

GREENVILLE PLANNING BOARD
Town Hall Meeting Room & Zoom Virtual Meeting Platform
Municipal Building
Minden Street, Greenville, Maine 04441
Minutes
July 26, 2021

NOTE TO PUBLIC: There is a video recording of this Planning Board meeting available on the Town website: <https://greenvilleme.com/boards/planning-board-meeting-video/>. The video recording is the official record of the Planning Board meeting. These Minutes reflect specific actions taken by the Planning Board (the “Board”) at the meeting and generally identify the discussions at the meeting.

MEMBERS PRESENT: John Contreni, Chair, Lurline Arco, Secretary, Noel Wohlforth, Joanie Withee

ABSENT: Jonathan Boynton, Jenny Ward

ALSO PRESENT: Bill Ethier (Code Enforcement Officer); Mike Roy (Town Manager)

GUESTS: Justin Furbush, Tom Nicols, Scott Najarian

GUESTS VIA ZOOM: Sheila Grant, Eastern Gazette

Meeting called to order: 5:00 p.m.

Minutes: Pending receipt of December 7 and 12, 2020; February 8 and 22, 2021; March 8, 2021; April 12 and 26, 2021; Minutes of July 12, 2021 presented.

Motion made by: Noel to accept Minutes of July 12, 2021.

Seconded: Joanie seconds. Minutes have been moved and seconded with corrections. Approved 4-0.

Adjustments: None

Conflict of Interest with any agenda item by Board members: None

Report from CEO: Covering week of 7/26/2021 - 7/23/2021. Upon review of the report, Bill changed the year-to-year comparisons from 107 to 117. John said Mike Roy reported at the last Select Board meeting that the Town budget predicted \$5,000 income for permits. The actual

income is around \$29,000. Joanie inquired about the CMP form 1190. Bill said that CMP requires this form to be filled out when someone is requesting power to their property.

Non-conforming building expansion for Justin Furbush. Bill said that Justin wants to demolish the existing structure and build a new one. The camp will basically stay where it is but will be set kitty-corner. Camp is currently 14 x 40. Looking to increase by 10 feet to 24 x 40. Bill met with Dawn Hurd from the Maine DEP on October 21, 2020, and it was agreed that the camp is 39' from the high-water mark. There is currently 1,582 square feet available for expansion. Justin will use 481 square feet leaving 947 square feet for future building expansion in the Association. Bill stated that all camps in the Association do not own the land just the structures. The Association has approved the expansion. John asked for clarification of the 1.6% lot coverage. Bill said the new structure will occupy 1.6% of the lot. John also asked if the new bathroom and kitchen will affect the septic. Bill said septic is based on bedrooms. Joanie inquired about the basement. Bill said the new structure will have a walk-out foundation. Joanie wanted to know about soil disturbance during construction. Bill said that Justin will need to get a permit from the DEP. Lurline asked the name of the Association – Birch Point Condo Association. Bill recommends approval of the expansion with the following conditions:

- New structure expansion must be 39' from high-water mark of Moosehead Lake or as determined by the CEO before building is demolished.
- New structure expansion cannot be taller than 20' or existing structure height, whichever is greater. This is measured from the lowest point of land to the top of the peak.
- During construction, Owner must utilize Best Management Practices for Erosion and Sedimentation control, found in Land Use Ordinance for Town of Greenville, Article 6, Section 5.
- Owner shall apply for and receive a Permit by Rule from Maine Department of Environmental Protection, Natural Resource Protection Act. Owner must provide a copy of this permit to the CEO before any construction will begin.
- Owner will need to apply for a demolition permit from the CEO before any demolition begins.
- Owner will cut a couple of trees on Association land to build camp. Association has agreed that this is okay. CEO will determine size of trees that will be removed and how many trees will need to be replanted and location of trees.
- Owner will need to cover any exposed areas from previous camp with bushes to help with future erosion.

Joanie moved to approve with conditions. Noel seconded. There being no further discussions or question, approved 4-0.

Non-conforming building expansion for Don and Kim Fuller: Bill visited the property on July 2, 2021. The structure is 29' from Moosehead Lake. Therefore, the new expansion will have to start at the existing deck on the lake side. The new expansion will be on post as the current structure. Owner is proposing to add a 3' x 6' section to square his deck with the existing structure. Coverage cannot be more than 20%. The proposed structure is 18 square feet leaving 195 square

feet for future lot coverage. The Owner is also proposing to enclose the current deck. This will not add square footage to formula and cannot be used as bedroom space. Owner will need a permit to enclose the deck. They will be using one cement pad. Will speak with the DEP see if this can be waived. Joanie inquired about the huge rock. Bill said they will be using it as an anchor. Bill recommends approval of the expansion with the following conditions:

- New structure expansion must be 29' from high water mark of Moosehead Lake, which is the lake side edge of the existing deck.
- New structure expansion cannot be taller than 20' or existing structure height, whichever is greater.
- During constructions, Owner will utilize Best Management Practices for Erosion and Sedimentation control, found in Land Use Ordinance for Town of Greenville, Article 6, Section 5.
- Owner will apply for and receive a Permit by Rule from Maine Department of Environmental Protection, Natural Resource Protection Act (if required). Owner will provide a copy of this Permit to the CEO before any construction will begin.

Noel moved to approve with conditions. Joanie seconded. There being no further discussions or question, approved 4-0.

Old Business:

Follow-up discussion on retail businesses over 20,000 square feet. How is this defined? Bill's interpretation is that our Ordinance states that you can only go up to 20,000 square feet. Even if you are grandfathered in, you can tear down the current structure and rebuild within that footprint. Again, Bill's interpretation is you can expand up to 20,000 square feet per lot. Downtown areas 1 and 2 only 5,000 square feet per lot.

Follow-up discussion regarding public meetings and public hearings. Bill gave the Members a copy of an e-mail from MMA which states the following:

“Public participation is generally required only at a public hearing. If the Planning Board decides not to hold a public hearing under Section 4403 and instead discusses a subdivision application at a public Board meeting, then the Board would have the ability to control whether to permit public participation, and if so, then how much. The Freedom of Access Act (FOAA) neither requires nor prohibits public participation at a public meeting – it only requires that members of the public be permitted to *attend* a Planning Board meeting. If the Board thinks that it could benefit from allowing abutters to ask questions or make comments at its meeting, then it is free to do so.”

Bill feels that the way we have been operating in the past is correct and it is up to the Planning Board Chair whether abutters or attendees can speak.

Follow-up discussion regarding Planning Board role in creating Noise Ordinance and Remote Meeting Ordinance. Bill provided the Members with an e-mail from MMA. Bill's

interpretation in a nut shell is that the MMA doesn't care who comes up with the ordinances. MMA doesn't think the Select Board should determine how the Planning Board runs its meetings. Also, the MMA feels the same about the Noise Ordinance. Doesn't matter who comes up with the ordinance. The Select Board of course needs to approve the noise ordinance and then it goes before a Town meeting. John said a noise ordinance is a public safety issue. Since they will need to enforce, they should have a say in its creation. John said the Planning Board's purview is dealing with land use and asked Bill to relay this to the Select Board. Bill reiterated about each Board coming up with their own ordinance regarding Remote Meetings.

Follow-up on pedestrian traffic near 35 Pritham Avenue. No parking signs have been put up. As soon as they can, the fence will be pushed back. Have received no complaints or calls.

Items for Next Meeting 8/9/2021. Everyone wished Bill the best. He will be sorely missed and did a tremendous job. We will also follow-up on a Remote Meeting Ordinance.

What's on your mind: Noel said he is sorry to see Bill go and everyone agreed. Joanie is concerned about safety. Her son was crossing near the Indian Store and almost got struck by a car. Lurline agreed about the same thing. John said unfortunately people get distracted and there are a lot of tourists in Town. John asked Bill if he had any recommendations to the Board going forward. Bill said he did not that we were operating just fine. John said if you think of anything please make a note of it. Joanie said constructive criticism too.

Adjournment: Joanie motioned to adjourn at 5:38. Noel seconded. Approved 4-0.