

**TOWN OF HOLDEN  
PLANNING BOARD MEETING MINUTES  
Tuesday, June 16, 2016  
Holden Municipal Building  
6:00 P.M.**

**I. Open Meeting**

Chair, Jeffrey McBurnie opened the meeting at 6:00 P.M.

Members present: Jeffrey McBurnie; Carol Cuddy; Malcolm Coulter, Jr.; Joy Knowles, and Susan McKay (who arrived at 6:10 p.m.)

Members absent: Allan Poole

Others present: Town Manager and Code Enforcement Officer Benjamin R. K. Breadmore; David Merritt of Merritt Associates; and Jim and Sandra Hillman; plus one neighbor who lives across the street from the proposed Commercial Sheet Metal Shop project. Also present was Michael Pedreschi who is applying for the vacant Planning Board position.

**II. Minutes of November 12, 2015, digital recordings on file.**

M. Coulter moved, J. Knowles seconded a motion to approve the Minutes for November 12, 2015 as written. Vote 4-0 in favor with 1 abstention.

**III. Site Plan Review for a proposed Commercial Sheet Metal Shop on lot 30C of Tax Map 18, Route 1A, Main Road, James and Sandra Hillman applicants.**

Chairman McBurnie advised that this project is a commercial sheet metal shop that would be a service-oriented business which the Hillmans would like to operate in the Town of Holden on the corner of Copeland Hill Road and Route 1A.

David Merritt introduced Jim and Sandra Hillman, applicants, and gave a brief summary of the project, explaining that the Hillman's would like to move their sheet metal shop from Brewer to Holden, and that it will be the same type shop that they have operated for 15 years. Jim Hillman fabricates the sheet metal, then takes it off-site and installs it wherever the project happens to be. The proposed building will be 60 x 120 (7200 sf) and will have a couple of overhead doors, with 6 parking spaces (9 spaces including a handicap space and loading area). Materials for fabricating the sheet metal will be stored in the building. They have 3 full-time and 3 part-time employees. The entrance will be on Copeland Hill Road.

**Questions:** In answer to a question from a neighbor (who lives across the street from the project) about the wetlands portion of the property and drainage issues which have

existed in the past, Town Manager and Code Enforcement Officer Benjamin R. K. Breadmore explained that these issues have been met to the satisfaction of both the State DOT and DEP by the existing drainage easement and the drainage ditching and erosion control with rip-rap to be included in the project.

**DECIDING ON PUBLIC HEARING:** MOTION was made by M. Coulter, seconded by S. McKay to waive the public hearing on this Minor Development as presented to the Board. Vote 5-0 in favor.

**WAIVERS REQUESTED:** None.

**REVIEW CRITERIA:**

**§815 – Site Plan Review Criteria** – The Planning Board in reviewing projects requiring Site Plan Approval under this Ordinance shall make positive written findings that the applicant has submitted clear and convincing evidence that:

**§815.1 – Adequate provision has been made for off street parking and loading.**

**The Board makes the following factual findings:**

- a. The applicant has submitted a site plan submission indicating the proposed project will provide 9 onsite parking spots as indicated on the site plan with room for additional spots should parking become an issue.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and conditions contained herein, the Board concludes that this proposed site plan has provided adequate provision for off-street parking and loading.

This motion was made by M. Coulter, seconded by C. Cuddy, with a vote of 5-0 in favor.

**§815.2 – Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of and within the proposed project. The Board shall consider traffic movement both on-site and off-site in making its determination under this criteria.**

- a. The applicant has submitted a site plan submission indicating the proposed project provides parking on the front of the building and loading on the eastern side of the building.
- b. The site location has one curb cut onto Copeland Hill Road and is proposing to close the curb cuts currently on Route 1A.
- c. Being that the business is located on Route 1A, there is little to no significant pedestrian traffic.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and conditions contained herein, the Board concludes that the applicant has made adequate provisions for traffic movement of all types, including pedestrian, into, out of and within the proposed project.

This motion was made by J. Knowles, seconded by S. McKay, with a vote of 5-0 in favor.

**§815.3 – Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.**

**The Board makes the following factual findings:**

- a. The applicant has submitted a site plan application for a Service Business with an Accessory Use of Light Manufacturing, primary traffic will only be employees as the majority of the customer business is conducted at an off-site location.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and conditions contained herein, the Board concludes that the proposed development will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.

This motion was made by C. Cuddy, seconded by M. Coulter, with a vote 5-0 in favor.

**§815.4 – That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage.**

**The Board makes the following factual findings:**

- a. The applicant has submitted a site plan showing the contours of the lot for sheet flow drainage as well as the location of a drainage ditch with rip rap to be installed so as to mitigate any erosion.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and the conditions contained herein, the Board concludes that the proposed project has adequate soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage.

This motion was made by C. Cuddy, seconded by S. McKay, with a vote 5-0 in favor.

**§815.5 – Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site.**

**The Board makes the following factual findings:**

- a. The applicant has submitted a site plan showing no outdoor display or storage areas on site.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and the conditions contained herein, the Board concludes that §815.5 is not applicable.

This motion was made by S. McKay, seconded by J. Knowles, with a vote of 5-0 in favor.

**§815.6 – Adequate provision has been made to avoid any hazard to travel on public or private ways or any glare or other nuisance to the use of adjoining public or private property.**

**The Board makes the following factual findings:**

- a. The applicant has submitted a site plan submission indicating the proposed project will continue to be naturally screened by the tree line that surrounds it, with thinning of that buffer.
- b. The site currently has no physical features that produce a glare and none are being proposed at this time.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and the conditions contained herein, the Board determines that the proposed development has provided adequate provisions to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.

This motion was made by C. Cuddy, seconded by J. Knowles, with a vote of 5-0 in favor.

**§815.7 – Adequate provision has been made with regard to Buffers, Screening, Landscaping, and the preservation and Enhancement of Significant natural features.**

**The Board makes the following factual findings:**

- a. The applicant has submitted a site plan submission indicating the proposed project will continue to be naturally screened by the tree line that surrounds it and landscaping has been identified on the corner of Copeland Hill and Route 1A.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and the conditions contained herein, the Board concludes that the proposed development has made adequate provisions with regard to Buffers, Screening, Landscaping, and the preservation and Enhancement of Significant natural features as much as is practicable.

This motion was made by J. Knowles, seconded by C. Cuddy, with a vote of 5-0 in favor.

**§815.8 – Adequate provision has been made, including, but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of filling or excavation, to protect to the maximum extent possible, the scenic or natural beauty of the area including scenic areas designated in the 2007 Comprehensive Plan, aesthetics, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including deer wintering areas identified in the 2007 Comprehensive Plan, existing uses, air quality, water quality, or other natural resources within the town or neighboring towns.**

**The Board makes the following factual findings:**

- a. The applicant has submitted a site plan submission indicating the proposed project will not be altering the aesthetics, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including deer wintering areas identified in the 2007 Comprehensive Plan, existing uses, air quality, water quality, or other natural resources within the town or neighboring towns.
- b. This is currently an unused and vacant piece of property within the Town of Holden and the proposed construction will have little to no impact on those items covered in Part a.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and the conditions contained herein, the Board concludes that §815.8 is not applicable.

This motion was made by J. Knowles, seconded by S. McKay, with a vote of 5-0 in favor.

**§815.9 – Whenever a project is situated, in whole or in part, within two hundred fifty feet (250') horizontal distance of the normal high-water line of any great pond or river, or within two hundred fifty feet (250') horizontal distance of the upland edge of a freshwater wetland, or within seventy-five feet (75') horizontal distance of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities, and actual point of public access to waters.**

**The Board makes the following factual findings:**

a. The applicant has submitted a site plan submission indicating the proposed project is not located within two hundred fifty feet (250') horizontal distance to any great pond, river or upland edge of freshwater wetland.

b. The applicant has submitted a site plan submission indicating the proposed project is not located within seventy-five feet (75') horizontal distance of the normal high-water line of a stream.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and the conditions contained herein, the Board concludes that §815.9 is not applicable.

This motion was made by C. Cuddy, seconded by J. Knowles, with a vote of 5-0 in favor.

**§815.10 – Adequate provision has been made to prevent any significant adverse effect upon the public health, safety, or general welfare of the neighborhood or community.**

**The Board makes the following factual findings:**

a. The applicant has submitted a site plan submission indicating the proposed project is to be an allowed use within the zone and an application showing no adverse effects upon the community.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and conditions contained herein, the Board determines that the proposed development has provided adequate provisions to prevent any significant adverse effect upon the public health, safety, or general welfare of the neighborhood or community.

This motion was made by C. Cuddy, seconded by J. Knowles, with a vote of 5-0 in favor.

**§815.11 – Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties.**

**The Board makes the following factual findings:**

a. The applicant has submitted a site plan submission indicating the proposed project will construct a new 7,200 square foot building that will be adequately screened from neighboring properties.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and conditions contained herein, the Board determines that the proposed development has made adequate provisions to prevent any undue adverse effect upon adjacent or nearby properties.

This motion was made by J. Knowles, seconded by M. Coulter, with a vote of 5-0 in favor.

**§815.12 – Adequate provision has been made to avoid any undue burden on municipal services.**

**The Board makes the following factual findings:**

- a. The site plan shows the location is served by private well and septic.

MOTION: The Planning Board hereby adopts the findings and based upon these findings and conditions contained herein, the Board determines that the proposed development does not cause an undue burden on municipal services.

This motion was made by C. Cuddy, seconded by M. Coulter, with a vote of 5-0 in favor.

**§815.13 – Adequate provision has been made to assure the proper operating of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking, and loading, and other necessary site improvements.**

**The Board makes the following factual findings:**

- a. The applicant has submitted a site plan submission indicating the site will be adequate for the intended use of a Service Business and an Accessory Use of Light Manufacturing.
- b. As shown on the plan, the project is private water and sewer, drainage for the most part is existing, parking and loading have been developed, and solid waste is between the applicant and their waste hauler.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and conditions contained herein, the Board determines that the proposed development has proposed adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking, and loading, and other necessary site improvements.

This motion was made by J. Knowles, seconded by C. Cuddy, with a vote of 5-0 in favor.

**§815.14 – Adequate provision has been made to assure that the proposed development conforms in all respects with the provisions of this ordinance.**

**The Board makes the following factual findings:**

- a. The applicant has submitted a site plan submission that was reviewed by Benjamin R. K. Breadmore, Town Manager and Code Enforcement Officer for

the Town of Holden, and he finds the application to conform to the Holden Zoning Ordinance.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and conditions contained herein, the Board determines that the proposed development does conform in all respects with the provisions of this ordinance.

This motion was made by S. McKay, seconded by C. Cuddy, with a vote of 5-0 in favor.

**The following conditions were made as part of the approval of this site plan:**

1. The applicant, their heirs and assigns, shall construct and utilize the site according to the plans and documents submitted as part of this review and the approved site plan as well as any oral commitments regarding the project which were specifically made by the applicant to the Board in the course of its deliberations.
2. This site plan approval is for Down East Sheet Metal.
3. The building and associated site improvements shall be completed within two years of Planning Board project approval.
4. All exterior lighting shall be downward casting in focus.
5. The applicant/occupant shall submit to the Holden Code Enforcement Officer copies of any new or revised State and/or Federal permit approvals which may include, but are not limited to, Maine Department of Transportation, Maine Department of Environmental Protection, and Department of Public Safety Office of State Fire Marshall prior to any Certificates of Occupancy.
6. The applicant shall apply for all necessary permits (building, plumbing, electrical, sign, street opening, fill and grade, Certificate of Occupancy, etc.) at least two weeks prior to the desired start date.

MOTION: The Planning Board hereby includes the 6 conditions listed above as part of this review.

This motion was made by S. McKay, seconded by M. Coulter, with a vote of 5-0 in favor.

MOTION: Based upon the above Findings of Fact and Conclusions of Law, together with the background information for this application and conditions listed, the Planning Board hereby votes on this day, June 16, 2016, in favor of the proposed Down East Sheet Metal site plan.

This motion was made by M. Coulter, seconded by C. Cuddy, with a vote of 5-0 in favor. The project is approved.

**IV. Public Comment** -- No additional comments or questions were made.

**Additional Items added by Town Manager  
and Code Enforcement Officer Benjamin Breadmore:**

**1. 10 Farrington Drive, Map 25 Lot 16 – Tom Civiello**

Code Enforcement Officer Benjamin Breadmore presented information on behalf of Tom Civiello who was not able to be present at the meeting. The Civiello's have requested that the Planning Board appoint the Code Enforcement Officer as their designee to work with them on relocating the two non-conforming structures on their lot. They wish to combine the two buildings which will improve the structure(s), and they may place them further from the shoreland, but in any case they will not move them closer to the shoreland. By §203.2 of the Holden Zoning Ordinance, the Planning Board may designate an individual to consider the size of lot, slope of land, potential for soil erosion, and location when determining what meets the setback to the "greatest practical extent." By approving this request, the Code Enforcement Officer and the property owner are still bound by the Shoreland Zoning standards and all other applicable codes.

Code Enforcement Officer Benjamin Breadmore is willing to act as the Civiello's designee to work with them on this project.

MOTION was made by J. Knowles, seconded by C. Cuddy, vote 5-0 in favor to approve this request.

**2. 58 Edge of Town Road, Map 24 Lot 5 – Barbara Bukata**

Code Enforcement Officer Benjamin Breadmore presented information on behalf of Barbara Bukata who was not able to be present at the meeting. The Bukata's have requested that the Planning Board appoint the Code Enforcement Officer as their designee to work with them on a previously approved addition to structure on their property dated 10/08/2008. They are seasonal residents and have chosen to scale back the addition in order to save both time and money by not having additional surveys and site plans drafted. By approving this request, the Code Enforcement Officer and the property owner are still bound by the Shoreland Zoning standards and all other applicable codes.

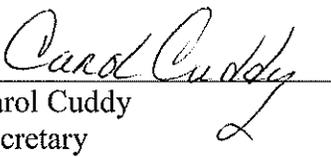
Code Enforcement Officer Benjamin Breadmore is willing to act as the Bukata's designee to work with them on this project.

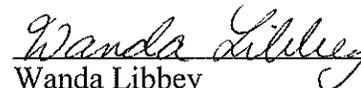
MOTION was made by M. Coulter, seconded by J. Knowles, with a vote of 5-0 in favor to approve this request.

**V. Adjournment**

There being no further questions or comments, M. Coulter made a motion to adjourn, J. Knowles seconded with a vote of 5-0 in favor. Meeting was adjourned at 6:46 P.M.

Respectfully submitted,

  
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Carol Cuddy  
Secretary

  
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Wanda Libbey  
Town Clerk