

Stonington Planning Board
Minutes June 20, 2019

PRESENT: Renee Sewall, Diana Turner, Ben Jackson, Roger Bergen, Ann Foster
Ann Goff

PUBLIC: Evelyn Duncan, Judy Jenkins (CEO), Andy Chappell, Mike Hero, Jennifer
Strickle, AnnScarff, Peter Snedecor, Leigh Kearney

Item 1: Minutes May 16, 2019 Moved Foster second Jackson to accept minutes
Vote 5-0-1



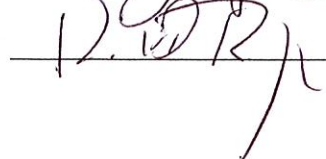

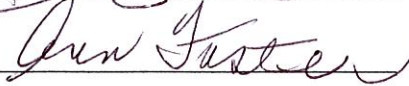
Item 2: Permit Map 3 Lot 69-69A Michael Hero
Change of use from church to residence and studio gallery. Church would
become the studio gallery other building the residence. Jenkins has no problem
with the request and the plumbing inspector, Roger Stone has checked the
property. Scarff and Snedecor (neighbors) remarked that they thought it was
great that these old buildings were going to be in use again. Motion Bergen
second Turner to accept the change of use request Vote 6-0

Permit Map 8A Lot 78 Andrew Chappell (Old Bayview restaurant site)
Add four outside tables to the restaurant application making a total seating of 60.
Jenkins has no problem with the request, Sanitary district has already approved
that much seating. Leigh Kearney asked if smoking would be allowed outside.
Chappell informed the Board that it is illegal in the State of Maine to smoke
in an outside restaurant. He will post signs and try to control same if it happens.
He would like to allow an employee to smoke next to the dumpster if they so
wish. As for parking he realizes it is a problem he has talked to McDonald about
using his lot at the head of the street and he has talked to the ferry company
about parking in front of their gate after hours. Motion Turner second Jackson to
accept the application for four outside tables Vote 6-0

There being no further business meeting adjourned at 6:45PM

Respectively submitted;

Evelyn K Duncan
Secretary

PLANNING BOARD
MINUTES MAY 16, 2019

PRESENT: Rene Sewall, Ann Foster, Diana Turner, Ben Jackson, Ann Goff

PUBLIC: Evelyn Duncan, Judy Jenkins (CEO) Ed Bearor (Town Atty) Bill Baker
Brad & Suzan Carter, Donna Brewer

Meeting was brought to order at 6:34PM

Item 1: Minutes April 25, 2019 Moved Foster second Jackson to accept minutes with the correct amended start time of 6:38 instead of 6:08 Vote 5-0

Item 2: Amended application Bill Baker Map 3 Lot 93F

After the fact permit to amend original permit. Only includes the first floor of the outfitter building.

Background: The original permit for this building was for equipment use only no plumbing no occupancy. The original after the fact permit submitted at the March meeting requested rental sleeping space on the second floor and a full kitchen and bunk for employees on the first floor. As a result of the March meeting Baker has amended this permit request. He has eliminated the sleeping quarters on the second floor and is now requesting that the first floor have a full kitchen and a bunk for employee sleeping quarters.

Sewall asked the Board if they had any questions

Turner asked if we had a sketch of building. Jenkins answered yes

Bearor asked Baker to confirm that there would be no upstairs use. Confirmed Baker stated that he wanted to remind the Board that he considered employee quarters to be an accessory use and should be permitted.

Bearor stated that the original permit had no occupancy but that a change request could be made and it was up to the Board to decide if it was acceptable under the Town's ordinance.

Turner asked how many acres the property was Baker answered about 8

Duncan asked Jenkins if a letter referred to in last minutes from DEP arrived so that it could be noted in minutes. Answer no letter to Town, supposed letter was to be sent to Baker according to telephone conversation Jenkins/DEP

Goff asked Bearor if detrimental environmental factors of new construction should be considered when thinking about accepting this permit. Answer No
Duncan asked if there was only the kitchen and no sleeping quarters would that affect the permit. Answer Bearor thought it would be less likely to be in line with our ordinance than if there was sleeping of watchman/employee only and no kitchen.

There being no further questions it was moved Foster second Turner to deny the after the fact permit for the outfitter building first floor kitchen and sleeping quarters. Vote 4-1

ITEM 3: Suzan Carter Map 2 Lot 76A After the fact permit for 12 x 32 addition to the building for storage, plus a change of use for a take out restaurant with outdoor tables with seating for 16.

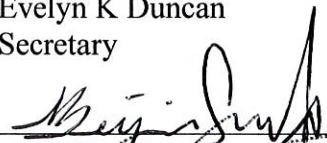

Jenkins explained that the 12 x 32 foot addition was never permitted therefore additional fees due to the Town. She also stated that the building could not be used as an indoor restaurant as it is too close to the water but a take out meets the requirements. The building is roughly 25' too close. The present use of the building is fishing related and has been for years. A few years ago they did use the building to cook and sell meals but it has not been used for this purpose for several years. The proposed addition 28 x 12 on the drawing is actually a completed structure which was permitted in the past, it is the area marked storage that they are requesting the permit for.


Moved Turner second Jackson to accept the after the fact storage building permit and accept the take out restaurant change of use. Vote 5-0

There being no further business meeting adjourned at 7:10PM

Respectively submitted;

Evelyn K Duncan
Secretary



Ann Turner


12-0111
Renee Small

PLANNING BOARD
MINUTES APRIL 25, 2019

PRESENT: Ted Crouch, Rene Sewall, Diana Turner, Ann Foster, Roger Bergen,
Ben Jackson, Ann Goff

PUBLIC: Evelyn Duncan, Judy Jenkins (CEO) Anne Berleant (newspaper), Ed Bearor
& Katie Foster (town lawyers) Bill Baker, Tony Lobasso

Meeting was brought to order by Ted Crouch at 6:08PM. He requested nominations for chairman. Rene Sewall was nominated, there being no further nominations it was moved Turner second Foster to elect Sewall chairman. Vote 6-0 (Goff not present yet)

ITEM 1: Minutes February 21,2019 Moved Bergen second Crouch to accept Vote 3-0-3
Minutes March 21, 2019 Moved Foster second Crouch to accept minutes
Vote 5-0-1

ITEM 2: Permit Stonington Sunset House LLC Map 8A Lot 19
Change of use from commercial to commercial and residential. Jenkins has talked to the plumbing inspector and permits are in place, Lobasso also submitted a permit to the Sanitary District and because there is only one residence an additional septic tank will not be required. Moved Bergen second Jackson to accept permit Vote 7-0

ITEM 3: Permit Bill Baker Map 3 Lot 93E
Tabled portion of after-the-fact permit for the modification of the outbuilding from the March 21, 2019 meeting
A letter from the town attorney was passed out regarding his opinion of our ordinance in reference to the permit application for the modification of a building within the shoreland zone which is presently permitted as water dependent. Baker wants it to stay water dependent but to include kitchen, staff sleeping bunk first floor, and upstairs rental as sleeping quarters for guests. The purpose of this meeting is to decide whether to approve the after-the-fact permit for a change of use for the outfitter building
Crouch stated that he feels our attorney says the request is not approved in our ordinance therefore the building would not meet the water dependent use
Foster agreed that this seemed to be clear in the letter
Bill Baker stated that he had just gotten the email but disagreed and stated that the buildings primary use was still water dependent as he stores equipment on the first floor which is required to operate his business. He also stated that this storage is a primary source of his ability to financially operate the business. He referred to a display page of his points regarding his request for the permit, including that he felt it was acceptable for the building to have a secondary use not related to the water dependent use. He stated that the first floor staff space was required to operate the business and this use is incidental to the storage use.

Atty Bearor was asked to speak as the lawyers were called into this request to give an opinion on the ordinance/water related use. Bearor stated that he did not think the proposed use was water dependent according to our ordinance, the first floor storage of equipment was OK the residence is troubling as the building is within the 100' setback. In Baker's 2009 permit there was a non residence clause, this could be amended if the Board wishes to do so.

Bearor also stated that there is a letter coming from the DEP which is against the proposal. This letter has not arrived yet. Bearor also stated that Baker can appeal the Board's decision if they vote against the after-the-fact permit and then it would go before a judge. He stated that the Board should consider how their vote on this permit would affect other permits in the future.

Baker asked the attorney to read certain sections of the ordinance which he did. Baker responded that there were residences on the water up and down the coast and also in Stonington like Harborview store second floor and the other permit approved tonight. Jenkins replied that each town is different and as far as the buildings mentioned downtown they are in a different zone and require only 25' setback.

Bergen spoke about his opinion of the permit. He felt Baker had built an important and viable business on the island, thinks that a lot of the arguments against are grey areas and that the permit should be approved.

The attorney was asked about the first floor for staff, he stated that it might be OK, it would be a Board decision but the second floor certainly was not. Baker then suggested that the permit be changed, and eliminate the second floor request. Baker stated that the Board should use the attachment and eliminate the second floor paragraph. Jenkins stated then a new permit would have to be completed and advertising take place.

Sewall asked the Board if they wanted to amend the permit or a new permit Jackson motioned to vote on the amended permit. After discussion it was discovered that the permit application did not include any attachment regarding the second floor. Motion did not receive a second. Motion died.

Jackson then motioned to table this permit and await additional information including specific information on equipment use. Second Foster Vote 7-0

Motion to adjourn Foster second Turner Vote 7-0 Meeting adjourned at 7:30PM

Respectively submitted

Evelyn K Duncan, Secretary

STONINGTON PLANNING BOARD
MINUTES MARCH 21, 2019

PRESENT: Ted Crouch, Diana Turner, Rene Sewall, Ann Foster, Ben Jackson,
Anna Goff Judy Jenkins CEO

PUBLIC: Linda Campbell, Evelyn Duncan, Pat Lyons, Bruce Matters, Bill Baker,
Michael & Rebecca Daugherty

Meeting was brought to order by Crouch at 6:35PM

Permit and After the Fact Permit Application: Bill Baker Map 3 Lot 93E
1 Settlement Quarry, Stonington
Modification of Outbuilding & multiple
Camp sites

Bill Baker read a letter which informed the Board about himself, his business, his history regarding planning boards and shoreline ordinances. He realizes that he failed to get permits before construction and wants to apologize and correct the problem by applying for after the fact permits. He realizes that there are additional fees for this permit. He admits to installing a kitchen and sleeping quarters in one building, to constructing a tiny house, to camp sites within the shore land ordinance requirements.

Pat Lyons (attorney from Eaton Peabody and representing Bill Baker) stated that his specialty was land use and that he considered Bill Bakers business water dependent because of the wharf, the kayaks and the campgrounds which have been in operation for 20 years. He wrote a memo to the Board in which he is requesting four separate permit approvals.

Permit request 1: Vaulted toilet. This is a toilet without a leach field consisting of a mens room, a ladies room, sinks, low flush toilets, no urinal, no showers. The holding tank will be 1,000 gallons and will be pumped when full. The building is to be located on a gravel parking lot and he has an approved HHE200 plan from a licensed engineer. He is contracted with Percy Brown, Inc to pump the tank. Per the request of the Board he would be willing to install a sensor alarm to indicate when tank needs pumping. The building is outside the 100' setback but within 250' of the shoreline. It is set at 170'.

Permit request 2: Tent sites 18 total. Present camp site 12 is in violation of our shoreline ordinance as it is located too close to the shore. Baker would agree to drag the site back unit it is located over 100' from the shoreline. The rest of the campsites are not in violation of code but the ones in place will be after the fact. Baker is also applying for additional camp sites which will be new and not after the fact. He is also in violation of the ordinance regarding deforestation, he is presently at 21.5% and must be under 20%. He is willing to revegetate three different areas (marked in green on plan) with grass.

Permit request 3: Approval of tiny house which is for staff and is on concrete posts, and is located on a graveled area. There is no running water or toilet. It sleeps two and is 101" wide and 21' long. It is located over the 100' setback but under the 250' mark. It is an after the fact permit

Permit request 4: Outfitter building change. This building was approved in 2009 as a water dependent building with no occupancy and no plumbing and is located within the 100' mark. It was a storage and kayak operation center with a room upstairs for classes and getting out of the weather if necessary. Baker is seeking an after the fact permit as he has installed bunks on the first floor with a small kitchen and sink. The grey water will be treated by connection to an adjacent building. He has also constructed four bunks on the upper floor to be rented to guests. Attorney Lyons argues that the building should still be considered a water dependent structure and an after the fact permit granted for the changes. He presented a copy of a letter from the DEP, he believes page two of this letter confirms its water dependent use. Jenkins does not think bunk houses qualify and also stated that less than 50% of the building is now used for gear. Board members read the paperwork presented to them and discussed the building and its present desired use. Turner and Sewall stated that they would be uncomfortable making a decision on this issue without further study, and also time to go over our ordinance. They also felt they should have the expert opinion of the town attorney who could not be present at this meeting.

Sewall stated that she had no problem with request 1-3 but felt the whole Board needed more time with request 4.

Sewall moved to table request 4 till advise from our attorney was received but to vote on the other three requests. Second Goff Vote 6-0

Turner moved to approve the permit application without the outfitter building on the condition that tent site 12 be moved, that the vaulted toilet holding tank has a sensor alarm, and that the necessary revegetation take place Sewall seconded Vote 6-0

Crouch announced that another meeting will be called to discuss the permit request 4, that the newspaper will be informed of the meeting, that our lawyer will be present.

Meeting adjourned at 7:45PM

Respectively submitted;

Evelyn K Duncan, Secretary