

Orland Planning Board Minutes
7:00 P.M. / March 3rd, 2014

1. Roll Call

Present: Jack MacBrayne, Dexter Johnson, Mike Bishop, Kristen Cook, Mike Falvey - CEO

Absent : Roger Wood, Charles Giosia

Public: Several Town Residents

2. Approval of last Months Minutes. D. Johnson made motion M. Bishop seconded to accept minutes 4-0 in favor

3. Communications and Chairman's comments:

2/5 – Confirmed with Ed Rankin that Town Meeting will be in June and need for Site Plan Review Ordinance public hearing – probably in April/May

2/19 – Phone conversation with Dean Martin regarding application for expanding 44 Evergreen Way.

4. Unfinished business

None

5. New Business

A.)

Reviewed an application from Dean Martin and Sherry Young-Martin to expand their structure on 44 Evergreen Way, a waterfront lot on Toddy Pond.

The Board voted 4-0 to instruct the CEO to deny the permit.

Findings of Fact

1. The Orland Board of Appeals granted a variance for this lot to Jeanette and Clarence Eastman on July 24, 2003 allowing one residence on the property with a setback of 75 feet instead of the 100 feet required by the ordinance.

2. The variance cited above was not recorded in the Hancock County registry of deeds until July 22, 2004 – 364 days after the variance was granted. The variance is recorded on Bk 3976 Pg 59.
3. The deed transferring the ownership of the lot from the Eastmans to Dean Martin is recorded in the Registry of Deeds in Bk 3984 Pg 138, dated August 2, 2004.
4. The Martins built a structure (camp) on the lot in 2007. The footprint of the building is approximately 720 sq. ft.
5. The footprint was expanded by approximately 175 sq. ft. in 2009 by the addition of a deck, an increase of approximately 24%. The current footprint is approximately 895 sq. ft.
6. The Martins' application requests an expansion of approximately 868 sq. ft. This would be a 121% expansion of the original footprint and an expansion of 98% of the current footprint.
7. Approximately 415 sq. ft. of the proposed expansion is between the 75 ft. setback line and the 100 ft. setback line. The portion of the expansion less than 100 ft. from the water would constitute an expansion of the original structure of 58%.
8. A letter from Stephenie McLagan of the Maine DEP dated February 26, 2014 states that the variance remains valid only if it was registered within ninety days of issuance. "Otherwise the structure is nonconforming, at best, and is subject to the expansion standards of the Ordinance."

Conclusions

1. The Variance was not recorded in the Registry of Deeds within ninety days of issuance, thus the existing structure is nonconforming.
2. The proposed expansion exceeds the 30% limit established in Section 12.C.1 of the Ordinance, thus it fails to meet the expansion standard for a nonconforming structure.
3. Since there is now a structure (camp) on the property, it can now yield an economic return.

Mike Bishop Kris Cook Dexter Johnson Jack MacBrayne

B.)

Revised Site Plan Review Ordinance

The current Orland Site Plan Review Ordinance was adopted in 1978 and revised in 1996. The Planning Board has developed a revised ordinance to address State recommendations and to address issues that have occurred since the last revision in 1996. The major changes are summarized below. (Section references refer to sections in the proposed ordinance.)

Section 2 – Clarifies when a permit is required. The current ordinance is vague concerning whether a permit is required for a business if no actual construction takes place.

Section 3 – Definitions in the current ordinance and the state model ordinance were compared. Many of the definitions in the current ordinance are covered by the “customary and usual meaning language”. The proposed definitions are what the Board felt best meet the needs of Orland.

Section 4 – Specifically makes violators responsible for attorney’s fees and court costs that the Town of Orland might incur to enforce the ordinance.

Section 7 – Pre-application conference strongly advised (especially for larger projects).

- 7.4.3 – Fees to be established by the Selectmen

Section 9 – Establishes more detailed Standards and Criteria than are in the current ordinance. These will be especially helpful for larger projects.

- 9.22 through 9.25 – These sections were retained from the current ordinance as the Board felt these issues were not adequately addressed in the model ordinance.
 - o 9.22.1 – This was developed especially to deal with kennel issues that have been problematic in the past

Section 11 – Appeals to be made directly to Superior Court

6. Other Business

A.) Town Meeting June 11th

B.) D. Johnson respectfully requests all future agendas include an item for Public comments or questions. Chair addressed the public present at this meeting that they would have to request to be put on the agenda to discuss a specific topic with time limitations considered.

C.) Chair will not be present at next months meeting. Vice Chair will conduct agenda.

7. CEO report / already covered in Dean & Sherry Martin Conclusion

8. Next meeting April 7th 2014

9. Adjourn 8:15