

# PLANNING BOARD - TOWN OF MACHIAS

JANUARY 4, 2023

This meeting was called to order at 7:00 PM by Chairman Bill Thompson. In attendance were Board members Arthur McCurdy, Rich Rolfe, and Harry Flower; Secretary Cathy Lord; Code Enforcement Officer Kevin Brodie; Town Manager William Kitchen; Wesley Graham, Heather Graham, Sharon Mack, Bob Berta, James Ackley, Jeanne Tennison, Jennifer West.

## **1. MINUTES - REVIEW AND ACTION**

On a motion by Arthur McCurdy, seconded by Rich Rolfe, the Board voted to approve the minutes of the December 7, 2022 Board meeting.

## **2. BUILDING PERMIT APPLICATIONS - REVIEW AND ACTION**

A. The Board reviewed a building permit application submitted by Wesley Graham (Graham Holdings) for the construction of a commercial campground on Canal Street located off Water Street. Mr. Graham reviewed his permit application with the Board. He explained that the campground would be located in the town's general use area and is comprised of approximately two acres with approximately eight hundred feet of river frontage which was purchased under one deed. Mr. Graham noted that the land previously was the location of a flower business and greenhouses and that he intends to repair the building on the property and construct cottages for seasonal use. Mr. Graham explained that he has performed extensive planning and research for the development of the land. He advised the Board that he followed the rules and regulations of the shoreline zoning ordinance but that the Town does not have a campground ordinance but is covered by language under the shoreline zoning ordinance. Mr. Graham noted that he has consulted with three local code enforcement officers regarding the project. Mr. Graham said that he wants to contribute to the Town and use the land to make a positive impact on the Town.

Mr. James Ackley questioned using the land for fishing and recreational use. He questioned the amount of noise to be created by people using the cottages. Mr. Ackley also noted that there is wildlife habitat to consider.

Mr. McCurdy noted that no one can choose their neighbors and noise levels are a subjective consideration. He explained that Mr. Graham would need to follow ordinance requirements. Mr. McCurdy noted that the Town uses State of Maine minimum standards for construction near waterways and that in this instance that requirement is twenty-five feet from the water. He noted that he was unsure of wetlands and wildlife habitat considerations.

Mr. Brodie noted that the proposal is in the commercial development area as illustrated by the town's shoreline zoning map which was updated in 1992. He explained that the Planning Board is guided by a map which was approved by the State of Maine.

Ms. Jeanne Tennison said that she has a lot of questions about the permit. She noted that she had many complaints and problems with the previous tenants and would prefer to trend lightly in this instance since there are environmental factors to consider.

Mr. Brodie noted that the Maine DEP can make a recommendation to the Town. He added that commercial development is allowed a twenty-five foot setback from the river.

Mr. Graham noted that he met with representatives from the town's sewer department and the water company in order to follow any stipulations and guidelines they have.

Ms. Sharon Mack encouraged the Planning Board to do due diligence in considering Mr. Graham's application. She noted that the street is very narrow and that she is concerned that the use of the road will change and traffic will increase. Ms. Mack added that the Board should consider that this is a neighborhood.

Mr. Graham pointed out that his project is in the general development zone of the Town and that the land had previously been the location of a flower business and greenhouses and therefore there was already a good amount of traffic on the street going to the business. He noted that the campground would only be used from April to November. Mr. Graham said that he has tried to do everything the right way, that he is trying to improve the area, and that he has already cleaned up much of the area. Mr. Graham noted that the Town's shoreline zoning map supersedes everything. He explained that he met with the Maine DEP and had a site walk with them of the area to be developed. Mr. Graham commented that the DEP had no issue with the cutting of alders on the land and the previous owner of the land left a lot of debris which was removed from the property. Mr. Graham noted that he does not need to obtain a building permit from the DEP but that it is the Town which issues a building permit.

Mr. Rolfe noted that he cannot rule on subjective concerns but that it is the responsibility of the Board to follow the guidelines provided by the building ordinance.

Ms. Tennison commented that the maps and ordinance can be changed. She suggested letting people make up their minds since there are environmental factors to consider.

Mr. Thompson explained that Mr. Graham submitted a building permit that needs to be considered under current guidelines and his application is grandfathered. Mr. Thompson added that if Mr. Graham has met all requirements that the application has to be approved. It was the consensus of the Board that Mr. Graham's application has to follow current guidelines. Mr. Graham noted that he has met the town's requirements. Mr. Rolfe explained that the Board has to make a decision based on the rules and the law.

The Board considered how to proceed with Mr. Graham's application. Mr. Rolfe suggested that the Board get an opinion in writing from the DEP or the EPA. Mr. McCurdy noted that the Board needs to follow guidelines since the Machias River may have been designated as a Class 1 river. Mr. Kitchen pointed out that the DEP had no issue when previously consulted. Mr. Graham noted that the DEP had walked the site twice and had no issue.

It was the decision of the Board to get a written statement from the DEP. It was also suggested that the Downeast Salmon Federation could be consulted. The Board confirmed that Mr. Graham has followed all regulations as outlined in the town's building ordinance.

On a motion by Harry Flower, seconded by Rich Rolfe, the Board

VOTED:

To table Mr. Graham's permit application pending confirmation from the DEP and appropriate parties.

Mr. Thompson noted that if the Town Manager gets confirmation, Mr. Graham can request a special meeting with appropriate public notice.

On a motion by Rich Rolfe, seconded by Arthur McCurdy, the Board voted to adjourn the meeting at 8:25 PM.