

**Isle au Haut Planning Board
Minutes of the Meeting of January 23, 2015**

Regular Members Present: Bob Gerber, Dan MacDonald, Bill Clark, Steve Shaffer (arrived at 7 PM), and Bill Calvert (telephone)

Alternate Members Present: Jeff Burke and Wayland Small (both by telephone)

Applicants Present: John DeWitt and Kendra Chubbuck

Public Present: Meghan Cooper and William Stevens

Old Business

The meeting was convened at 6:30 PM by Chairman Bob Gerber. In the absence of Steve Shaffer at the start of the meeting, the Chair appointed Jeff Burke to vote in Steve's absence. Moved by MacDonald, seconded by Clark, the Board voted (4-0, Gerber abstaining) to accept the minutes of the meeting of October 21, 2014, as drafted by the previous Chair Albert Gordon.

The Chair noted for the record that he had replied in writing to questions and comments by William Stevens of October 1, 2014, relating to construction that he, as agent for Tina Tully, was considering doing on the Tully Subdivision on Long Pond. The Chair also noted that he had forwarded responses to Stevens of DEP staffer Stephanie MacLagan to Albert Gordon to the same Stevens document. The Chair noted that these responses would serve the same function that a typical staff planner would serve in a large town and that the contents of this type of letter from the Chair were reviewable by the full Board at a Board meeting.

New Business

The Chair noted for the record that, since the last Planning Board Meeting, Albert Gordon had resigned for health reasons and that Bob Gerber had been appointed by the Planning Board to fill the vacancy left by Al Gordon. Gerber also noted that the Board had elected him as Chair of the Board.

The next item of new business was taking up the Application of John DeWitt and Kendra Chubbuck to build a residence and toolshed/woodshed on the Chubbuck property in Head Harbor. The proposed residence is a two-bedroom, 1,920 sq ft L-shaped structure, one story. Each leg of the L is 24' X 40'. The footprint dimensions of the proposed shed are 12' X 20'. The applicants submitted a subsurface sewage disposal plan with a flow rate of 180 GPD. The point of the structures closest to Head Harbor is approximately 100' from mean high water. Shore frontage on the western (Head Harbor) shore is 619 ft. Shore frontage on the eastern (Blue Hill Bay) shore is 343 ft. The Application was approved as complete at the previous Planning Board meeting. Due to transition in Chairmen, the Board did not have an opportunity to process the application within the 35-day timeframe provided by the State Shoreland Zoning Ordinance. The Chair noted that no formal Notice to Abutters was sent by the Planning Board as it was not required by either the Town or State Zoning Ordinances.

The Chair briefly discussed the new "Application Documentation Processing" Form that he had created, which documents essential facts about an application, lists required submissions, and lists the State and Town Ordinance essential findings that must be made by the Board, among other

things. The Chair also noted that he did not have the original DeWitt/Chubbuck application, which still resided with Al Gordon and he would abstain from the vote since he was not present at the initial stage of Application review. But the Chair led the discussion in going through the checklist on approval criteria. The Board voted (4-0) on all of the criteria and added the condition to the Permit that the Applicant comply with State Ordinance Sections P&Q and the Town Ordinance Section VI(L)1-6. Having noted compliance with all the Ordinance requirements, the summary vote of the Board as moved by MacDonald and seconded by Clark was 4-0 in favor of final approval with the Chair abstaining. The Chair told the Applicant that he would send them a separate letter notifying them of the approval with conditions.

The next new business was William Stevens asking questions of the Board regarding the communication of the Chair of Jan. 10, 2015, to Stevens giving initial guidance on Tully Subdivision issues. The first question related as to whether Stevens would make one application per lot or one combined application for all items. Although the subdivision plan has been created, the lots have not yet been deeded out individually. The Chair gave the potential applicant the choice of applying either on a lot-by-lot basis or on a combined basis but warned the potential applicant that an issue on one lot may hold up approval of items on other lots.

The next item of discussion related to questions from Stevens on what the Board wanted for a plan for drainage improvements around the existing foundation on Lot 4 and the plans for road access construction on Lots 1 and 4 to build the approved septic systems. The Chair told Bill Stevens to make a copy of the individual lot plans from the final subdivision plan that shows the elevation contours, lot lines, and septic system locations, and draw on the lot plan the proposed width and location of the road access and associated erosion and sediment control measures with an approximate accuracy of $\pm 10'$. The Chair reminded Stevens that the subdivision conditions imposed by the Board required that all culvert and ditch discharges must be dispersed widely into wooded areas and not left in a concentrated flow.

The next item of discussion on the Tully subdivision was the status of the old sea plane ramp on the shore of Lot 3. The Chair had offered an initial opinion that this was a nonconforming use that had expired due to non-use in the past 12 months. Stevens claimed that the ramp had been used in the past 12 months for launching of small boats. The Chair requested that Stevens bring affidavits to the Board documenting this use and the Board would consider those uses as not extinguished. The size of the "repair" of the ramp was discussed. Stevens said that the portion of the ramp that sloped into the water had been removed and would not be replaced. Stevens suggested a large size for the "repair" of the remaining land portion of the "ramp". The Chair indicated that the Board would only consider the size of the landward part of the ramp as shown on the subdivision plan. Stevens did not ask to discuss the Chair's opinion that the boat house could not be expanded laterally and that "repairs" had to be in kind in place. The Chair reminded Stevens that the DEP requested that the ramp "repair" be processed under NRPA.

Bill Stevens did not have any applications ready to file at the time of the meeting. The Chair told Bill Stevens to send the Chair the Applications directly by PDF form in email when they were ready for Board consideration.

Stevens then mentioned as an information piece for the Board that he would be approaching the Board to apply for construction of a 1500 gallon Propane storage tank on his property at the foot of Coombs Mountain. The Chair requested that when he filed the Application with the Board that

Stevens provide a summary of the safety requirements of the State.

The Chair closed the meeting by noting that he would be proposing major revisions of the Town and State Zoning Ordinances to bring them into closer agreement, to update them to current standards and remove outdated material, to provide for marine and general uses at places around the Thoroughfare shore in the State Ordinance, and to insure that all flood zones are not identified as Resource Protection Zones. There will be hearings and publicity during the summer months on the proposals and the development of the proposed revisions will be developed concurrently with the revision of the Comprehensive Plan. The Chair also noted that the proposed FEMA Flood Zones would not become effective until July 2016, which is a year later than originally proposed.

There being no other business it was moved by MacDonald and seconded by Clark to adjourn at 8 PM. Approved 5-0.

Respectfully submitted,

Robert G. Gerber, Chair

Attachment: Jan. 10, 2015 letter to Stevens