

PLANNING BOARD - TOWN OF MACHIAS

SEPTEMBER 6, 2023

This meeting was called to order at 7:00 PM by Chairman Harry Flower. In attendance were Board members Arthur McCurdy, James Jackson, and Ryle Mortland; Secretary Cathy Lord; Town Manager Bill Kitchen; Code Enforcement Officer Kevin Brodie; Appeals Board Chairman Andrew Mulholland; Kimberley Roberts, Justin King, Mike Schoppee, Bob Berta, Mary Angarola, David Clark, John Morse, Ross Pedersen, Paul Sylvain.

1. MINUTES - REVIEW AND ACTION

On a motion by Arthur McCurdy, seconded by Jim Jackson, the Board voted to approve the minutes of the August 2, 2023 Board meeting.

2. BUILDING PERMIT APPLICATIONS - REVIEW AND ACTION

A. The Board reviewed a building permit application with accompanying site plan submitted by Kimberly Roberts for construction of a garage to replace an existing building which will be torn down at 164 West Kennebec Road.

On a motion by Arthur McCurdy, seconded by Ryle Mortland, the Board
VOTED:

To approve a building permit application submitted by Kimberley Roberts for the construction of a garage at 164 West Kennebec Road since the permit meets the specifications of the Town or Machias building permit ordinance.

B. The Board reviewed a building permit application submitted by IMK Properties for the construction of six apartment town houses at 53 Fremont Street. Mr. Justin King, the applicant, told the Board that the proposed buildings would be situated on 1.6 acres and would be constructed to be rental units. Mr. King noted that the apartment buildings would all be attached and that each building would have two stories and would be 22X36 feet in size; the length of the structure would be 260 feet long altogether with each apartment having its own entrance. Mr. McCurdy noted that this plan would have to be called a sub-division if any of the units are sold. He observed that his biggest concern is the amount of water run-off created by the buildings.

Mr. Kitchen read from the State of Maine building statutes and he noted that the regulations clearly state that this should be considered a sub-division since there are six separate structures being created. He cautioned the Board to clearly consider that this plan is a sub-division since there will be probably an appeal if the Board approves this plan.

Mr. Andrew Mulholland, Chairman of the Machias Appeals Board, told the Board that he personally is not opposed to this plan but he noted that there must be a greater level of scrutiny applied towards this plan since there is sure to be an appeal to the Planning Board's decision. He noted that the structure will have three or more separate apartments and also that there is concern that the building site is in the shoreline zone square footage limits. Mr. Mulholland stated that it would be prudent for the applicant to submit a plan showing all parts of the site including location of parking and entrances. He expressed concern that a storm water design should be addressed on the plan by an engineer showing efforts to mitigate problems. Mr. Mulholland noted that it appears that there will be a lot of run-off coming directly from the property and he suggested that the building plan should include a plan to address the water run-off concerns. He noted the potential for problems that would need to be addressed by the appeals board if the Planning Board does not subject this plan to careful scrutiny. Mr. Mulholland noted that there could also be the potential for traffic flow problems since Fremont Street is so narrow. He noted

that the Planning Board could approve the plan contingent upon the submission of additional information to address potential problems and approval by an engineer.

Mr. King strongly objected to further delays in approving the plan noting that he has met all of the criteria of the Machias building ordinance and that delays would cost him additional costs. Mr. Flower pointed out that the members of the Board need to know if this plan should be treated as a sub-division. Mr. Kitchen pointed out that the State of Maine building regulations clearly establish that any plan with the creation of at least three residential units is a sub-division. He reiterated the need for the Board to establish a high degree of scrutiny of this plan since there is sure to be an appeal if the plan as it exists is approved by the Board.

Mr. Mulholland noted that this is a sub-division under state regulations. He recommended that fire safety should be part of the plan and that emergency vehicle access should be addressed. Mr. Mulholland added that the plan should show the impact of the impervious surfaces on the building site. He noted that none of these concerns are addressed on Mr. King's existing plan being examined by the Board. Mr. Mulholland suggested that a civil engineer could address these concerns on the site plan. Mr. King noted that his existing plan is based on the Town's own regulations. He noted that need for housing units in Machias. Mr. Kitchen again read from state statutes describing the definition of a sub-division. Mr. Mulholland commented that a proper sub-division plan would address all of the concerns he has raised. He noted that there is no specificity in the plan.

Public Works Director Mike Schoppee addressed the meeting. He noted that he is concerned that there will be six additional housing units with serious impacts to the surrounding land. Mr. Schoppee pointed out that he is concerned over where the excess water coming off the property will go; he noted that trees would be removed that are currently helping with water mitigation and that the plan shows no contingencies for addressing the water run-off. He observed that such a huge building would create soil erosion problems. Mr. Schoppee expressed concern that it would be better to have one driveway for the entire building and he noted that the turn radius coming off Fremont Street is concerning. He also questioned how snow will be addressed this winter; he noted that there is no mention of snow removal in the plan. Mr. Mulholland noted that the developer must absorb the drainage costs and should address a plan for the drainage. Mr. Schoppee also pointed out that there is ledge on the building site which presents its own set of problems. Mr. King explained that the ledge has been addressed. Mr. Schoppee commented that he is worried about the amount of traffic that will increase on Fremont Street and he is worried that taxpayers would have to absorb any future costs incurred for repair of the roadway.

Mr. Flower asked the other members of the Board about deferring these questions to a meeting in two weeks to allow Mr. King time to address the issues with his engineer. Mr. Jackson commented that the two weeks would give the applicant time to address concerns before proceeding further. He noted that the water run-off and entrance concerns should be answered.

Mr. King agreed to obtain the services of an engineer to address the issues. The members of the Board agreed to meet on September 20th at 7:00 PM. Mr. Kitchen observed that the Planning Board is trying to address any concerns about the building plan. Two neighbors, John Morse and Ross Pedersen, noted the concern they have for Mr. King's building plans.

On a motion by Arthur McCurdy, seconded by Jim Jackson, the Board
VOTED:

To schedule a Machias Planning Board meeting for September 20, 2023 at 7:00 PM with the building plan submitted by LMK Properties to be discussed allowing Mr. King opportunity to consult with his engineer.

3, OTHER BUSINESS

Mr. Ross Pedersen expressed concern that the town's attorney did not include the neighbors' concerns in a summary of facts on the Graham Holdings' building permit.

On a motion by Ryle Mortland, seconded by Jim Jackson, the Board voted to adjourn at 8:05 PM.