

**Town of Otisfield
Planning Board Minutes
Town Office Annex
July 13, 2021
7:00 PM**

1. The meeting was called to order at 7:03 PM by Chair – Karen Turino.
2. **Attendance:** Members present were Chair – Karen Turino, Vice Chair – Rick Jackson, Alternate & Recording Secretary – Pauline Flagg, Stan Brett, Herb Olson & Otis Brown.

Secretary: Tanya Snow
Code Enforcement Officer: Fred Collins

3. **Announcement of Quorum:** Board has a quorum.

4. **Approve Secretary's Report:**

- A. Regular Meeting Minutes from June 22, 2021. *Motion to accept minutes as amended. SB/OB – Unanimous.

5. **Discussion & Comments from public:**

- A. None.

6. **Residence - Based Business Applications:**

- A. None.

7. **Shoreland Zoning Applications:**

- A. Eliot Madow, Map U16, Lot 006; Applicant would like to increase total structure to meet the one-time expansion cap of 1,000 sq. ft. Proposed construction to add approximately 24' x 16' (384 sq. ft.) to back of cottage increasing total size to 970 sq. ft. within 75' of the high-water mark. RJ: The setbacks from the existing structure are 18' from the left lot line and the other side shows a 5' setback. The measurements do not compute. Eliot: There was an error on the clearance that was taken from a diagram. The setback on the right of the proposed addition would be 8'. CEO: I have no concerns with this. They are allowed to increase sq. ft. to a maximum of 1,000 sq. ft. He is not proposing to go any closer to the water or the lot line so those measurements will not change anything.

*Motion that we accept this application as presented. SB/RJ – Unanimous.

8. **Miscellaneous Applications:**

- A. Leesa Cox, Map R6, Lot 031A: 75 Bow Street: Applicant would like to split a 9.76 Acre lot. One lot will be 2.56 acres with 206.63' feet of road frontage. The rear lot will be 7.20 acres with 41.04 feet of road frontage causing it to be a "Non-Conforming Right of Way" on a recorded plan.

Definition of a NON-CONFORMING RIGHT OF WAY – A right-of way, other than those on which a public way maintained by the Town of Otisfield or the State of Maine is located or a private way shown on a recorded plan and approved by the Planning Board that is less than sixty (60) feet in width.

Definition of a Common Driveway – a vehicular access-way serving two (2) single family dwellings that provide access to a street.

Tabled last meeting (06.22.21) to allow applicant the chance to adjust the application and the proposed plan and relocate the driveway so it merges to the existing driveway.

CEO: The Town Attorney has provided legal advice giving the PB the go ahead on this. The Survey is a legal document and it is a legal Right of Way on a divided piece of property. The surveyor Keith Morse of JKL Land Surveying re-routed the driveway entrance and submitted the new plan tonight. Needs (1) signed copy to be recorded at the Registry of Deeds if accepted tonight.

Discussion: OB: I was reviewing an AVCOG tape with Phil Saucier and someone asked about this issue and the Attorney said if a lot was in violation or not in compliance with a requirement on a subdivision deed, we are not supposed to issue a permit. OB: This is not in conformance because of the buffer strip. The buffer strip was not supposed to be touched, according to the Mountain View subdivision deed, unless it was to remove dying trees. SB: This was done by a previous owner. OB: Our Attorney, Phillip Saucier said if it's in violation of original subdivision order, then they cannot have a building permit. CEO: I do not believe our attorney said that. RJ: They are not here asking for a building permit. They are asking for the ROW. SB: I live within a mile or so of this location and this year there were trees removed, but not along this buffer area that you are referring to. Someone else cleared it years ago. I don't remember if it was the previous owner or the ones prior, but that has been open for quite a few years, at least 4 or 5 years now. RJ: I think we need to follow our Town Attorney's advice and approve what we have before us.

*Motion to accept this revised design for a Right of Way off a shared driveway opening per the advice of our Town Attorney. RJ/SB – (3) in favor (KT/RJ/SB) (1) Not in favor (OB) and (1) Abstained (HO).

9. Subdivision Application:

A. None.

10. Upcoming Dates:

A. Planning Board Meeting August 10, 2021 at 7:00 PM.

11. Discussion & comments from Code Enforcement Officer:

A. CEO: We really need to follow our legal advice. SB: I was ok with the application after the originally proposed driveway, creating an illegal second road entrance, was removed and the Right of Way reconfigured to come off a shared driveway. KT and CEO, I agreed with that.

12. Discussion & comments from Board:

A. Election of Officer's:

1. Chair – *Motion for Karen Turino. PF/SB – (PF/OB/SB/HO) (1) abstain RJ.

2. Vice Chair – *Motion for Stan Brett. KT/OB – (KT/PF/OB/SB/HO) (1) abstain RJ.

3. Recording Secretary – *Motion for Pauline Flagg. SB/OB – (KT/PF/OB/SB/HO) (1) abstain RJ.

*TS will update web site accordingly.

B. Board members needed. Requesting TS put something on the website looking for volunteers.

13. Unfinished Business:

14. Adjournment: With no further business, the meeting was adjourned at 8:45 PM. RJ/OB -Unanimous.

Respectfully submitted,
Tanya Snow, Secretary

Karen Turino

Approved by: Karen Turino, Chair
Otisfield Planning Board
Approved on: August 10th, 2021.