

**TOWN OF HOLDEN**  
**PLANNING BOARD MEETING MINUTES**  
**Tuesday, December 13, 2016**  
**Holden Municipal Building**  
**6:00 P.M.**

**I. Open Meeting**

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

Members present: Jeffrey McBurnie; Malcolm Coulter, Jr.; Carol Cuddy, Joy Knowles, Susan McKay, Michael Pedreschi, and Allan Poole

Members absent: 0

Others present: Town Manager/Code Enforcement Officer Benjamin R.K. Breadmore; James Kiser for Maine Construction Group, Ron Francis and Ryan Francis of Maine Construction Group, Holden Town Councilman Tom Copeland, and Rebecca Henderson.

**II. Minutes of July 19, 2016, digital recordings on file.**

Carol Cuddy moved, Susan McKay seconded a motion to approve the Minutes for July 19, 2016 as written. Vote 4-0 in favor with 3 abstentions (Carol Cuddy, Joy Knowles and Allan Poole).

**III. Site Plan Review for a proposed Commercial Office/Shop on Lot 12 of Tax Map 17, Route 1A, Main Road, Maine Construction Group LLC applicants.**

Chairman McBurnie explained that this project is for the construction of a new office/shop building for Maine Construction Group on Lot 12, Tax Map 17, Route 1A Main Road. One waiver has been requested for Section 806.3 to submit one original of all maps and drawings on durable, permanent transparency material.

Jim Kiser representing Maine Construction Group gave a brief summary of the project, stating that a 2,487 sf building will be constructed on the side of the lot towards Country Kitchen, and a paved parking area will be located on the westerly side of the building, with a graveled yard area providing access into the shop from the backside of the building. The entrance to the 1,060 office/shop area will be through an overhead door located in the back of the building so that all office/shop employees will be able to retrieve their tools and equipment by using the back entrance and driveway/parking area away from Route 1A.

Replying to questions from the Board, Mr. Kiser stated that the external building lighting will be downcast, the main (public) entrance to the building will be in the front of the building, and the parking area and the driveway will be paved. The property has an existing well which they will utilize, and a new septic system will be built.

Mr. Kiser stated that there is a wetlands impact permit in the process of being reviewed by the DEP, as there will be need to build up some areas to accommodate space for storage, driveway traffic and parking. The Construction Group will use one curb-cut for ingress/egress onto Route 1A. Mr. Kiser reported that discussion is ongoing with the DOT concerning potentially filling-in the other three existing curb-cuts.

Mr. Kiser pointed out his letter in the packet to the State Historic Preservation Office and submitted their response and documentation.

Chairman McBurnie stated that this is a Minor Development so the Planning Board can decide on whether or not we want a public hearing. Benjamin R. K. Breadmore, Town Manager/Code Enforcement Officer, advised that the Applicant has paid for the Public Hearing so it could be held tonight, and there were no calls or comments from the public with the exception for one abutter who is present tonight.

## **TOWN OF HOLDEN PLANNING BOARD ORDER**

### **SITE PLAN REVIEW OF THE PROPOSED MAINE CONSTRUCTION GROUP PROJECT**

The following Findings of Fact and Conclusions of Law, together with the background information for this application for the proposed Maine Construction Group project constitute the Findings of Fact and Conclusions of Law supporting the decision of the Holden Planning Board with regard to this application.

#### **BACKGROUND INFORMATION:**

1. The applicant is Maine Construction Group LLC, c/o Kiser & Kiser Company;
2. The applicant has demonstrated a legal interest in the property by providing a copy of its Warranty Deed, dated August 3, 2016;
3. The parcel is located on the southern side of Route 1A, and is identified on the Holden Tax Map 17, Lot 12;
4. The parcel is currently located wholly within the General Commercial Zone;
5. The project will use private sewer and water;
6. This use is an allowed use within the General Commercial Zone as outlined in the Holden Zoning Ordinance Article 4 Schedule of Uses and Zone Overlay Requirements Section 406 -- Commercial Activities, (o) General Contractors, Construction, Plumbing, and Heating Contractors, and (v) Professional Offices and Office Building.

**DECIDING ON PUBLIC HEARING:** If the application is determined to be complete, the Board shall deem the application pending and shall determine whether or not to set the matter to public hearing. If a public hearing is set, such hearing shall take place within forty-five (45) days of the Planning Board's determination that the application is complete. The deadline may be extended by mutual agreement of the Board and the applicant, either in writing or orally, on the record at the public meeting.

If the proposed development has been classified as a Major Development, such public hearing shall be mandatory. If the proposed development has been classified as a Minor Development, such public hearing shall be held at the discretion of the Planning Board.

**MOTION:** The Planning Board votes **not to hold a public hearing on the Minor Development as presented to the Board.**

This motion was made by Joy Knowles and seconded by Carol Cuddy with a vote of 7 to 0.

**WAIVERS REQUESTED:** The applicant has requested a waiver from Article 8 Section 806.3 Originals One (1) original of all maps and drawings on durable, permanent transparency material.

**MOTION:** The Planning Board hereby **approves** of the granting of this waiver.

This motion was made by Carol Cuddy and seconded by Allan Poole with a vote of 7 to 0.

#### **REVIEW CRITERIA:**

**SECTION 815 – SITE PLAN REVIEW CRITERIA** – The Planning Board in reviewing projects requiring Site Plan Approval under the 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 indicating that the proposed project will provide 7 onsite parking spots and one handicap spot 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 Joy Knowles and seconded by Malcolm Coulter with a vote of 7 to 0.

**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.**

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

- a. The applicant has submitted a site plan indicating that the proposed project provides parking on the side of the building.
- b. The site location has only one curb-cut onto US Route 1A.
- c. Due to the type of business and that the business is located on Route 1A, there is little to no pedestrian traffic projected.

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 Carol Cuddy and seconded by Joy Knowles with a vote of 7 to 0.

**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. That the applicant has submitted a site plan for a new office/shop; as the project is a minor development, a traffic impact analysis was not required to be completed.
- b. As the proposed business conducts much of its business off-site at various locations, the traffic to the site should be minimal.

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 Malcolm Coulter and seconded by Michael Pedreschi with a vote of 7 to 0.

**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 for a new office/shop; as the project does not exceed the storm water law threshold of 1 acre of impervious or disturbed area, a storm water management plan was not required.
- b. The application states that the project will require a DEP wetland impact permit for disturbance of less than 15,000 square feet of forested wetland. This Wetland Permit application is still pending.
- c. General note 7 states, "All disturbed area not otherwise noted for treatment shall be loamed, seeded and mulched. All erosion control shall be installed and monitored per manufacturer's requirements and as outlined in the Maine BMP manual."

MOTION: Conditional upon the issuance of the DEP Wetland Permit, 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 been designed on 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 Sue McKay and seconded by Malcolm Coulter with a vote of 7 to 0.

**815.5 Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any 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 at this time, but has stated verbally that there are plans for a model log home in the future for the log home portion of the business. Any installation of a model log home will be in line with the Holden Zoning Ordinance and will be approved by the Code Enforcement Officer.

MOTION: The Planning Board hereby adopts the findings and based upon those findings and the conditions contained herein, the Board concludes that the applicant has made adequate provision 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.

**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. There is no proposed development on this site that would create a hazard to travel on public or private ways.
- 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 Joy Knowles and seconded by Allan Poole with a vote of 7 to 0.

**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 provided a site plan that retains much of the natural screening on the lot as well as plans to install deciduous trees, evergreen trees, and shrubs along the front and side of the structure.

MOTION: Conditional upon the recommendation of Town Manager/Code Enforcement Officer, Benjamin R.K. Breadmore regarding the desirability and necessity to plant some appropriate buffering along the property line which abuts Route 1A pursuant to Section 504.1.4, 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 Joy Knowles and seconded by Allan Poole with a vote of 7 to 0.

**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 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 indicating that 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: Section 815.8 is **not applicable** to this project.

This motion was made by Carol Cuddy and seconded by Malcolm Coulter with a vote of 7 to 0.

**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 indicating that 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: Section 815.9 is **not applicable** to this project.

This motion was made by Carol Cuddy and seconded by Malcolm Coulter with a vote of 7 to 0.

**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 indicating that 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 Carol Cuddy and seconded by Allan Poole with a vote of 7 to 0.

**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 indicating that the proposed project will construct a new 2,487 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 Michael Pedreschi and seconded by Susan McKay with a vote of 7 to 0.

**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 serviced by private well and septic.
- b. The applicant has submitted a site plan that was reviewed by Benjamin R. K. Breadmore Town Manager and Code Enforcement Officer for the Town of Holden, Police Chief Christian Greeley, and Fire Chief Ryan Davis, and they find 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 not cause an undue burden on municipal services.**

This motion was made by Malcolm Coulter and seconded by Joy Knowles with a vote of 7 to 0.

**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 indicating that the site will be adequate for the intended use of an office/shop.



- b. As shown on the plan, the project is private water and sewer, drainage has been designed to drain to an existing wooded area, parking and loading have been adequately proposed, 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 project **has made provision for 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 Joy Knowles and seconded by Allan Poole and Susan McKay with a vote of 7 to 0.

**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 that was reviewed by Benjamin R. K. Breadmore Town Manager and Code Enforcement Officer for the Town of Holden, Police Chief Christian Greeley, and Fire Chief Ryan Davis, and they find 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 Michael Pedreschi and seconded by Malcolm Coulter with a vote of 7 to 0.

**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 Maine Construction Group.
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.
7. Any model log home placed on site shall be at the discretion of the Code Enforcement Officer and in line with the Holden Zoning Ordinance.
8. The Department of Environmental Protection Wetland Protection Permit must be issued before any work can begin in the designated impact area.

MOTION: The Planning Board hereby includes the 8 conditions listed above as part of this review.

The motion was made by Carol Cuddy and seconded by Allan Poole with a vote of 7 to 0.

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, December 13, 2016, **in favor of** the proposed Maine Construction Group site plan.

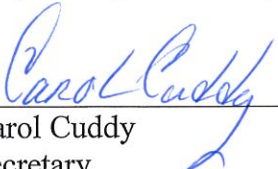
This motion was made by Malcolm Coulter and seconded by Joy Knowles with a vote of 7 to 0.

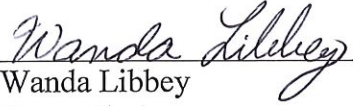
**PUBLIC COMMENT:** None.

#### **IV. Adjournment**

There being no further questions or comments, Allan Poole made a motion to adjourn, Malcolm Coulter seconded with a vote of 7 to 0. The meeting was adjourned at 6:47 P.M.

Respectfully submitted,

  
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Carol Cuddy  
Secretary

  
\_\_\_\_\_  
Wanda Libbey  
Town Clerk