

**TOWN OF TREMONT
PLANNING BOARD MINUTES
October 24, 2023**

1. CALL TO ORDER

Chair Good called the Planning Board Meeting to order at 6:00PM.

2. ROLL CALL

Lawson Wulsin, Brett Witham, Beth Gott, Ben Harper, and Chair Mark Good were in attendance, along with Deputy Code Enforcement Officer Katie Higgins and Town Manager Jesse Dunbar.

There were no absences.

3. ADJUSTMENT/ADOPTION OF AGENDA

Mr. Witham moved, with Mr. Wulsin seconding, adoption of the Agenda as presented. Motion approved 5-0.

4. MINUTES:

Minutes of September 26, 2023

Mr. Harper moved, with Mr. Wulsin seconding, approval of the September 26, 2023 Minutes as presented.

Motion approved 4-0-1 (Witham in Abstention).

5. Public Hearing

Tom Benson

Harkins Family Subdivision

Tax Map 11 Lots 3A

Chair Good called the Public Hearing to order at 6:02PM.

There were no comments from the public.

Chair Good closed the Public Hearing at 6:03PM.

6. OLD BUSINESS:

Tom Benson

Harkins Family Subdivision

Tax Map 11 Lots 3A

Findings of Fact

Review of the Harkins Family Subdivision ensued.

- 1. Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
- A. The elevation of the land above sea level and its relation to the flood plains;
 - B. The nature of soils and sub soils and their ability to adequately support waste water;
 - C. The slope of the land and its effect on effluents;
 - D. The availability of streams for disposal of effluents; and
 - E. The applicable state and local health and water resources rules and regulations;

Met **X** Not Met

Mr. Wulsin moved with Mr. Witham Seconding that he standard has been met. The proposed subdivision will not have any undue effect on water or air pollution. Elevation of land is above sea level. Test pit information to support septic systems on each lot. The slope of the land is designed to minimize storm water runoff.

Motion approved 5-0

- 2. Sufficient Water.** The proposed subdivision has sufficient water available for the foreseeable needs of the subdivision;

Met **X** Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met. The letter from P.L. Jones & Son, Inc. concluding no problems obtaining adequate and potable supply of water for this subdivision for the foreseeable needs. See exhibit 9 made part of application.

Motion approved 5-0

- 3. Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

Met Not Met **N/A X**

Mr. Wulsin moved with Mr. Witham seconding that the standard is not applicable as there is no public water supply available.

Motion approved 5-0

- 4. Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

Met **X** Not Met

Mr. Wuslin moved with Mr. Harper seconding that the standard has been met as the proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results. Based on Atlantic Resource Co, LLC. Custom soil resource report. See exhibit 10, made part of the application.

Motion approved 5-0

5. Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing and proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of a urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveway or entrances conform to Title 23, section 704 and any rules adopted under that section;

Met **X** Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met as the proposed subdivision will not cause unreasonable highway or public road congestion due to relocating lot lines.

Motion approved 5-0

6. Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

Met **X** Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met per the test pit information made part of application indicating they will provide adequate sewage disposal.

Motion approved 5-0

7. Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

Met Not Met **N/A X**

Mr. Wulsin moved with Mr. Harper seconding that the standard is not applicable as the proposed subdivision will not affect the disposal of solid waste.

Motion approved 5-0

8. Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic

sites, significant wildlife habitat identified by the Department of Inland fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights of way for physical or visual access to the shoreline;

Met **X** Not Met

Mr. Wulsin motioned with Mr. Harper seconding that the standard has been met as the proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area or aesthetics, no historic sites, significant wildlife habitat identified by the Department of Inland fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights of way for physical or visual access to the shoreline exist within the subdivision.

Motion approved 5-0

9. Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

Met **X** Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met as the proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan.

Motion approved 5-0

10. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;

Met **X** Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met, based on a letter of confirmation from Bar Harbor Bank and Trust, financial institute.

Motion approved 5-0

11. Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall reviewed as if lot lines extended to the shore.

(2) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designed by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983.

Met Not Met N/A

Mr. Wulsin moved with Mr. Harper seconding that the standard is not applicable as no portion of subdivision is within the water shed of any pond, lake or river.

Motion approved 5-0

12. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely, affect the quality or quantity of ground water;

Met Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met as the proposed subdivision will not affect the quality or quantity of ground water; existing subdivision, single family residence will not adversely affect the ground water based on lot size.

Motion approved 5-0

13. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within subdivision. The proposed subdivision plan must include a condition of plan approval requiring that the principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

Met Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met as no portion of the proposed subdivision is in the flood zone.

Motion approved 5-0

14. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of

the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of local soil and water conservation district;

Met X Not Met N/A

Mr. Wulsin moved with Mr. Harper that the standard has been met as all wetlands are identified on the subdivision plan.

Motion approved 5-0

14-A. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

Met Not Met N/A X

Mr. Wulsin moved with Mr. Harper that the standard is not applicable as No farmland is identified on subdivision plan.

Motion approved 5-0

15. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, section 480-B, subsection 9;

Met X Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met as a stream has been identified on the subdivision plan.

Motion approved 5-0

16. Storm water. The proposed subdivision will provide for adequate storm water management;

Met X Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met as the proposed subdivision will follow best practices for adequate storm water management for any future development. See Storm water management plan, made part of the application.

Motion approved 5-0

17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

Met Not Met N/A

Mr. Wulsin moved with Mr. Harper seconding that the standard is not applicable as no portion of the proposed subdivision is in the shoreland zone.

Motion approved 5-0

18. Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

Met Not Met N/A

Mr. Wulsin moved with Mr. Harper seconding that the standard is not applicable as no portion of proposed subdivision is located near a great pond.

Motion approved 5-0

19. Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

Met Not Met N/A

Mr. Wulsin moved with Mr. Harper seconding that the standard is not applicable as no portion of proposed subdivision crosses municipal boundaries.

Motion approved 5-0

20. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76.

Met Not Met

Mr. Wulsin moved with Mr. Harper seconding that the standard has been met as no timber harvest on parcel has occurred within the last 5 years.

Motion approved 5-0

Other terms and conditions:

Motion by Planning Board member Lawson Wulsin , Seconded by Ben Harper to approve SUBDIVISION APPLICATION, The Harkins Family Subdivision, TAX MAP 011 LOT 003-A

Votes in Favor: 5

Votes Opposed: 0

7. NEW BUSINESS:

Acadia Wilderness Lodge

661 Tremont Road

Tax Map 005 Lot 100

Request to extend permit for 6 months.

Mr. Harper moved, with Mr. Witham seconding, to approve the 6 month extension to the Acadia Wilderness Lodge permit.

Motion approved 4-0-1 (Gott in abstention)

8. OTHER:

9. CEO ISSUES: The board discussed some potential ordinance changes proposed by CEO John Larson. No action was taken.

10. SET DATE FOR NEXT MEETING: *SUGGESTED NOVEMBER 14, 2023*

Mr. Wulsin moved, with Mr. Witham seconding, to set November 14, 2023, 6:00PM, and the Harvey Kelley Meeting Room as the date for the next meeting.

Motion approved 5-0

11. ADJOURN

Mr. Harper moved, with Ms. Gott seconding, to adjourn.

Motion approved 5-0.

The Meeting adjourned at 7:06 PM.

Chair Mark Good

Date