

## TOWN DEVELOPMENT REVIEW BOARD

### MEETING MINUTES

March 10, 2020

Members Present: Malcolm Teale, Chair; Craig Fowler; Jim Fontaine and Melvin Harvey  
Members Absent: One vacancy; Tom Wawrzeniak; Pete Sweeney  
Staff: Ron Rodjenski, Town Zoning Administrator  
Guests: Cindy Brown; Milford Cushman; Susan Bartlett; Bill Bartlett; Kenneth Dompierre; Matt Reed; Gladys (Dolly) Cubit; Terri Gregory; Susan Bulmer; Elisa Clancy; GMATV did not videotape this meeting.

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Mac called the meeting to order at 6:16 p.m.

1. **Welcome & Public Comment** – No public comment received.

2. **PUBLIC HEARING #1**

Application #2020-05 submitted by Gladys Cubit for a two-lot major subdivision approval to create Lot 7 being 10.5 acres for residential use at 2101 Centerville Road and remaining undeveloped land of approximately 72 acres (Parcel ID 16-100-060). A waiver of preliminary hearing is requesting, and if approved, this hearing will be the final hearing. The property is in the RR2 Zoning District and the application will be reviewed under the 2020 Town Land Use and Development Regulations.

Mac opened the hearing at 6:17 p.m. and read the public notice. Kenny Dompierre and Matt Reed were sworn in and both were representing the landowner, Dolly Cubit, in the application. Matt explained that the septic design was done for a new house lot a while ago, but it never received state approval. Matt stated that those plans now need to be updated to the 2019 state rules but overall, the water supply and wastewater system can be located on-site. Matt stated that Allen Newton can produce the final survey based on the preliminary survey for a new 10-acre parcel submitted with this application. Dean Walker will need to approve the revised septic plans and Matt felt that only minor changes would be needed to meet current state rules. Matt Reed stated that the driveway grade is 8% near Centerville Road but over 8% closer to the proposed house site. Matt stated that the last 50 feet of the driveway exceeds 8% but the fire department can be asked to approve an emergency vehicle turning area before the steep section. Kenny felt the turnaround area would be easy to construct as it is roughed in now. Matt stated that he can depict the driveway grade at 8% and where it exceeds 8% as well as the emergency vehicle turnaround area on the plans. Motion by Craig to waive the preliminary hearing and make this the final hearing, Seconded by Melvin. So voted. Motion by Craig to close the hearing and move into deliberative session. Seconded by Melvin. Voting: 4 in favor, 0 against, motion passed.

3. **PUBLIC HEARING #2**

Application #2020-06 submitted by Elisa Clancy, Paul Clancy and Isabel Clancy for conditional use approval for an outdoor recreation facility for occasional renting of the property for camping with a parking area and one outhouse per Section 6.6 of the 2020 Town Land Use and Development Regulations. The property located on Patnoe Farm Road (Parcel ID 10-007-279.100) and is in both the Conservation 10 and Shoreland 10 Zoning Districts.

Mac opened the hearing at 6:30 p.m. and read the public notice. Elisa was sworn in and then she described the project as seeking approval for one tent site on an undeveloped parcel to accommodate up to 8 people in up to two tents. Elisa explained that the only structure is one outhouse with a flat area for tents, one small RV parking site and one driveway into the tent site from Patnoe Farm Drive. Elisa stated that the site is well away from the lake and outside the 1,235' elevation line that determines the State Park easement area along the waterfront. This elevation is 10' above the dam overflow elevation. Elisa stated that she contacted the State and John K. informed her that a small outhouse with a pit that is more than 100' to the water surface is ok. Jim asked about access to the water, and Elisa stated that the water access is easier on her adjoining residential home parcel. Susan Bulmer presented a

written testimony, 3 pages in length, with a copy of the official state park map. Susan stated that since 1999, the State has managed the park property and works within the requirements of the conservation easements dated 03-29-2000. The easements were required as part of the grant that supported the State's acquisition, including a prohibition of commercial uses along the shore, which includes tent sites for commercial purposes. Susan read the prepared written testimony into the record. Susan explained that the existing 28 remote camp sites is less than the maximum allowed of 30. About 12,500 visitors come to the state park annually and tent sites are allowed within the park via the primary park entrance. Susan B. noted that private property owners along the shoreline found to be using the park for commercial recreation use will be sent a letter advising that they apply for a state license to conduct the activity. Susan noted that this Spring the State will mark the boundary of the easement along the reservoir along the Clancy parcel, noting that this is the area for residential purposes by the landowners only. Elisa stated that the state could have up to 40 tent sites in the park and they are now only using 28, asking if one could be on their private property. Elisa stated that the town zoning allows commercial use on her property and asked if the state land cannot be crossed by renters but is it ok for her guests. Elisa stated that the commercial use is on her private property and not on the state property or in the easement area. Milford stated that he is speaking on his and Bill Bartlett's behalf and they don't object to the commercial use on private property. However, they do object to the crossing over of the easement area that is restricted by someone other than property owners which is not allowed and would create a precedent that commercial use of the state park is allowed. Milford stated that the easements are to protect the park for the long-term and if the Clancy's paying customers cross over state land without using the main entry and paying the fee, this could lead to other property owners doing the same thing. Elisa noted that there are other existing points today, like the dike area, where people access the park without paying the state day use fee. Elisa pointed out that they own 1,200 feet of shoreline and the renters might walk over only about 100 feet of the easement to get to the water. Milford explained that there is no objection to the use of the private property but an objection to using the State property to access the water which is not in the long-range management plan. Elisa asked why her renters can't cross the state's easement and Susan Bulmer stated that it sets a precedent for allowing commercial use of the easement. Clancy's bought the two parcels in 2001 when zoning was a minimum of 5 acres with each lot being about 6 acres. Elisa and her husband own the existing house lot and her dad bought Lot B, which is still undeveloped. Elisa explained that her dad's lot is now in a trust for her daughter. Elisa noted that since the subdivision was done the minimum acreage increased to 10 acres and numerous zoning overlay districts now apply to both parcels regulating the uses on the parcel. The staff report noted that no subdivision permit was acquired, and the town zoning administrator at the time of subdivision told the Clancy's that the only permit needed was the state wastewater permit which was issued in 2001. Elisa stated that the 15-year statute of limitations has run out for town zoning and she has been paying taxes on two lots since 2001, requesting that the DRB make a formal determination that Lot B is an existing 6 acre lot for development purposes. Elisa noted that her research showed the Lot has a 33-foot ROW to Garfield Road. Elisa stated she is trying to make some money to keep the land open and not allowing access to the water is putting development pressure to build a house on the only remaining undeveloped lot with waterfront. Mac asked if anyone had anything else to provide to the DRB and nothing was offered. Motion by Jim to close the hearing and move into deliberative session. Seconded by Craig. Voting: 4 in favor, 0 against, motion passed.

4. **Other Business** – None.

5. **Minutes:** Deferred.

6. **Adjourn:** Motion by Jim to adjourn, seconded by Craig, meeting adjourned at 7:42 p.m.

Submitted by Ron Rodjenski