

1 **TOWN OF NORTHPORT**

2 **PLANNING BOARD MEETING**

3 **SEPTEMBER 13, 2022**

4 **Present:** Planning Board Chair Reeves Gilmore, Planning Board Vice-Chair Mike Parker, Planning Board
5 Member Rich Coleman, Planning Board Member Jim Nealey, Planning Board Member Dana Kennedy,
6 Planning Board Alternate Al Grimshaw, CEO Toupie Rooney, Planning Board Secretary Patsy Littlefield,
7 Jim Dorsky of Gartley & Dorsky, Don and Johanna Knott, and James Wise.

8 Meeting was called to order at 6:00 pm by Chairman Reeves Gilmore. It was determined that a quorum
9 was present.

10
11 **OLD BUSINESS:**

12 **Deep Creek Grazing – Presented by Jim Dorsky of Gartley & Dorsky**
13 **R08 / 50**
14 **67 Atlantic Highway**
15 **3 lot subdivision**

16 Jim Dorsky states this is a 3 lot subdivision. He states there is no new infrastructure being planned. The
17 fitness center is included in one lot, Lot 1. There is a total of 231 acres located at 45 and 67 Atlantic
18 Highway, Lot 2. One lot covers the area where most of the cabins are located, Lot 3.

19 Reeves Gilmore states this is classified as a minor subdivision. He asks if there are 3 separate owners of
20 the lots to which Jim Dorsky responded it is one owner at this time.

21 CEO Toupie Rooney states she had received only 1 letter from notices sent to abutters. Mary-Elise
22 McClement sent a letter which she had forwarded to Reeves Gilmore for review. Essentially, Ms.
23 McClement feels prior blasting in this area had caused erosion and instability of her shoreland. CEO
24 Toupie stated there were no other responses or complaints registered with her. There was one call
25 asking to know what going on with the property.

26 Jim Dorsky states that the plan is for Ginley Hall to be relocated.

27 Reeves Gilmore states that this is a minor subdivision and if the application is considered to be
28 complete, this could be the meeting for the preliminary Findings of Fact.

29 **The Board finds on motion made** by Rich Coleman and seconded by Jim Nealey that this application
30 from Deep Creek Grazing as presented by Jim Dorsky of Gartley & Dorsky is complete as presented. The
31 Planning Board voted 5-0 **in** favor of this motion.

32 Motion **made** by Mike Parker and seconded by Jim Nealey to grant the requested waiver for the
33 submitted application plan to be 1:200 in size, instead of the 1:100 size as noted in our ordinance. The
34 Planning Board voted 5-0 **in favor** of this motion for waiver.

35 **SUBDIVISION FINDINGS OF FACT AND CONCLUSIONS OF LAW**

36 Subdivision Name: Point Lookout Subdivision.

37 Applicant proposes to subdivide 338.7 acres into 3 parcels, or lots, hereinafter referred to as “The
38 Project”. Development exists on the site currently. No new development is proposed.

39

40 **Section IV: Criteria of Approval**

41 **4.1. Pollution. MET.**

42 **The Board finds on motion made** by Rich Coleman and seconded by Mike Parker that The
43 Project will not generate pollution, if any, exceeding current levels. No new construction planned. The
44 Planning Board voted 5-0 **in favor** of this motion.

45 **4.2. Sufficient Water Supply. MET.**

46 **The Board finds on motion made** by Jim Nealey and seconded by Mike Parker that The Project
47 has existing water wells. With no new development planned The Project has sufficient water for the
48 foreseeable future. The Planning Board voted 5-0 **in favor** of this motion.

49 **4.3. Municipal Water Supply. NOT APPLICABLE.**

50 **The Board finds on motion made** by Jim Nealey and seconded by Rich Coleman that this
51 criterion is not applicable. The Project does not have access to a municipal water supply. The Planning
52 Board voted 5-0 **in favor** of this motion.

53 **4.4. Erosion. MET.**

54 **The Board finds on motion made** by Rich Coleman and seconded by Jim Nealey that The
55 Project’s current erosion controls are sufficient since no new construction is planned. The Planning
56 Board voted 5-0 **in favor** of this motion.

57 **4.5. Traffic. MET.**

58 **The Board finds on motion made** by Jim Nealey and seconded by Rich Coleman that The Project
59 will not negatively impact traffic levels inasmuch as no new development is planned. No change is
60 proposed to current site entry locations from Route 1. Internal circulation is provided by a system on
61 private paved roads. The Planning Board voted 5-0 **in favor** of this motion.

62 **4.6. Sewage Disposal. MET.**

63 **The Board finds on motion made** by Jim Nealey and seconded by Rich Coleman that The Project
64 is served by a series of private individual sewage systems. No increase in demand is expected since no
65 new development is planned. The Planning Board voted 5-0 **in favor** of this motion.

66 **4.7. Municipal Solid Waste. MET.**

67 **The Board finds on motion made** by Rich Coleman and seconded by Jim Nealey that The Project
68 will not adversely affect the town’s ability to process solid waste at the Northport Transfer Facility. No
69 new development is planned. The Planning Board voted 5-0 **in favor** of this motion.

70 **4.8. Aesthetic, Cultural & Natural Values. MET.**

71 **The Board finds on motion made** by Jim Nealey and seconded by Mike Parker that The Project
72 contains numerous established conservation easements for vegetation and wildlife. No historical sites
73 or wildlife habitats have been designated. The Planning Board vote 5-0 **in favor** of this motion.

74 **4.9. Conformity with Local Ordinances/Plans. MET.**

75 **The Board finds on motion made** by Jim Nealey and seconded by Mike Parker that upon final
76 approval The Project will comply with the adopted Northport Subdivision Ordinance and Comprehensive
77 Plan. The Planning Board voted 5-0 **in favor** of this motion.

78 **4.10. Financial and Technical Capacity. MET.**

79 **The Board finds on motion made** by Jim Nealey and seconded by Rich Coleman that The Project
80 requires no construction of common infrastructure to serve the parcels. Future improvement of any
81 parcel will be the responsibility of the parcel owner and subject to the requirements of the Town of
82 Northport. The Planning Board voted 5-0 **in favor** of this motion.

83 **4.11. Surface Waters. MET.**

84 **The Boards finds on motion made** by Rich Coleman and seconded by Jim Nealey that The
85 Project is not within the watershed of any pond or lake or within 250 feet of a designated wetland as
86 defined in Title 38, Chapter 3, Subchapter 1, Article 2-B Maine Revised Statutes. The Planning Board
87 voted 5-0 **in favor** of this motion.

88 **4.12. Ground Water. MET.**

89 **The Board finds on motion made** by Mike Parker and seconded by Rich Coleman that The
90 Project will not increase the demand or quality and quantity of groundwater. No new development is
91 planned. The Planning Board voted 5-0 **in favor** of this motion.

92 **4.13. Flood Areas. MET.**

93 **The Board finds on motion made** by Rich Coleman and seconded by Mike Parker that Lot 2 of
94 The Project contains one area located within the FEMA designated flood plains per the adopted FIRM

95 panels. The area adjacent to Knight's Pond is not developed nor is any development planned. The
96 Planning Board voted 5-0 **in favor** of this motion.

97 **4.14. Freshwater Wetlands. MET.**

98 **The Board finds on motion made** by Mike Parker and seconded by Rich Coleman that the
99 applicant has identified freshwater wetlands on the submitted plan. The Planning Board voted 5-0 **in**
100 **favor** of this motion.

101 **4.15. River, Stream or Brook. MET.**

102 **The Board finds on motion made** by Jim Nealey and seconded by Mike Parker that The Project
103 site plan indicates those rivers, streams or brooks within or abutting The Project as defined by Maine
104 Statute Title 38, Section 480-B, subsection 9. The Planning Board voted 5-0 **in favor** of this motion.

105 **4.16. Storm Water. MET.**

106 **The Board finds on motion made** by Jim Nealey and seconded by Rich Coleman that the
107 infrastructure to manage stormwater is in place. The Project requires no additional improvements
108 inasmuch as no improvements are planned. The Planning Board voted 5-0 **in favor** of this motion.

109 **4.17. Spaghetti Lots Prohibited. MET.**

110 **The Board finds on motion made** by Jim Nealey and seconded by Rich Coleman that The Project
111 does not propose any spaghetti lots. The Planning Board voted 5-0 **in favor** of this motion.

112 **4.18. Impact on Adjoining Municipality. MET.**

113 **The Board finds on motion made** by Rich Coleman and seconded by Mike Parker that The
114 Project does not cross any municipal boundaries. The Planning Board voted 5-0 **in favor** of this motion.

115 **4.19. Lands Subject to Liquidation Harvesting. MET.**

116 **The Board finds on motion made** by Jim Nealey and seconded by Rich Coleman that The Project
117 is not in violation on any rules regarding liquidation harvesting. The Planning Board voted 5-0 **in favor** of
118 this motion.

119 **4.20. State Subdivision Law Criteria. MET.**

120 **The Board finds on motion made** by Rich Coleman and seconded by Jim Nealey that upon final
121 approval The Project will comply with the above criteria and State law. The Planning Board voted 5-0 **in**
122 **favor** of this motion.

123 **Motion made** by Jim Nealey and seconded by Mike Parker to approve the submittal for the Point
124 Lookout Subdivision as submitted. The Planning Board voted 5-0 **in favor** of this motion.

125 The Subdivision Findings of Fact were signed by Reeves Gilmore, Jim Nealey, Mike Parker, Rich Coleman
126 and Dana Kennedy.

127 **NEW BUSINESS:**

128 **Donald and Johanna Knott**

129 **U5 / 160**

130 **3 Clinton Avenue**

131 **Expansion of house in shoreland**

132 Mr. Knott states he is wheelchair bound. They are trying to get the first floor living space set up as he is
133 unable to get up the stairs to the second floor which is where the bedrooms are located.

134 Reeves Gilmore asks if this is in the historic district to which CEO Toupie Rooney says affirmative. This is
135 a nonconforming lot.

136 CEO Toupie Rooney explains that where the house sits is past the setback but cannot be expanded
137 because it is out of the setback. The setback is determined by the shoreland ordinance. It is past the 75'
138 but within the 250' setback. You have 30% within the 75' but not within the 250' which allows 20%. The
139 expansion will be at 40% if they do as wished. The ramp is 80 square feet. The Zoning Board of Appeals
140 would need to address the waiver for the ramp. The ZBA has the ability to grant variance whereas the
141 Planning Board has to follow the ordinance strictly.

142 Reeves Gilmore states that we as a Planning Board have to deny this request so it will have to go to the
143 ZBA to have this all approved at the same time and have the variances granted which we cannot do.

144 **Motion made** by Jim Nealey and seconded by Mike Parker to deny this application because the Planning
145 Board has no authority to approve coverage. The Planning Board voted 5-0 **in favor** of this motion.

146 Application was signed by Reeves Gilmore, Jim Nealey, Rich Coleman, Mike Parker and Dana Kennedy.

147 **James Wise, information session**

148 **Regarding subdividing Owl Bat Lane**

149 In 2019 we had gone through the Planning Board for subdivision of family owned property in order to
150 build another structure on the property. The same owner is trying to keep the property and provide
151 flexibility of financing. We are discussing a 2 acre lot with 200' road frontage with the structure already
152 existing. We need to figure out the best way to accomplish this. There are no new developments
153 planned. They are wondering if there is a difference in taxation with 2 lots vs 3 lots. He will talk with
154 the assessor to get further information. Jim Nealey states that just reconfiguration should be fine.

155

156 **MINUTES:**

157 **Motion made** by Reeves Gilmore and seconded by Rich Coleman to accept the minutes of the
158 7/12/2022 meeting as presented. There were no corrections. The Planning Board voted 5-0 **in favor** of
159 this motion.

160 **ITEMS FOR DISCUSSION:**

161 CEO Toupie asked about having the Findings of Fact for subdivision being available on the Town website.
162 Reeves Gilmore assured her that this format is already available on the website.

163 CEO Toupie states the owner of what was Camden Realty wants to construct a 3 bay garage with an
164 apartment above. He has a flooring business but no showroom. The materials are ordered and shipped
165 direct to each worksite. The garage would be for vehicle storage. Planning Board members feel this is
166 not a problem and does not need to come before the Planning Board.

167 There is interest in purchasing fitness center and bowling alley at Point Lookout and turn these into
168 multiple condominiums. This is still in speculation mode.

169 A shoreland zoning issue has arisen. If a portion of a lot is in the shoreland zone, then the entire lot is
170 considered to be under shoreland zoning. There are some gray areas, so please review your ordinances
171 and State law.

172 Reeves Gilmore has given all members a copy of further revisions on the subdivision ordinance. He says
173 this is homework on the last points of discussion for subdivisions.

174 A special meeting will be held on September 27th at 6 pm as a workshop for all members on the
175 subdivision ordinance revisions.

176 **Motion made** by Reeves Gilmore and seconded by Jim Nealey to adjourn at 7:26 pm. The Planning
177 Board voted 5-0 **in favor** of this motion.

178 Respectfully submitted,

179 *Patsy Littlefield*

180 Secretary

181 **** APPROVED 10/11/2022 ****