

ISLESBORO PLANNING BOARD  
REGULAR MEETING  
MONDAY, JUNE 6, 2022  
In- Person and Zoom Meeting at 5:00 PM, Town Office

**MINUTES**

1. Call the meeting to order and Establishment of a Quorum

Chair Bill Schoppe called the meeting to order and a quorum was established at 5:10 PM. The meeting started late due to technical issues with Zoom.

Members Present: Bill Schoppe, Isabel Jackson, Jennifer West, Gil Rivera, and Roger Burke (5:20 PM).

Others Present: CEO Dave Dyer, Kathy Kerr, Michael Kerr, Elizabeth Hayden, Bill Boardman, Nakomis Nelson, John Zlotkowski, and Terry Cowan.

Via phone: Devin & Sandra Prock as agents for David Wenner and Midcoast, LLC.

2. Approval of Minutes of May 23, 2022, Regular Meeting.

**Motion: To approve Minutes of May 23, 2022, as written, I. Jackson, seconded by B. Schoppe. No discussion. Motion passed, 4 yes, 0 no, Unanimous.**

3. OLD BUSINESS

A. LAND USE ORDINANCE

1. John Zlotkowski, Map 15, Lot 5, Application LU 20-22, to construct a new 480 square foot home.

- Site review was performed and all setbacks met.
- CEO D. Dyer, clarified that the lot is 3.96 acres in rural district. Applicant will divide lot when current house sells and build on divided lot, which will also exceed 1.5 acres.

**Motion: Application LU 20-22 is complete, J. West, seconded by I. Jackson. No discussion. Motion passed, 4 Yes, 0 No, Unanimous.**

**Motion: Public Hearing not requested or required for Application LU 20-22, B. Schoppe, seconded by I. Jackson. No discussion. Motion passed, 4 yes, 0 no, Unanimous.**

**Motion: To Approve Application LU 20-22, I. Jackson, seconded by B. Schoppe. No discussion. Motion passed, 4 yes, 0 no, Unanimous.**

2. Permitting with Prock for David Wenner, Map 6, Lot 6C, Application LU 22-22, to construct a 130' fixed pier, 4' x 50' ramp, and 12' x 24' seasonal float.

- Site review completed and all setbacks met.
- Harbor Master review received.
- J. West checked the aquaculture maps and there is no aquaculture in vicinity.
- Received submerged lands lease.

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**Motion: Application LU 22-22 is complete, I. Jackson, seconded by B. Schoppe. No discussion. Motion passed, 4 Yes, 0 No, Unanimous.**

**Motion: Public Hearing not requested or required for Application LU 22-22, B. Schoppe, seconded by I. Jackson. No discussion. Motion passed, 4 yes, 0 no, Unanimous.**

**Motion: To add a condition to the permit that the applicant maintain a vegetative buffer along shoreline in the area of the proposed pier to protect Tidal Wading Waterfowl Habitat (TWWH) per Maine DEP permit, J. West, seconded by I. Jackson. No discussion. Motion passed, 4 yes, 0 no, Unanimous.**

**Motion: To Approve Application LU 22-22 with aforementioned condition, B. Schoppe, seconded by I. Jackson. No discussion. Motion passed, 4 yes, 0 no, Unanimous.**

**B. DEVELOPMENT REVIEW ORDINANCE**

1. None

**4. NEW BUSINESS**

**A. LAND USE ORDINANCE**

1. Permitting with Prock for Michael MacDougal, Map 17, Lot 38, Application LU 21-22, to construct a pier system consisting of a 5' x 40' fixed walkway, 5' x 5' fixed landing, 4' x 50' seasonal ramp, and 16' x 32' seasonal float.
  - Bill Boardman stated that Gabe Pendleton is happy for this to proceed.
  - B. Schoppe read first email from Gabe asking Board to postpone consideration of this until the next Planning Board meeting. There is a disagreement about easement boundaries that needs to be ironed out.
  - B. Schoppe read second email from Gabe stating that this will not be ready for June 6.
  - The original pier design was going to be within the conservation easement. The new design has been moved out of the easement. New material received from Permitting from Prock today states that there have been no structural changes to the design, so DEP does not have to amend their permit.
  - Since new material wasn't received until today, we need to wait until next meeting to consider application.

**Motion: To table Application LU 21-22 until the next meeting, B. Schoppe, seconded by I. Jackson. Discussion below. Roll Call, 5 Yes, 0 No. Unanimous.**

- Elizabeth Hayden (Impy) asked about notification of abutters. She said she is an abutter but did not get notified about this project by the DEP.

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- Devin Prock answered via telephone that because the conservation easement is between Elizabeth's property and the proposed dock, that doesn't qualify her as an abutter.
  - Discussion about conservation easement being on MacDougall's property, therefore Elizabeth is an abutter. Devin Prock agreed to send her a letter.
2. Permitting with Prock for Midcoast, LLC, Map 20, Lot 28, Application LU 29-22, to construct a 6' x 160' fixed pier, 4' x 60' seasonal ramp, and 16' x 32' float; and stabilize 55 feet of shoreline with 448 square feet of permanent fill.
- Nakomis Nelson asked to speak on behalf of the agent, and Devin Prock granted permission via telephone.
  - Nakomis explained the project. There are two elements. One is a traditional pier and float, cited to utilize natural ledge as much as possible so there will be minimal impact to the beach. The other element is a retaining wall which directly benefits the Town of Islesboro along a section of road where there is significant embankment erosion. It's a project that the Town had approached the landowner about previously. The landowner offered to do it at their own personal expense as part of the pier project. It will be a granite wall at the high tide line, 60' long. It will be aesthetically pleasing and look very traditional.
  - J. West asked about the lines on the plan and the impact on the area. Nakomis clarified.
  - B. Schoppe asked D. Dyer if the retaining wall could be approved by the CEO. D. Dyer explained that he could, but they would also need to get DEP approval anyway, so the applicant is doing the whole project in one application.
  - B. Schoppe stated that abutting neighbor Selby Frame has sent letters and information to the Planning Board opposing the project. Nakomis has seen some of her correspondence and responded that the proposed project is very far from her boundary, and there is already a dock in that cove. He feels that what they are proposing will have minimal visual impact from her house.
  - J. West asked if a letter was submitted to the Maine Historic Preservation Commission. Devin answered that they were contacted. Nakomis answered that the Islesboro Historical Society was also contacted. Devin stated that there was no historical information or concerns received from the MHPC.
  - J. West asked if a submerged land lease was received. D. Dyer answered yes.
  - J. West asked about access to the pier, as there is very little road access to the pier. Nakomis answered that there will be walking access only. They will park across the road at the house.
  - Site review will need to be done. Harbor Master has been notified.

**Motion: To table Application LU 21-22 for Harbor Master approval and site review, B. Schoppe, seconded by I. Jackson. No further discussion. Motion passed 5 Yes, 0 No. Unanimous.**

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**G. Rivera and R. Burke volunteered for site review.**

Nakomis asked if the Board was going to address the Selby Frame correspondence further. B. Schoppe answered that the Board will continue to review all information received and will address it at the next meeting. I. Jackson asked if the DEP looks at eelgrass in their review, and Nakomis answered that they do, and in this case found no environmental issues. B. Schoppe explained that the Board makes decisions based on the Town Ordinance.

3. Michael & Kathleen Kerr, Map 16, Lot 1A, Application LU 30-22, to construct a new 2-BR, 2-bath, 1650 square foot home and septic system.
  - The septic system has been approved by former CEO Bill Boardman.
  - Kathy Kerr stated they received the DOT permit for the driveway on Friday, and that is proceeding. CEO D. Dyer has approved the driveway separately.
  - Plot plan has no measurements from house to property edges, etc.
  - Well is drilled and functional. Old septic system was evaluated. It was deemed to be unredeemable and is abandoned. New system is in a different area.
  - Snow markers are in place where the corners of the house will be. Stakes are on the corners of the property. Septic is marked with wooden stakes.

**Motion: To table Application LU 30-22 for site review with updated plot plan that shows dimensions and setbacks, R. Burke, seconded by G. Rivera. No discussion. Motion passed, 5 Yes, 0 No. Unanimous.**

**G. Rivera and J. West volunteered for site review.**

**B. DEVELOPMENT REVIEW ORDINANCE**

1. None.

**5. OTHER BUSINESS**

- CEO Report: None.
- People Wishing to Address the Planning Board: Terry Cowan stated he believes abutters have a right to be notified, even on Land Use applications. Discussion about Land Use vs. Development Review. I. Jackson referred to Land Use 125-13.
- Correspondence: B. Schoppe referred to correspondence received by Selby Frame and asked the Board to remember that we go by the Ordinance, chapter and verse, and if an application meets all requirements, it passes.
- Committee Reports: None.
- Chair- Additional Business: None.

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6. Adjournment of Meeting

**Motion: To adjourn meeting at 6:05 PM by R. Burke, seconded by G. Rivera. No discussion. Motion passed, 5 yes, 0 no, Unanimous.**

Respectively Submitted,

A handwritten signature in black ink that reads "Carrie Reed". The signature is written in a cursive, flowing style.

Carrie Reed

