

TOWN OF WELD
Planning Board
September 14, 2022

- Call Meeting to Order: Chairperson Naomi Doughty called the meeting to order.
- Members present: Naomi Doughty, Tom Wheeler, Ernestine Hutchinson, Stan Wilcox, Nancy Stowell
- Conflict of Interest: Naomi and Nancy have a possible conflict with the library's application for an expanded parking lot since they are both on the board of directors. Stan said that there would only be a conflict if the two would gain financially from the approval of the permit. Since this would not be the case, the two PB members will not recuse themselves from voting.
- Approval of Minutes: Tom made a motion to approve the minutes of the August meeting as presented. Ernestine seconded. All in favor.

Old Business

- Beau Berry's Lake front property M 2 L24

The CEO received an update from Bob Moore who is the forester that Beau hired to help with the remediation project as per Maine DEP. Most of the trees that were planted have died and will need to be replanted. The forester will keep the CEO posted of the progress on this matter.

New Business

- Mark & Juliette Sengelmann M 3 L61
395 Dixfield Rd.

This property has as many as 10 trees which the owners claim to be hazardous. CEO, Mike Stephenson, visited the site and took photos. He reported to the PB that a couple of trees could be removed but could not make the call on the remaining trees. He requested PB support on this matter. Members referred to the end of the definition of a hazardous tree in Weld's SLZ Ordinance, page 5.

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

A 10' x 12' pre-built shed was delivered and installed without LUP application (After the Fact) Mike is looking for support from PB on this violation to keep consistent on this issue. Several property owners have paid the 'After the Fact' fee of \$250.00. He mailed the violation notice to the Dicksons as per the town ordinance.

Bob Dickson attended the meeting to present his case. The owners contacted Mike and then turned to the PB to reduce the fee from \$250 to \$25 for just a permit. The Dicksons argued that the contractor failed to include this shed on the original plans and this omission was not noticed. The shed is well over 200' from the lake.

Stan made a motion to accept the application with the customary fee of \$25 and not the after-the-fact penalty of \$250. Tom seconded. All in favor.

- Jay & Erica Knudsen M 2 L24
Registry of deeds 3844 / 146 – (formally Beau Berry's property – West Side of the lake near state park.)

The Knudsens have placed a new shed on site w/o a permit. The shed is 10' x 18' and exceeds the 100 sq. ft. minimum as per Article #9 of the Weld Town Ordinance. A letter of violation was mailed. The after the fact fee of \$250 has been collected along with the \$25 application fee for a total of \$275. His LUP application is now submitted for the PB consideration.

Stan moved to approve the application as presented. Ernestine seconded. All in favor.

- Susie Dickson M3 L1
431 Dixfield Road

Amended LUP application to rotate guest house 90% & relocate leach field. Original LUP was approved on May 11, 2022, with LPI signed off for the design only. Rotating the guest house would allow it to face the lake. Tom made a motion to approve the application as presented. Stan seconded. All in favor.

- Mark & Gail Stone M 3 L55
19 Merchant Rd

New 20 X 32 Pole Barn for camper storage with a detached 20' X 20' Gazebo.
Area of proposed activity is 600' from Bowley Brook.

Stan made a motion to approve this application. Ernestine seconded. All in favor.

- Weld Free Public Library M25 L35
25 Church St.

The LUP was for the removal of hazardous trees around the Sengelmann guest house. Mark Sengelmann was present at the meeting and presented additional photos, diagrams and answered questions. Some of the trees in question are within the 100' buffer zone. Some are obviously damaged. Others pose a danger to the house on the lake side which receives the brunt of winds and storms. There are small trees growing next to the hazardous ones which will create a canopy in time. No additional regeneration is necessary. Stumps of hazardous trees must remain to help prevent erosion in the buffer zone.

Naomi made a motion to accept the Sengelmann application (SLZ Sec.15 Land Use Standards -U. Hazard Trees, Storm-Damaged Trees and Dead Tree Removal) Nancy seconded. Tom abstained because he did not think the designation of hazardous trees was not our decision to make, even though there was a permit application submitted. Naomi, Nancy, Ernestine and Stan voted in favor of the motion.

- Johnathan & Patricia Hagan
18 Duckling Crossing Lane
- M 22 L16

The property was purchased from Robert & Ferne Arsenault. The LUP application is to demolish the existing camp and replace it with an upgraded structure which will be situated very close to the existing footprint with a slight expansion that would minimally use any of the 30% expansion available. In the future, additional expansion to use up all the allowed 30% will be allowed. The front of the camp is 45 feet from the lake. Erosion control measures will be put in place once construction begins. No changes will be needed to the existing septic system which was designed to handle 4 bedrooms.

Tom made a motion to approve the Haggan application. Ernestine seconded. All in favor.

- Dorothy Conant
84 Conant Lane
New patio – man made patio pavers with sand and gravel fill.
- M10 L33

Bob Arp was present to explain the site survey, the existing conditions and the proposed patio plan. The current finish service is wood chips over gravel. The proposed surface is landscape pavers and would include a stone firepit and raised flower beds while providing a more stable and consistent walking surface. No trees or natural vegetation will be affected. Some of PB members were concerned that the new patio is within the buffer zone of 100' since the leading edge of the patio is 34' from the lake and 10' in elevation. The problem would be runoff from an impermeable surface and the addition of flower beds allowing phosphorous to enter the lake. There is currently a band of small round rocks on the lake side of the patio area.

Naomi made a motion that the owner of the property try to mitigate storm runoff as much as possible by encouraging more vegetation to grow in the buffer zone (pg. 23, Sec. M, SLZ). Tom seconded. All in favor.

- Victoria & Robert Dickson
431 Dixfield Rd.
- M 3 L1

New addition to expand parking and driveway work area requires gravel and fill to exceed 10 cubic yards with paving.

The library recently bought land from Steve and Sharon Lee to use for expanded parking. The present gravel driveway and right-of-way will be paved with asphalt to provide additional parking spaces. The driveway will be changed to one-way traffic flow. Landscaping at the war memorials and flagpole are included in the work. Money for this project came from the Peter Schofield bequest.

Ernestine made a motion to approve this application as submitted. Stan seconded. All in favor.

- Daniel Demers M 15 L19
1127 Phillips Rd.

Expansion / Remodel / Additions to shop.

Naomi made a motion to approve the application as submitted. Stan seconded. All in favor.

- Steven Cornelio M 2 L7
3 White Schoolhouse Lane
Revised original plans for an attached garage now to detached.

The originally approved plan called for a 28 x 32' garage attached to the house. Naomi made a motion to approve this revised plan. Stan seconded. All in favor.

- Samuel & Karen Gowan M 33 L17
Lady Slipper Lane

Again, the definition of a Hazard Tree on pg.5, Definitions, SLZ comes into play as it did with the earlier Sengelmann application.

Hazard treeA target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

The Gowans submitted an LUP on July 28, 2022, for cutting down 10 hazardous trees. During the CEO's site visit, photos were taken. Mike spent time reviewing the photos and also consulted with a Select Board member to get a second opinion. It was agreed that so much cutting of healthy trees would make a large impact on the lake. Visually, it would create a negative impact and being on a side hill would cause runoff and erosion issues later in time.

Karen Gowan attended the meeting with her forester, Jim Peterson. Mike was not comfortable approving this request. He did ask the opinion of one selectperson who said that the application should be denied. He is asking the PB for support and guidance. He has sent a letter of denial and gave her the option to attend a PB meeting to state her case.

Pg. 28, Land Use Standards U Hazardous Trees, SLZO was the is the primary reference.

U. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal. U. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the CEO if the following requirements are met:

a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height and be no less than two (2) inches in diameter. Stumps may not be removed.

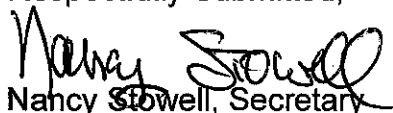
b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

Karen and Jim Peterson, a licensed forester and arborist, attended the meeting with an updated diagram of numbered trees that they considered hazardous. Jim identified those trees that posed a risk of doing significant damage to the cottages and their occupants should a significant windstorm or microburst occur. The Gowans are requesting permission from the PB to remove these trees that have been identified as hazardous by their forester.

The stumps of the identified trees will remain as erosion control. New trees of native species will be planted as near as possible to the cut trees on the roadside of the property. On the lake side, young trees will be assessed to make sure they grow to replace the canopy.

Tom made a motion to approve the application contingent upon Jim's adherence to Sec. 15 U 1.a SLZO. If a hole in the canopy is greater than 250 sq.ft., the area will be revegetated. Jim will replant next spring before July 1st. The CEO will follow up to make sure everything is done according to code. Naomi seconded. All in favor.

Respectfully Submitted,


Nancy Stowell, Secretary