

## PLANNING BOARD MINUTES

February 23, 2022

**APPROVED:** 3/9/22

**AGENDA:** 22PCC03: VICTORIA BLISS / TOM CALKINS, WEST SHORE RD, #213-002 / #213-003  
MASTER PLAN  
SPECIAL USE APPLICATION AND INSTRUCTIONS  
2022 PRIORITIES FOR 2023 BALLOT

**ATTENDING:** Denice DeStefano (Chair-via Zoom), Don Milbrand (Select Board Representative), Betty Seeler, David Shirley, Randall Kelley (Vice-Chair)

**ABSENT:** Bruce Beaurivage (Alternate)

**OTHER:** Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant), Applicants/public

Mrs. DeStefano opened the meeting with a quorum in person at 7:02 pm.

### **22PCC03: VICTORIA BLISS / TOM CALKINS, WEST SHORE RD, #213-002 / #213-003**

Mrs. DeStefano explained that a Preliminary Conceptual Consultation (PCC) is not binding on the applicant or the Planning Board but is the best off-the-cuff reaction to the concept being presented this evening. The applicant is advised that they should not make any substantial financial commitments based on any statements made during this PCC.

Mrs. DeStefano pointed out that there were two lots in play (213-002 and 213-003) under different ownership. The two owners are preparing to build a home together on Lot 3 and reduce this lot to four (4) acres. They are inquiring on grandfathering of the lots, the possibility of lot line adjustment, and how the properties will be taxed. Mrs. DeStefano advised the tax question would need to be answered by a different department and not the Planning Board. Mr. Calkins added that the co-applicants are married and started reviewing options with the two (2) properties. They learned about current use and are interested in how best to save tax dollars going forward. Mrs. DeStefano advised that the lots are part of an approved subdivision, so they are grandfathered as exist and as there isn't a use or structure, in question, the grandfathering would not be affected. Ms. Goodwin advised the Board that at the time of the question, there were concerns about the grandfathering as it relates to road frontage, but the Town's Attorney has since clarified that that is not an issue.

Mr. Shirley inquired if the property has any wetlands. Ms. Goodwin reported that there are no wetlands on the property as it is very steep. Mr. Shirley inquired on steep slopes. Ms. Goodwin reported that the Land Use Office did verify that it meets the current regulations. Mr. Shirley inquired if the steep slopes would affect the lot size requirements. Ms. Goodwin stated that steep slopes doesn't affect the lot size requirements but would be a process for building that the owners would need to follow. Mrs. DeStefano inquired if the ownership affects the lot line adjustment. Ms. Goodwin reported that it doesn't affect the Lot Line Adjustment, but it does affect Current Use.

Ms. Goodwin inquired on the driveway access for the lots. Mrs. DeStefano asked the Board to review the Accommodation Agreement to determine how that affects the lots. Ms. Thompson, with the assistance

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### **22PCC03: VICTORIA BLISS / TOM CALKINS, WEST SHORE RD, #213-002 / #213-003 (continued)**

of the property owners, pointed out the general area where the driveway was located. Mr. Calkins pointed out that the Agreement notes a shared driveway by the two (2) lots and each lot can have a ½-acre lot for the building site. Mrs. DeStefano didn't see any issues with the Agreement that would affect the Lot Line Adjustment.

Mr. Kelley inquired on the end goal, was it to create less of tax burden? Mr. Calkins advised that they are looking at current use for a lower tax threshold and the lot line adjustment was an option. They wanted to keep ownership of land and to make it more feasible for accessing their boat at West Shore Marine. Ms. Goodwin pointed out that the owners could merge the property to also get the same results. Mr. Calkins responded that there was potential of family expansion or sale of one of the lots and they are not clear which direction they are going yet.

### **MASTER PLAN**

Mrs. DeStefano pointed out the Sequencing of Future Master Plans and the Vision Chapter. Mrs. DeStefano pointed out that the Board was moving toward redoing Bristol's plan based on the Pembroke Master Plan. Ms. Goodwin stated that the intent of the revision is to add pictures, bullet points and to make the plan more user friendly, to get the public invested. Mrs. DeStefano added that there will also be an Implementation Chapter, that will have a list of goals and objectives for the Master Plan chapters. She added that the changes will be more visually interesting for the public.

The first two (2) chapters that the Board is working on is Vision and Land Use. We have received Vision and we are waiting on Land Use. Mrs. DeStefano added that she did talk to the Planning Commission Director. The discussion centered around how the Commission is struggling with staffing like all the other Commissions in the State, however, she felt that the Town has a contract, and it is expected that the Commission fulfill it. The Board needs to discuss the options on how to keep the Master Plan moving on.

Mrs. DeStefano asked the members to review the Vision Chapter for the March Workshop.

### **SPECIAL USE APPLICATION AND INSTRUCTIONS**

Ms. Thompson presented the new documents drafted in 2021. She didn't create a checklist as the instructions already have a list on the back. Ms. Thompson pointed out the following adjustments to the Application: fees and received date added to the top, updated designated case number, added floodplain, added a bullet for letter authorizing representation, added better breakdown on use of property, added permission for Conservation Commission to access site, added checklist for requirements, added a blurb about what helps the Board understand the project better, and re-branded the whole document. The Instructions clearly spell out what the applicant needs to submit, including that the applications must be reviewed by the Conservation Commission. Ms. Goodwin inquired about showing the actual measurements of the setback to the wetland delineation. Mrs. DeStefano and Mr. Shirley suggested adding wording under the scaled diagram that distance of all setbacks is required. It will be added to both the instructions and the application.

Mr. Milbrand joined the meeting.

Mr. Kelley motioned to approve the Special Use Permit Application and Instructions as amended. Ms. Seeler seconded. The motion carried 4-0-1. Mr. Milbrand abstained.

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### 2022 PRIORITIES FOR 2023 BALLOT

Mrs. DeStefano presented a list of items for the Board to consider for priorities for 2022:

*List of properties in two (2) Zoning districts* – Mrs. DeStefano asked if the Board would like to do the list all at once or split them up over the years. Ms. Goodwin pointed out that she started reviewing the list to prepare for the Board – verifying the map and lot's listed, assessment changes, and particular notes that she felt were important to mention. Mr. Shirley inquired on how the boundaries were created as he felt that it would be beneficial to know why the lines were placed where they are. He also has some concerns about how different some of these areas are and felt it might be wise to do them in sections. Ms. Goodwin will finish preparing the list for the March workshop.

*Solar Ordinance* – The Board has been given a model ordinance to review. Mrs. DeStefano has not started a draft as there are questions the Board would need to answer before a draft could be crafted. There was much discussion about solar and how it should be included with projects. Mr. Kelley felt that the Board should prioritize this Ordinance for 2022. Mr. Shirley asked if the Board could review this with a solar company or expert. Mrs. DeStefano stated that the Board could do that if they choose.

*Steep Slopes Ordinance* – Mrs. DeStefano asked the Board to read through the existing Ordinance and determine if this is something that we should address this year. She asked for input for the March workshop meeting. Ms. Goodwin pointed out that the 10,000 sf plus the 15% slope do not trigger a lot of projects and she thought the Board should review this and determine if it needs to be adjusted. Ms. Goodwin volunteered the Land Use staff to do research on what other Town's Ordinances are.

*Incorrectly Delineated Wetlands* – There were some comments from a recent case that brought the Board's attention to some wording and requirement changes. Mrs. DeStefano will prepare something for the Board to review.

*Off-Premise Signs* – The Zoning Board has asked for clarification on off-premise signs. Mrs. DeStefano pointed out that there are signs that were installed prior to the ordinance, some installed in-spite of the ordinance, and some installed with the correct permitting. Mr. Shirley felt that one of the things that was good about Bristol was the lack of billboards and signs all over the place. Ms. Goodwin clarified that Zoning was asking for more guidance on approving a Special Exception for a sign. Mr. Shirley felt that Freeport Maine might be a good resource as their signs are done well. Ms. Thompson will do research on what other towns are doing.

### MINUTES OF NOVEMBER 10, 2021, DECEMBER 8, 2021, JANUARY 26, 2022, FEBRUARY 9, 2022

The Board reviewed the minutes of November 10, 2021, and a typo was found on page 2. Mr. Kelley motioned to approve the minutes of 11/10/21 as amended. Ms. Seeler seconded. The motion carried 4-0-1. Mr. Shirley abstained.

The Board reviewed the minutes of December 8, 2021. Mr. Milbrand motioned to approve the 12/8/21 minutes as written. Mr. Kelley seconded. The motion carried 4-0-1. Mr. Shirley abstained.

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### MINUTES OF NOVEMBER 10, 2021, DECEMBER 8, 2021, JANUARY 26, 2022, FEBRUARY 9, 2022 (continued)

The Board reviewed the minutes of January 26, 2022, and a typo was found on page 1. Mr. Milbrand motioned to approve the minutes of 1/26/22 as amended. Ms. Seeler seconded. The motion carried 4-0-1. Mr. Kelley abstained.

The Board reviewed the minutes of February 9, 2022, and a paragraph on page 5 was corrected. Mr. Shirley motioned to approve the minutes as amended. Mr. Kelley seconded. The motion carried 5-0.

### COMMUNICATIONS

A memo on a section of Riggins Rules was provided to the Board. Mrs. DeStefano will submit one memo section each month to remind the Board members of the best practices.

Ms. Thompson added a survey that was received after the agenda was prepared. The boundary survey is for the Moore property located at 425 Wulamat Rd under Map/Lot #103-017.

### REPORTS

*Historic District Commission* – No meeting for February or March

*Select Board* – The Select Board has been spending a lot of time working on the Sewer to the Lake Project.

*Capital Improvement Plan Committee* – They do not meet until April; however, the meeting might be postponed.

*Conservation Commission* – The Commission has been unable to officially meet due to quorum issues. They have a new member going before the Select Board on March 3; however, another member has resigned. They also have a Warrant Article to reduce membership to five (5) members at Town Meeting.

*Land Use Department* – Ms. Goodwin updated the members to a video presentation that was created on the proposed Zoning amendments and its location on the website.

Ms. Goodwin asked the Board about holding a new interview with the members at an upcoming workshop to answer questions about serving on the Board. This was tried in the past, but there was an error with the video. The Board agreed.

Ms. Goodwin advised the Board of the “sunset clause” question about putting time limits on a Site Plan. Mrs. DeStefano stated that the Board is approving a Site Plan until such time that there is a change to the Site Plan, and the plan is reviewed again. Ms. Goodwin advised the Town’s Attorney stated that a “sunset clause” would not be allowed, and she will share the response with the Board.

Ms. Goodwin advised the Board that there is an application coming up in May where Eversource is updating the transmission lines called E115 and some of work and structures are within 50 feet of the wetland delineation. The Land Use Office confirmed with the Town’s Attorney the abutter list, which is approximately 98 abutters. During the conversation, a question arose about reading the abutters into the record. The Town’s Attorney advises that if there is a rule that the Planning Board requires the abutters to be read into the record, then the Chair can ask for a motion to suspend this practice for this case. The Planning Board by-laws state that the assistant shall read the application and report on the manner, in

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### REPORTS (continued)

which, public and personal notice was given. The Board agreed, based on the by-laws, that it is not required so no motion would be needed, however, the Board would like the abutters list to be added to the minutes. The Town's Attorney has provided a blurb for Ms. Thompson to read into the record in place of the abutters list and the list being included in the minutes will be added to the blurb.

Mrs. DeStefano added that there is an article included in the member packets on Grandfathering that might be beneficial for the members to keep in their binders.

Mrs. DeStefano inquired on the status of the Acronym List. Ms. Goodwin is working on and will have for the March meeting.

**NEXT MEETING:** March 9, 2022, at 7:00pm. Currently there is a Special Use Permit and a Minor Site Plan scheduled.

With no other business before the Board, Ms. Seeler made a motion, second by Mr. Milbrand, to adjourn at 8:42 pm. The motion carried 4-1-0.

Respectfully submitted,  
Christina Goodwin  
Land Use Manager