

## **Liberty Planning Board Minutes**

March 9, 2017, convened 7:00 pm, Liberty Town Office

**Attendance:** Peter Mallow, chair; Lou Pelletier; Vic Ahlefeld; Al Johnson; Steve Chapin, alt (arrived 7:10 pm); Danielle Blake, secretary; Don Harriman, CEO.

### **II. Procedural**

1. Review minutes of January 12, 2017 meeting. Motion to accept by Pelletier, seconded by Johnson. Pass 3-0, 1 abstain. Review minutes of February 16, 2017 meeting. Motion to accept by Pelletier, seconded by Johnson. Pass 3-0, 1 abstain.
2. Comments by CEO on matters pertaining to the Planning Board.  
None.

### **III. Applications**

1. Tibbetts, Mark and Tonia. 37 Knowltons Shore Rd., Map 17 Lot 5.  
Application to remove the garage and single-story addition to the main house including the foundation and to rebuild adding a second story. The foundation will be moved back 2' on the water side and the footprint will increase by 4'. Construction is over 200' from the HWM on a conforming lot.

Tonia Tibbetts said their plan was to bring the structure in line with existing main building. Ahlefeld noted that the project was well outside the 100' setback. Harriman asked if a septic inspection had been done. Mallow said there was one done by Moore Septic in 2016 included at the back of the application. Harriman said it looked like the inspection was good. Mallow noted the inspection mentioned the leach field and he asked if the Tibbetts are looking to expand. Tibbetts said no, that only two of them would be living there. Ahlefeld asked if Harriman was okay with the plan. Harriman said yes. Mallow said the application was for the plans they have and requested notification if the plans were altered. Pelletier asked if they had set up a plan for a septic pump out. Tibbetts said it was done in the fall and the septic company would contact them in the future.

Motion by Johnson to pass the application, seconded by Pelletier. Pass 4-0.

2. Braley, James and Margaret. 127 Howes Cove Rd., Map 2 Lot 21-G.  
Contractors Russ Lloyd and Frank York. Application to build a 38' X 22', two story house with an attached 22' X 24' garage approximately 105' from the HWM of Stevens Pond.

Mallow asked if they had a septic. The Braleys said one was recently installed. Blake responded that their plan was on file in a prior planning board application. Mallow noted that they had cleared for the septic. Harriman said that was allowed. Pelletier noted that the application sketch made it look like the patio was at the edge of the water, but then the description said otherwise. Braley said the patio would be 15'-20' from the 100' mark. Mallow asked when they planned to start. Braley responded it would be mid-April. Ahlefeld said to be wary of the 100' mark, they need to stay back from that. Chapin said that the land falls off towards the water and they need to measure a horizontal distance from the HWM. Harriman said if they need help with that to give him a call.

Motion to Accept by Pelletier, seconded by Johnson. Pass 4-0.

Meg Braley had a question about the RP and wetland preservation zone which are shown on the Shoreland Zoning map to run through their property. Ahlefeld said they have to stay 250' from the RP zone, but it seems their building site is far enough away. Braley asked if they want to make their structure smaller do they need to resubmit an application. Chapin said they need to tell the Board about any changes because the plan on file needs to represent what is on the ground.

#### **IV. Public**

1. Nash, Cary. 24 Kirby Island Rd. Nash thanked the Board for the permit to cut deadwood. He said the camp has moved from its pilings, and they would like to put it on a frost wall. They have contacted Bland Builders about doing the work. Harriman said the project would require a planning board permit. Chapin said the problem was they have to try to make the building more compliant which means moving the building back as far as is practicable. Harriman asked if the septic sets behind the house. Nash said, yes he thinks the tank is 5' back. Harriman noted they also have a road there. Chapin said someone would need to go out and look at it. Harriman repeated that Nash needs to put an application in. Chapin said putting new pilings in would be considered a repair while putting a frost wall in would be new construction. Harriman said it would require a DEP permit by rule. Mallow advised Nash to have the contractor draw up a plan. Harriman said that the Board follows how the state goes. Ahlefeld asked how big the lot was. Nash replied that they had 120' on the water back 100' to the road and they also own a lot 100' X 100' across the road. Mallow advised Nash to look at Section 12 of the SZO—non-conformance-foundations. Mallow noted we have a copy of the septic plan on file.
2. Skidgell, Corie. Real estate agent for Map 20 lot 37, 78 Roberts Shore Rd. Skidgell wanted to know about putting a mobile home on the non-conforming lot where there is an existing mobile home, not on the water. The mobile home is 37' from the road center, including 1 ½ units of the Sweet Land of Liberty subdivision.

Ahlefeld said it fell under the Minimum Lot Size Ordinance. Skidgell said she has it under contract and wants to know what the options are. Pelletier said they could put a same size structure there. Skidgell said the existing one is 14' X 60'. Ahlefeld said the existing structure is 3' from the lot side and it should be 10' and it should be located 40' from the road centerline according to the MLSO. Harriman said they just can't make it more non-conforming than it already is and noted that they have a pad already. Skidgell said they could locate it closer to the back line of the lot. Ahlefeld said that replacement was allowed if it was less non-conforming. Harriman said they would still need a permit and a septic inspection. Ahlefeld said there is a time constraint once the old mobile home was removed—they need to get a new one in within a year.

## **V. Administration**

1. Pending application work.  
None
2. Ordinances
  - Shoreland Zoning revisions—Mallow said that a public hearing was held and the Ordinance would be presented for vote at the March 25 town meeting.
3. Any other administrative matters that might properly come before the Board.
  - Policies and Procedures. Chapin noted that town attorney Bill Kelly had advised the planning board in a much more formal board meeting. For example, when the board goes into deliberations the public can no longer speak. Ahlefeld said that most of the time it is helpful to have back and forth, but that the board should be able to step back from the more informal mode and go into a formal mode when needed. Pelletier asked if there was a template. Mallow said that they could use Roberts Rules of Order. Chapin said that the fact-finding could be in the form of a conversation. He added that the Board should be careful to tie back every decision to the appropriate section of the ordinance.

Motion to adjourn by Mallow, seconded by Ahlefeld. Pass 4-0. Adjourned 8:00 pm.