.

To amend Section III. I. To read: Each applicant shall pay a filing fee in the amount of \$400.00 at the time the application is submitted, and consultant fees as required by Article III, Section B.

Now Reads: Each applicant shall pay a filing fee in the amount of \$200.00 at the time the application is submitted, and consultant fees as required by Article III, Section B.

Tim Neill made the motion to approve article 15 with the addition of replacing road signs being the responsibility of the owners of the road. Kurt Clason seconds. Motion carries with a unanimous vote in favor.

ARTICLE: Shall the townspeople vote to amend Section 7b. of the E911 Ordinance to add:

The developer shall be responsible to purchase and place all road signs upon approval of the road name by the board of selectmen. Replacement of private road signs shall be the responsibility of the developer or the home-owners association and/or residents of the road. The numbers shall be placed on each house and all road signs placed prior to any occupancy permits being issued in the development. Such road signs shall be of the same color and design as used throughout the Town of Waterboro and approved by the Road Commissioner prior to installation.

Cluster development standards are discussed. Dwayne made the motion to send article 25 as printed. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

ARTICLE : Shall the townspeople vote to amend Article 2 Section 2.03 to add the following statement at the very beginning and keep the rest of the existing wording

Section 2.03 To Read:

A building permit and all subsequent construction shall be in conformance with 1993 BOCA building code.

Dwayne made the motion to send everything from this meeting to town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VI. COMMUNICATION

VII. MISCELLANEOUS

Dwayne made the motion to send a letter to the selectmen to see if they want the planning board to set up a meeting regarding computer updating and purchasing the arcview program or do the selectmen want to do it. Tim Neill seconds. Motion carries with a unanimous vote in favor.

VIII. NEW BUSINESS

Roland Denby made the motion to commend the secretary for her hard work and to add this to the town report. Dwayne Woodsome seconds. Motion carries with a unanimous vote in favor.

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn at 8:45 p.m. Teresa Lowell seconds. Motion carries with a unanimous vote in favor.

[Back to Months](#)Fourth Meeting:

Zoning Board of Appeals

Planning Board

Shoreland Zoning Workshop

February 13, 2003

Patti introduces Michael Morse the town's DEP representative to both boards at 7 p.m.

Attending from the Zoning Board of Appeals are Dave Kruegar, Beth Cyr and Jon Tufts. Absent is: Frank Faith, Shawn Shoemaker, Nathan Ford and Mark Cyr.

Attending from the Planning Board is: Susan Dunlap, Everett Whitten, Roland Denby, Dwayne Woodsome, Teresa Lowell, Tim Neill. Absent: Kurt Clason.

Patti McIntyre and Gerald Gannett, CEO are also in attendance.

Mike Morse gives a brief overview of the basics beginning with the history of shoreland zoning. In 1971 the state shoreland zoning ordinance was adopted. In 1974 all towns had to have adopted a shoreland zoning ordinance or go by the state shoreland zoning law. In 1989 the 30% rule was adopted that limited a house within 100 feet of a lake could only expand up to 30% of the existing square feet or volume of the structure.

Inland Fisheries and Wildlife publishes where rivers begin. Shoreland zoning covers the area within 250 feet of pond 10 acres or greater, freshwater or non-forested wetlands, rivers, lakes and streams or wetlands connected to a waterbody.

Forested wetlands can be regulated by a town if they are a size of 2 contiguous acres within 250 feet of the shoreland zone. This should be resource protection. Just the resource itself even if it weren't within 250 feet shoreland zone. Gerald asks Mike what constitutes contiguous standards. Mike replies wetlands that are contiguous are generally 100 feet long by 100 feet wide is the rule of thumb although it is not spelled out in state guidelines.

A town can chose to include the following areas in Resource protection, wildlife habitats, archeological sites or scenic vistas.

Roland Denby asks questions about forested wetlands. Mike states that to be considered a forested wetland an area has to meet all three following criteria. (Predominantly wetland vegetation, wetland soil types, hydrology -standing water) Roland asks what about vernal pools? Mike states that those are considered wetlands that DEP can't regulate unless they are part of a larger wetland or unless Inland Fisheries and Wildlife has mapped them as vernal pools.

Mike reports that the permit by rule standards have changed to include 75 feet from the high-water mark instead of 100 feet and cannot disturb soils within 25 feet of the resource.

Measuring slopes is discussed in measuring setbacks from the resource. Always measure

to the closest point of the structure and the high water mark. When there is a slope have to measure horizontally. Straight line up and straight line over, not measure with the land.

Non-conformance - existing structures too close to the shoreline. Expansion is limited to 30% with no expansion allowed towards the shoreline. Structures damaged or destroyed by 50 % can be applied to rebuild within one year. The board can allow the reconstruction with the structure being moved back to the greatest practical extent from the water. The 50% figure means 50% of the appraised value of the structure.

Things that the planning board should take into consideration when determining the greatest practical extent are as follows: Consider the condition of the foundation. If it is bad and there is room to move the structure back they should require it. If the foundation is good and the septic system is in the way or there is a garage in the way or the lot is too small it is appropriate to issue the permit to rebuild in the same footprint.

Dwayne asks what if they don't want to move it back 100 feet even if there is room. Mike states that if they can easily move it back 100 feet then the board should stick to the ordinance and require it be moved back. If they can substantiate not requiring a structure to be moved back DEP won't have a real problem with it. If the town has a lot of cases where they are not requiring it then DEP won't have as much sympathy with the town and this could result in legal issues.

Sue asks how the board should look at it when people use the argument that they can't move the structure back because they don't want to cut a certain tree. Is there more impact to cut the tree or move the camp? Mike states that assuming there is nothing else precluding them from moving the camp back the board should make them move the camp and cut the tree.

Dwayne states that sometimes a camp owner will have a planned replacement septic system if the current one fails in a place that would not allow the camp to be moved back. Mike states that the board should look at alternatives to a planned replacement system. New leachfields and tanks have to be 100 feet from the water and is regulated by the local plumbing inspectors and department of human services. Another thing the board needs to think about is that if a person has to cut a tree to move a camp back they should require the replanting of trees to replace that tree. Dwayne asked if the board should make them replant a tree where the camp is moved back in between the camp and the lake. Mike states that not many camps have trees between the camp and the water. Revegetation is required to keep the ground stable for reasons of erosion. If there were existing lawn he probably wouldn't require they plant trees in it. If it were treed he would require the replanting. It depends on the site.

Mike states that DEP appreciates when setbacks from the roadway can be reduced to make the setback from the water greater.

Jon Tufts asks about the 30% expansion ruling. Is it increase limited to square feet and volume? Mike states that the square feet of the structure depends on how many stories it is and whether they have a daylight cellar. Jon asks if they have a daylight cellar and full dormer on top and a 1-story camp, could they create a full second story? Mike states the second story would increase both square feet and volume and neither can exceed 30%.

Mike briefly discussed the alternative to the 30% expansion rule that DEP allows towns to adopt. A camp within 25 feet of the water could not expand at all. A camp within 75 feet could expand up to a maximum total floor area of 1,000 square feet, and one over 75 feet a maximum threshold of 1,500 square feet. There is another clause that gives a bonus provision for an additional 500 square feet on top of the allowed expansion if they are willing to plant a decent buffer where there is none. There are a handful of towns that have adopted this alternate way to regulate expansion within the shoreland zone. Poland is one. There are three towns in the southern region of the state that have adopted this alternative. None of those have used the bonus provision. Waterboro has not chosen to adopt this alternative. Mike states if you adopt the alternative you can't keep the 30% expansion rule. It is one way or the other not choosing between the two.

Mike adds that any part of the camp that is within 100 feet can be expanded beyond the 100 foot mark but never closer to the resource.

Patti asks if the zoning board of appeals can grant a variance to go closer to the lake? Mike states that in that case the applicant would have to prove hardship. Patti asks who has authority to reduce the shoreland setback? Mike states only the zoning board. The planning board has no legal authority to issue approvals outside of their guidelines.

The zoning board has to vote on whether the applicant meets the hardship criteria. Those are pretty hard to meet. There is a good reason for the board to grant approvals on existing non-conforming lots of record if the criteria is met. The hardest criteria to meet is reasonable return. This does not mean the highest value you could get for the property. The courts have ruled that any return is reasonable. Reasonable is any not the most return.

A local property is discussed. The Vitko lot that Mike visited with Patti a few weeks ago Mike states that that lot is a case where a variance should not have been issued. The slope is so great and the whole lot is only about 100 feet deep. There is no legal authority for the board to approve a variance if the applicant doesn't meet the standards. Patti asks if there are lots that are technically non-buildable such as ones like the Vitko lot where the slopes are too steep? Mike answers yes there are sites that should not be built on. Mike states that the whole lot was cleared to get the equipment in to dig the foundation. This is not acceptable. The lot should only be cleared within 5 feet around the house to allow equipment to do the work.

Teresa Lowell asks about what about a neighbor who says precedence was set because their neighbor got approval. Patti states that precedence can only be set by a court of law not by past actions of a town official or board.

Mike states that an applicant has to meet the hardship criteria to build on a lot within 100 feet of the water.

Roland asks about the seasonal conversion of a camp? Mike states that the first and foremost thing the board wants to look at is if the lot will support a replacement septic system.

Dwayne states that 5 feet around a foundation for removal of trees is hard to do a foundation within that small an area. This causes cut roots and in a windstorm could

cause trees to fall on the house. Dwayne thinks 10 feet is more reasonable. Mike states that is a town decision on what is reasonable. Dwayne asks if DEP prefers stumps to be pulled or ground down? Mike states that is it better to grind the stumps and leave the root system for erosion control until the loose ground is seeded.

Mike states that on the Vitko site that is right along side the road, there is equipment that could reach and have done that job from the front side of that lot and they should not have had to build an access road, which required the cutting of most of the trees on two lots.

Mike adds that Mr. Vitko applied for and received a full NRPA permit from DEP. The town has to separate itself from DEP decisions. The town does not have to base its decisions on DEP approvals or denials. If something doesn't meet town standards the town shouldn't issue a permit. In the DEP NRPA permit Vitko was required to maintain a 30-foot buffer along the shoreline. The town's shoreland zoning ordinance states that no cleared opening is cut of 250 square feet. The town could certainly make their approval with the condition that the applicant gets DEP approval but don't issue a permit just because DEP issued one.

Dwayne asks Mike about Cook's Brook taking on stormwater. There is a project where town water is proposed to be used so not taking any water out of the ground but the project will be putting water into the ground. Mike states that is not his area in DEP although he was in licensing prior to taking this position in Portland. Mike states that they look at the peak flow prior to development and post development and the quantity and quality of water leaving the site.

Gerald asks Mike to review the 30% expansion rule again when talking about basements. The ordinance gives a provision to put a foundation under a camp and it doesn't count towards expansion unless it is raised more than 3 feet. Where do you measure from to count the height being raised? Mike says to measure the height of the foundation on the uphill side of the structure. When measuring the height of the structure go from the lowest point of the exposed foundation.

Increasing a non-conforming structure is discussed. Mike states that generally speaking non-conformity cannot be increased. A boathouse is not a functionally water dependant use. A gazebo is not a functionally water dependent use. A boat ramp is and a dock is. A dock extends over the water a deck is on the ground and is not a dock. A dock gives access to the water, as does a boat ramp.

Mike reviewed a case where motor homes on wheels in some cases want to leave them there and build a deck off the side. This is clearly a structure and has to meet setbacks.

Mike is asked if when issuing a permit does an erosion control plan have to be done by an engineer. Mike answers no but it should meet the requirements.

A structure or impervious area cannot exceed 20% lot coverage. Measuring the shoreland frontage is reviewed. Measure in straight lines from post to post, not with the land if there are curves.

Non-conforming lots in the same ownership are required to be combined to make the lots conforming.

Discussed clearing for development. Mike states again that no new opening in the tree canopy can be made greater than 250 square feet. You can clear outside of the 100-foot buffer up to 10,000 square feet or 25% of the lot whichever is greater.

Gerald asks why is it allowed to prune the lower 1/3 of a tree but not ok to cut brush that is lower than 4 feet? Mike states that you should always look to maintain the existing ground cover of the existing pond. Groundcover less than 3 feet has to remain in place.

Mike is asked what is the requirement for replanting when a camp is moved back and a tree is cut. Mike states that sometimes a person applies to cut trees that are 60-foot pines and their branches could fall onto decks or roofs. A person is allowed to remove up to 40% beyond 100 feet of the water of the trees with certain conditions as outlined in the zoning ordinance, but if someone wants to cut more than that the tree would have to be dead or dying to give permission to cut it. A licensed arborist could tell the town if a tree were diseased or a hazard. DEP would not argue with that. Mike adds that it should not be just a blanket approval to remove, that there should also be a plan to replant and replace a native species tree in the same general area of the one cut.

Reviewed the four criteria for zoning board of appeals review.

1. The land in question cannot yield a reasonable return unless a variance is granted; and
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. The granting of a variance will not alter the essential character of the locality; and
4. The hardship is not the result of action taken by the applicant or prior owner.

Patti asks if a realtor comes in and applies for a variance based on the sale depending on the building of a house, would that be considered a self-created hardship? Mike answers yes it would but if someone came to the board who owned the property the courts have ruled that a reasonable return is a garage or small house and must be limited to the minimum amount necessary to get a reasonable return. Mike reminds the boards that they should be specific in allowing a cleared opening and that any approvals within the shoreland zone have to be forwarded to DEP within 14 days. This gives the department enough time to request reconsideration. DEP cannot tell a board to overturn a decision and they can't require it. The can ask for a reconsideration if DEP feels a variance was issued in error. If the board decides not to overturn a decision DEP can threaten legal action and take the town to court. DEP doesn't do that often but if the town is blatantly disregarding the shoreland zoning ordinance it might take a town to court.

Mike adds that the boards should be specific about equipment used and the space needed to clear to get the work done, the deck should be to the side not to the front.

The town cannot allow a variance to the 30% expansion law. There is no variance to allow for more than 30% expansion.

Dwayne asks if a site plan comes before the board should the town notify DEP with concerns if we have them? Mike states sure but not to him specifically but the stormwater division.

The workshop adjourns at 9:30 p.m.

Respectfully submitted, Patti McIntyre Secretary