

**Planning Board Meeting  
August 27, 2019 – 7:00 PM  
Town Office Conference Room**



**Meeting Materials**

**Planning Board  
Tuesday, August 27, 2019  
7:00 PM – Town Office Conference Room**

**CALL TO ORDER**

**MINUTES**

August 13, 2019

**COMMUNICATIONS**

**OLD BUSINESS**

**NEW BUSINESS**

Minor Subdivision Application – Cheryl Skilling and Wayne Verrill – Wild Turkey Way  
– Map 9 Lot 28 Sub-lots 2B and 3

Findings of Fact and Conclusions of Law for:

Formal Shoreland Zoning Application – David and Mary Eshelman – 83 Chickadee Lane  
– Map 37 Lot 3

**ANY OTHER BUSINESS**

**ADJOURNMENT**

**POLAND PLANNING BOARD**  
**MINUTES OF MEETING**  
**August 13, 2019**  
**Approved on \_\_\_\_\_, 2019**

**CALL TO ORDER** – Chairperson Porter called the meeting to order at 7:00pm with Members Mark Weinberg, Cheryl Skilling, Stephanie Floyd, George Greenwood, Alternate Member Jimmy Walker, CEO Scott Neal, and Sarah Merrill present. Alternate Member Walker is a voting member for part of this meeting.

**MINUTES** – July 9, 2019 – Member Greenwood moved to approve the minutes. Member Floyd seconded the motion. Discussion: None    Vote: 5-yes 0-no

**COMMUNICATIONS** – None

**OLD BUSINESS** – None

**NEW BUSINESS** – Road Name Application – Donald Ferry – 108 Johnson Hill Road – Map 13 Lot 29

Member Greenwood moved to approve the Applicant's first choice of Ferry Acres Road. Member Weinberg seconded the motion. Discussion: None    Vote: 5-yes 0-no

Formal Shoreland Zoning Application – David and Mary Eshelman – 83 Chickadee Lane – Map 37 Lot 3

David Eshelman presented the project to the Board. Mr. Eshelman would like to extend the existing parking area to 20' x 20' size. This area is over 100' away from the lake and out of resource protection.

Craig Crowley of 90 Chickadee Lane is a neighbor of Mr. Eshelman. Mr. Crowley raised various concerns about how the parking area would affect him. The Board considered having a site walk but decided against it as everything Mr. Eshelman wants to do is on his land and is allowed under the CLUC.

Member Greenwood moved to approve the checklist as complete. Member Weinberg seconded the motion. Discussion: None    Vote: 5-yes 0-no

Member Greenwood moved to approve the Formal Shoreland Zoning Application with the following conditions: the public hearing is waived, and the site walk is waived. Discussion: None    Vote: 5-yes 0-no

Minor Subdivision Application – Cheryl Skilling and Wayne Verrill – Wild Turkey Way – Map 9 Lot 28 Sub-lots 2B and 3

Wayne Wood presented the project to the Board. The Applicants own property in a subdivision and would like to create two more house lots on the property. The Board found that one of lots was not calculated correctly and this needs to be changed. The Board would like a copy of the road association agreement, a letter from a well driller

**POLAND PLANNING BOARD**  
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saying there's plenty of water available, and a new map showing the changes requested.

Several of the neighbors had questions about whether the lots are required to be part of the road association, where the houses can be built, etc.

Member Greenwood moved to table the application pending the Applicant submitting a copy of the road association agreement, a letter from a well driller saying there's plenty of water available, and a new map showing the adjusted boundary lines and reconfigured lot. Member Weinberg seconded the motion.

Discussion: None    Vote: 5-yes 0-no

To avoid any conflict of interest Member Skilling abstained from the vote. Alternate Member Walker was a voting member for this application.

Findings of Fact and Conclusions of Law for:

Formal Shoreland Zoning Application Amendment – Mark Fiorino  
– 40 West Shore Drive – Map 46 Lot 11

Member Greenwood moved to approve the Findings of Fact. Member Weinberg seconded the motion. Discussion: None    Vote: 5-yes 0-no

**ANY OTHER BUSINESS** – None

**ADJOURN** – Member Floyd moved to adjourn the meeting at 8:12 pm. Member Skilling seconded the motion. Discussion: None    Vote: 5-yes 0-no

Recorded by: Sarah Merrill

Planning Board

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James Porter, Chairperson

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George Greenwood, Member

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Mark Weinberg, Secretary

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Stephane Floyd, Vice Chairperson

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Cheryl Skilling, Member

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James Walker, Alternate Member

ROAD MAINTENANCE AGREEMENT

OFFICIAL COPY      OFFICIAL COPY

This agreement is made by and between the parties whose signatures appear below, all of whom are owners of various parcels of land situated off *Wild Turkey Lane*, in the Town of *Poland*, County of *Androscoggin* and State of Maine. A private road known as *Wild Turkey Lane* serves as access to the various parcels of land owned by the parties hereto.

Whereas, certain lending institutions, including the United States Department of Housing and Urban Development, Federal Housing Authority, and Maine State Housing Authority, require that a homeowners agreement be entered into by the parties who utilize the private road in order to ensure marketability for mortgage insurance underwriting purposes; and

Whereas, it serves the mutual benefit all of the parties who utilize the said private road to have a formal agreement with respect to road maintenance and repair;

IT IS THEREFORE AGREED AS FOLLOWS:

1. This agreement is binding upon the parties whose signatures appear below and their heirs, successors and assigns and is binding on those parties who may in the future obtain title to any of the parcels of land with are served by said private road and which are currently owned by any of the signatories hereto. Furthermore, this agreement is intended to benefit any mortgagee or the successors of any mortgagee of any of the real estate subject to this agreement in order to assure marketability of the real estate.
2. The owners of the lots which are served by the road jointly and severally agree to maintain, repair, plow, sand and replace the surface of the road so that it is reasonable safe and maintained in a good and passable condition for travel by vehicles and pedestrians. Improving and or reshaping of road is to be shared at the expense of all parties to this agreement. Normal road maintenance and repairs to be shared equally and proportionately as written in this agreement.
3. No lot owner shall make any improvements except for normal repair, maintenance and snowplowing without the written consent of the majority of the lot owners. In the event any lot owner incurs such cost or expense for improvements except routine repair, maintenance and snowplowing provided for in this agreement, without said written consent of the other lot owners, the party incurring such cost and expense shall defend, indemnify and hold the other lot owners harmless therefrom, including any liens and attachments.
4. Any and all decisions with respect to the nature and extent of the work to be done, the individual or entity to be employed, the total amount of money to be expended, or any and all other matters or questions relating to the road shall be determined by a consensus vote of all parties.



①

5. Each lot owner shall contribute a fractional share of the total cost of the maintenance of the private road, which fraction shall be a numerator of one over a denominator equal to the total number of lots accessed by the road, for each lot owner. All payments shall be made within thirty (30) days after receipt of a bill for work done. C O P Y

6. Each lot owner's proportionate share of the reasonable charges for the work undertaken pursuant to this agreement shall constitute a debt owed to the other lot owners. If any amount due and owing under this agreement is not paid within thirty (30) days after such cost is incurred, the defaulting lot owner shall be responsible for interest on the amount in default at the rate of eighteen (18%) per annum together with all costs of collection, including reasonable attorney's fees.

7. The lot owners may, by consensus vote of all parties, elect or appoint an agent or manager who shall be a lot owner, who shall act on behalf of the lot owners in contracting to have the work done and collecting the contribution of each lot owner.

8. In the event the lot owners are unable to resolve amicably a dispute arising out of or in any way related to this agreement or the rights and remedies arising from it, any lot owner shall have the right to invoke the remedy of mediation by noticing their determination to do so to the other lot owner or owners affected by the dispute. The notice shall be in writing, and fully set forth the contentions of the noticing party and shall appoint an alternative dispute resolution mediator.

The cost and expenses of mediation shall be borne one-half by the lot owner or owners proposing it and one-half by the lot owner, or owners opposed in relation to their ownership of lots.

9. This agreement and the covenants and conditions herein contained shall be deemed to be real covenants running with the land and benefiting and burdening the land described in deeds to all lots on aforesaid plan served by said road now owned by the signatories to this agreement.

10. This agreement and the covenants and conditions herein contained shall be binding upon the lot owners thereto, their heirs and assigns, and shall be recorded in the *Androscoggin* County Registry of Deeds.

In Witness Whereof, we have hereunto set our hands this 9<sup>th</sup> day of August, 2001.

Signed, sealed and delivered in the presence of:

OFFICIAL  
COPY

[Signature]  
WITNESS  
OFFICIAL  
COPY

Christina S. Keene  
Print Name: Christina S. Keene  
OFFICIAL  
COPY

[Signature]  
WITNESS

Jessica J. Keene  
Print Name: Jessica J. Keene

State of Maine  
County of Androscoggin

On this 9<sup>th</sup> day of August, 2001, personally appeared before me the above mentioned Christina S. Keene and Jessica J. Keene and acknowledged the foregoing instrument to be their free act and deed.

Before me,

[Signature]  
Attorney at Law/Notary Public

ANNETTE J. DAVIS  
Notary Public - Maine  
My Commission Expires May 15, 2009

The undersigned Kevin Munson and Cherie Neptune, owners of lot 1-A hereby join in this Agreement.

[Signature]  
V.P. Livrite Homes, Inc.  
By Brian Merrill, Vice President

[Signature] Lot 1A  
Kevin Munson

ANDROSCOGGIN COUNTY  
Jeanine D. Bergman  
REGISTER OF DEEDS

[Signature]  
Cherie Neptune Lot 1A  
[Signature]

STATE OF MAINE  
CLIMBERLAND, SS.

Personally appeared the above named Kevin Munson and acknowledged the foregoing Agreement to be his free act and deed.

Before me,

SUSAN GAGE KNEDLER  
Notary Public, Maine  
My Commission Expires November 23, 2004

[Signature]





August 15, 2019

Cheryl Skilling

Email: [REDACTED]

RE: Wild Turkey Ln., Poland

Dear Cheryl,

I have reviewed our well records as well as information published by the Maine Geological Survey and Maine Water Well Database with respect to the availability of water to serve the needs of a proposed single family residential home on Wild Turkey Lane in the town of Poland, ME. I have not been provided with the approximate acreage of this property.

Wells in this area would obtain water from fractured bedrock aquifers. Based on my research as well as my general knowledge of the area it is my opinion that ground water should be sufficient in both quantity and quality to serve the needs of the single family residential home.

Wells in fractured bedrock aquifers are usually consistent with other bedrock wells in the immediate vicinity. However, sometimes there are significant variations over a relatively short distance. Accordingly, my opinion that ground water should be available in adequate quantity and quality should not be considered a guarantee by Goodwin Well & Water, Inc. that in fact water will be available in adequate quantity and quality.

If I can provide any further information please don't hesitate to call me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Danny Camire', is written over a horizontal line.

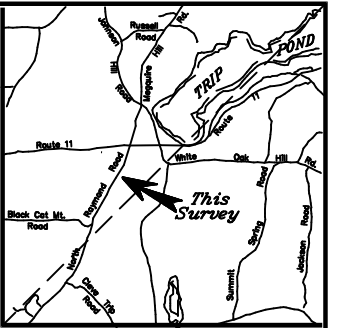
Danny Camire



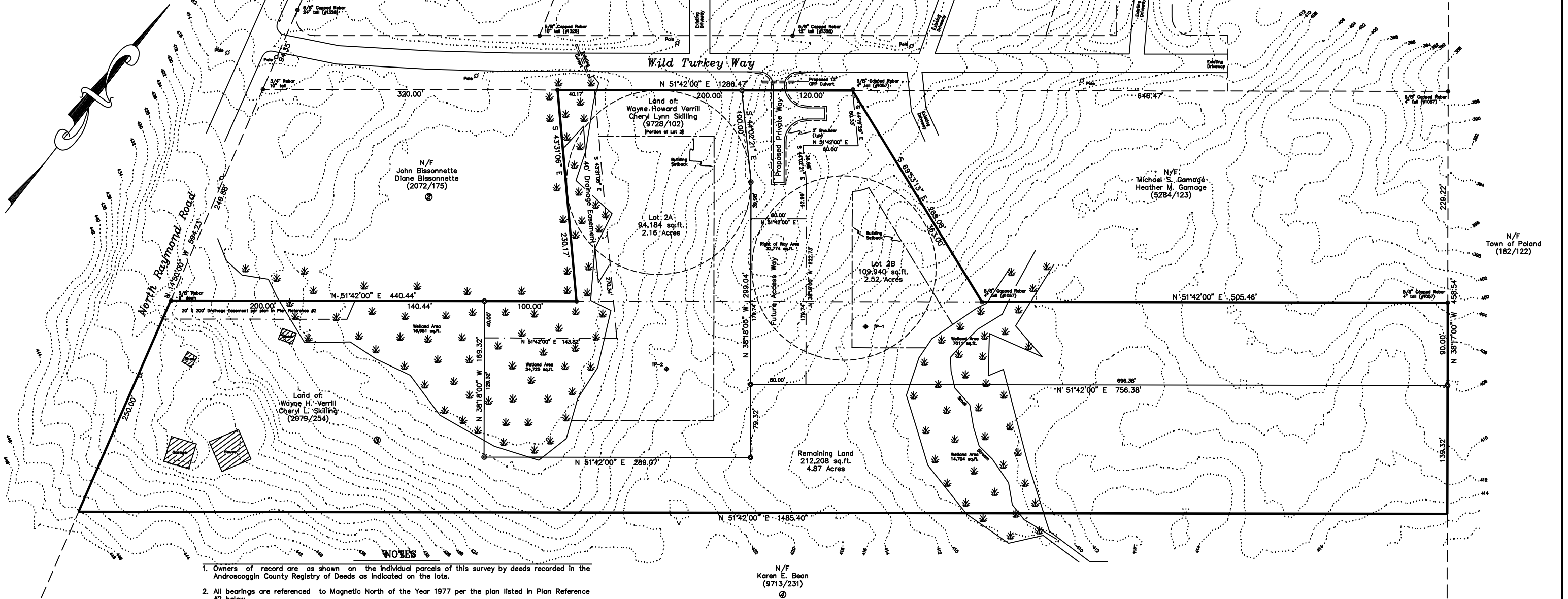
Approved by the Town of  
Poland Planning Board:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



VICINITY MAP



- NOTES**
1. Owners of record are as shown on the individual parcels of this survey by deeds recorded in the Androscoggin County Registry of Deeds as indicated on the lots.
  2. All bearings are referenced to Magnetic North of the Year 1977 per the plan listed in Plan Reference #2 below.
  3. The subject parcels are shown on the Town of Poland, Maine Tax Map #9 as Lot #28-3 and a portion of Lot #28-2 and is in the Rural Residential 2 Zoning District.
  4. Wetlands and soils information is from Mark Cenci Geologic, Inc.
  5. This property does not fall in any Special Flood Hazard zones as defined by FEMA.
  6. This plan is an amendment to the "Hanscom & Wood Subdivision" as recorded in plan book 28 page 55 by dividing Lots 2 & 3.
  7. All site construction shall be performed in accordance with the "Best Management Practices" as outlined in the "Best Management Practices for Soil Erosion & Sedimentation Control Manual" as published by the MDEP, current edition.
  8. These new lots will be serviced by individual drilled wells and on-site septic systems.

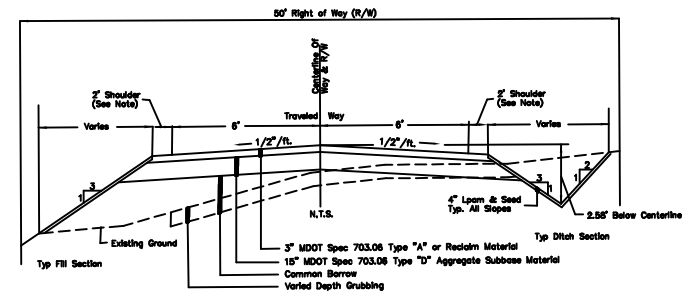
**PLAN REFERENCES**

1. "Hanscom & Wood Subdivision ~ Poland, Maine for Owners - Subdividers: Hanscom & Wood" dated May 1978 by Maine Planning and Engineering Associates, recorded in the Androscoggin County Registry of Deeds in Plan Book 28 on Page 55.
2. "Amended Plan of Hanscom & Wood Subdivision on North Raymond Road ~ Poland, Maine for Robert Zukowski" dated July 1990 by Wayne T. Wood & Co., recorded in the Androscoggin County Registry of Deeds in Plan Book 36 on Page 43.

**LEGEND**

- 5/8" Capped Rebar (#1328) to be Set
- Iron Pipe or Pin Found as Noted
- Utility Pole
- ▨ Existing Building
- ④ Subdivision Lot Number
- N/F Now or Formerly of
- (5285/123) Deed Book and Page Reference

**TYPICAL ROAD SECTION**



NOTE: The shoulder shall be widened by 1' around the road terminus and turnaround.



**Plan of Land/Proposed Division**  
On  
North Raymond Road & Wild Turkey Way  
In  
Poland, Maine  
For  
**Cheri Skilling**  
460 North Raymond Rd. ~ Poland, ME 04274

**WAYNE T. WOOD & CO.**

Gray, Maine 04039  
Drawn By: KLW/WTW  
Scale: 1" = 50'  
Checked By: WTW  
Field Crew: JW/BR

(207)657-3330  
Date  
August 2019  
Job No.  
218043





## Planning Board Office

1231 Maine Street,  
Poland, Maine 04274-7328

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### **Findings of Fact & Conclusion of Law**

**Date:** August 13, 2019

**Application Type:** Formal Shoreland Zoning Application

**Owners Name:** David and Mary Eshelman 83 Chickadee Lane Poland, ME 04274

**Located at:** 83 Chickadee Lane

**Parcel ID:** 0037-0003

**Zoning Districts:** Rural Residential 2, Limited Residential, and Resource Protection

#### **Project Description:**

On August 13, 2019 Mr. and Mrs. Eshelman submitted a Formal Shoreland Zoning Application for a twenty foot (20') by twenty foot (20') parking area on their property. The parking area would be accessed from Chickadee Lane outside of Resource Protection. The existing impervious surfaces would increase from 10.8 percent to 13 percent.

#### **303.2.G. In addition to the standards contained elsewhere in Comprehensive Land Use Code (CLUC), the Planning Board shall consider the following in the Shoreland Area as defined:**

**1. Will maintain safe and healthful conditions**

The proposed building will not interfere with the general health or safety of any neighbors. Based on this information the Planning Board (Board) finds that this criterion will be met.

**2. Will not result in water pollution, erosion, or sedimentation to surface waters**

Based on the plan submitted the Board finds that the issues of water pollution, erosion, or sedimentation to surface waters have been properly addressed. Based on this information the Board finds that this criterion will be met.

**3. Will adequately provide for disposal of all wastewater**

A new wastewater disposal system was not applied for; therefore, the Board finds that this section is not applicable.

**4. Will not have an adverse impact on spawning grounds, fish, aquatic life, birds, or other wildlife habitat**

The parking area is located completely on land and will not have an impact on the spawning grounds, fish, aquatic life, birds, or other wildlife habitat. Based on this information the Board finds this criterion will be met.

**5. Will conserve shore cover and visual, as well as actual, points of access to inland waters**

The applicant is not proposing to impact the shore cover and visual, as well as actual, points of access to inland waters; therefore, the Board finds that this section is not applicable.

**6. Will protect archaeological and historic resources as designated in the Town of Poland Comprehensive Plan**

The parcel and abutting parcels do not appear to be associated with any archaeological or historic resources as designated in the Comprehensive Plan; therefore, the Board finds that this section is not applicable.

**7. Will avoid problems associated with floodplain development and use**

The parking area is outside the flood plain. Based on this information above and in the record the Board finds that this criterion will be met.

**504.3 Non-Conforming Structures**

**504.3. A. Expansions of Non-Conforming Structures**

The applicant is not proposing an expansion of the structure; therefore, the Board finds that this section is not applicable.

**504.3. B. Relocation of Non-Conforming Structures**

The applicant has not proposed to relocate a structure; therefore, the Board finds that this section is not applicable.

**507.3.C. Reconstruction or Replacement of Non-Conforming Structures**

The Board must determine if the proposed structure meets the setbacks to the greatest practical extent. The Board considered the size of the lot, the slope of the land, the potential for soil erosion, the location of other similar structures on the adjacent property, the location of the existing rain gardens and underdrainage, the location of the existing septic system, and the type and amount of vegetation that may need to be removed if the structure would be relocated. The applicant did not apply for reconstruction or replacement of the structure. Therefore, the Board finds that this section is not applicable.

**504.3. D. Change of Use of a Nonconforming Structure**

This application is not for a change of use of the existing non-conforming structure; therefore, the Board finds that this section is not applicable.

**504.3. E. Planning Board Special Review for a Legal Non-Conforming Single-Family Dwelling Located in a Shoreland Zoning District**

Setback reductions were not applied for; therefore, the Board finds that this section is not applicable.

**508.27 Shoreland Zoning Standards**

**508.27.B. Principal and Accessory Structures**

Chapter 5 §504.3 provides the performance standards for relocation and/or reconstruction of non-conforming structures. The applicant has not proposed any accessory structures; therefore, the Board finds that this section is not applicable.

**508.27.C. Multiple Principal Structures**

This application does not include multiple principal structures; therefore, the Board finds that this section is not applicable.

**508.27.D. Piers, Docks, Wharves, Bridges, and Other Structures and Uses**

This application does not include any piers, docks, wharves, bridges or similar structures; therefore, the Board finds that this section is not applicable.

**508.27.E. Individual Private Campsites**

This application does not include any individual private campsites; therefore, the Board finds that this section is not applicable.

**508.27.F. Parking Areas**

The parking area proposed is more than 100' from the normal high water mark and is outside Resource Protection. Based on this information above and in the record the Board finds that this criterion will be met.

**508.27.G. Roads and Driveways**

There are no proposed driveway changes with this application nor is the parcel located in the Resource Protection Shoreland Zoning District; therefore, the Board finds that this section is not applicable.

**508.27.H. Storm Water Runoff**

Storm water runoff will be limited by the existing vegetation and erosion control materials. Based on this information above and in the record the Board finds that this criterion will be met.

**508.27.I. Essential Services**

The applicant is not proposing to install any new electrical poles, transmission lines, satellite dishes, generators, hydrants etc.; therefore, the Board finds that this section is not applicable.

**508.27.J. Mineral Exploration and Excavation Permits**

The application is not for mineral exploration or any other mining or gravel pit operations; therefore, the Board finds that this section is not applicable.



#### **508.27.K. Agriculture**

The applicant is not proposing any livestock grazing areas, manure stockpiles, or any agriculture activities within the parcel; therefore, the Board finds that this section is not applicable.

#### **508.27.M. Clearing or Removal of Vegetation for Development Other Than Timber Harvesting or Individual Private Campsites**

The removal of vegetation will be limited to the parking area and will be less than the forty percent allowed outside of one hundred feet from a Great Pond. Based on this information above and in the record the Board finds that this criterion will be met.

#### **Conclusion**

- The application checklist was approved as complete on August 13, 2019, at which time the Board voted to waive the requirement for a site walk and public hearing.
- The applicant has provided the Board with a Deed (Book 4777, Page 72) showing reasonable right, title, or interest in the property.
- The Board has concluded that they have the jurisdiction to review the application under section Chapter 5 §504.3 (Non-Conforming Structures).

Therefore, the Town of Poland Planning Board hereby approves (5-0) with the following conditions, the application for David and Mary Eshelman, as described in the application dated August 13, 2019, the approved site plan dated August 13, 2019, and the above findings of facts.

#### **Conditions of Approval**

- Soil Erosion Control and Stormwater Management Measures shall be in place prior to construction. The Code Enforcement Officer may require additional measures be taken.
- Soil disturbance during the period March 1st to May 1st is prohibited.
- Any disturbed soils shall be revegetated immediately upon completion of construction and any disturbed soils within 100-ft. of the high-water mark shall be revegetated per the approved plan.
- This approval will expire twelve (12) months from the date of Planning Board approval if the project or the use has not been started within this allotted time.
- Building/use permits shall be obtained prior to the start of construction/use.
- A certified person in erosion control practices by the Maine Department of Environmental Protection must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.
- The applicant has agreed to follow the recommendations by Androscoggin County Soil and Water Conservation District regarding pre and post storm water, erosion, and phosphorus issues within the parcel.

- Plan approval is also conditioned upon compliance by the Applicant with the Plans and specifications which have been received by the Planning Board in connection with the development proposal as well as with any oral or written commitments regarding the project which were specifically made by the Applicant to the Board in the course of its deliberations.
- The applicant must apply for and obtain all applicable permits for the proposed development under the Natural Resources Protection Act, Title 38 M.R.S.A. section 480-C, the Site Location of Development Act, the Erosion and Sedimentation Control law, Title 38 M.R.S.A. section 420-C, the Stormwater Management Law, the Federal Clean Waters Act as delegated to the State of Maine, and all other applicable state and federal laws regulating the use or development of land.

Pursuant to Section 304.5.B of the CLUC anyone aggrieved of this decision may file a written appeal within thirty (30) days of date of this decision in accordance with Rule 80-B of the Maine Rules of Civil Procedure.

**Date Approved: August 27, 2019**  
**Poland Planning Board**

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Chairperson

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James Porter, Vice -Chairperson

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George Greenwood, Secretary

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Mark Weinberg

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Stephanie Floyd

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Cheryl Skilling