

**PROSPECT PLANNING BOARD**  
**PROSPECT COMMUNITY CENTER**

**THURSDAY, MARCH 27, 2025**

**4:15 PM**

**PRESENT: HENRI GIGNOUX, LAURIE JONES, ARLINE LAMARCHE, KATHLEEN JENKINS**

**NOT AVAILABLE: LOIS GIANNI, ALFRED REYNOLDS**

**ZOOM: KRISTEN COLLINS (ATTORNEY), BECKY AMES**

**PHONE: MARY & RICHARD DYER**

**GUESTS: SHAWN HAMILTON, TOM FOWLER, HARLAND GAMBLE, BRANDY BRIDGES, DONALD FICKETT**

**Jenkins called the meeting to order at 4:18 pm.**

**READING AND APPROVAL OF MINUTES OF REGULAR MEETING FOR MARCH 13, 2025:**

Minutes from the meeting were sent to all members. (*APPROVAL OF MINUTES WAS TABLED UNTIL NEXT MEETING*).

**1. COMMUNICATION:**

- Jones updated everyone on the Land Use Ordinance stating that the committee is hoping to have a vote on the proposed Ordinance no later than the end of the year or at the earliest this Fall. There will be a meeting for the public on April 19, 2025 to address the Land Use Ordinance. Jones said the committee is trying to figure out how far out the growth areas are on Route 1 and Route 1A.
- Municipal Officer Bridges said she would like to get community members involved in the Land Use process. She will encourage the community to attend the Land Use meeting. Brandy said maybe the Town should consider another survey of the residents of Prospect.

**2. OLD BUSINESS:**

- a. **Prospect Shores Project Shoreland Zoning & Subdivision Ordinance Review:**

Shawn Hamilton and Tom Fowler addressed the following with Attorney Kristen Collins involving recent information exchanged with her by email.

***The Access Road*** – route by the cemetery (25 feet) or get a waiver to go into Resource Protection – current draft of the project shows the access road curving into a section of the Resource Protection area – refer to language in Shoreland Zoning (page 15, Section #4) – the Attorney said she preferred the access road to curve in another direction rather than into the Resource Protection area.

The original road was partly in the Shoreland Zone, not sure how wide the road actually was when it was built because it was abandoned by the Town. Remnants of the road are still there but it is considered non-conforming at this time.

The entrance by Henri Gignoux is too steep, not the right width, therefore would not meet Site Plan Review. It was ruled out.

The Developers believe what they proposed is the best design, 90 degree cut off – 75 feet fully in Shoreland Zone and then up to the parking area.

The Attorney was asked her thoughts on this issue. She said there is currently access to the cemetery at this point, are we minimizing the encroachment, could the road be cut a little tighter to the cemetery to get further out of the Shoreland Zone area? This area needs to be “respected” and the Board agreed. It looks like you can get right up to the line at the cemetery. She suggested the Developers look at the overall plan and review it again. The left turn would come earlier than it is now and vehicles could go up in the parking lot to turn around. This might help with permitting as there would be no need to get any for Shoreland Zoning. The project may need to find some other parking areas for auxiliary parking and move some other things around. Tom Fowler said they will do some re-designing before the next meeting.

The Attorney said there would be a change in the retention wall now. It could be smaller where there will be no access into Resource Protection.

***Subdivision or Not*** – the Subdivision Ordinance does not apply to this project according to the Town Attorney. She did say that State law is tricky to interpret. 3 or more dwelling units allows for use of the Site Plan Review Ordinance. State law says it covers the requirements and the Subdivision Ordinance doesn't cover 3 or more dwelling units.

The Town Attorney says the Minimum Lot Size Ordinance is not as clear, it is vague.....2 acres – 2 dwelling units – it doesn't say it doesn't apply to a larger piece of land such as this project. The lot is currently 2 units per 2 acres, 10 units on 11 acres (minimum of 4 acres in a growth area and a minimum of 2 acres in an underdeveloped area. Again approval of this project would be conditional on getting the permits.

The Town Attorney suggests in the future that the Planning Board hold a Public Hearing earlier in the process before Approval Standards. This could be done at the next meeting, hold a Public meeting to do Finding of Facts.

The Developers could explain the updated design for the project at the Public Hearing / the findings of Article 8 in Site Plan Review, Shoreland Zoning and Minimum Lot Size Ordinance would also be reviewed.

Bridges asked about open space and Fowler explained there is lots of open space on the property already, cemetery, fishing, hiking access

The project has 10 rental units. If one is sold would it have to go through the Subdivision process? (4 flats – 6 townhouses) It would be a subdivision if you were going to divide up land.

**Hydro Geologic Study** – Tom Fowler wanted to know if there was justification for this request. He said they had explained all this at the last meeting. 10 units – 2.5 people per unit – would require 1875 gallons of water per day – septic usage 1600 gallons per day maybe up to 1760 gallons per day for extra usage – a possibility that a second well may be needed but not definite yet.

What would be discussed with a Hydrologist is the property only south of the stream, as long as there is no development north of the stream. Tom Fowler said they already applied for a storm water permit. The Attorney recommends the Hydro Geologic study to make sure everything is covered, especially since this is our first big project in quite some time and especially since it is near Resource Protection.

The Planning Board agreed that we should err on the side of caution and just do a study on the south area near Resource Protection. The Dyers made it clear they are doing everything necessary not to disturb the land.

A motion was made by Jones to table further action on the plan pending a Public Hearing when we have the results of the Hydro Geologic Study and the revised development plan. Gignoux seconded the motion. The Planning Board voted in favor of the motion.

Tom Fowler said he hoped they would have the results and the revised plan completed for the next meeting in two weeks but most likely not in time for the Public Hearing. The Public Hearing needs a two week notice. At the Public Hearing the Developers would explain the project and the public can weigh in and ask questions. If there is time, the Planning Board can continue with Fact Finding.

The Planning Board is fully focused on this project. The project was deemed complete. When they have the Hydro Geologic information and revised plan, the Planning Board can continue the review process. The project was approved with conditions on March 27, 2025. The Planning Board is within the 45 day period. The owner said they were willing to waive/extend 45 days if it would move the process along.

The Site Plan Review Ordinance states that “The Board may approve development plans subject to issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development review.” This might help to move forward with the financial aspect of the project. Construction cannot begin without permits.

Gignoux suggested that the Planning Board receive a letter from the Developers certifying that the water meets Maine standards. The Town Attorney said that if the water was not ok, the Town could be held responsible for fixing the issue in the future. The State of Maine has rigorous testing programs. This request would be part of the updates from the Developers.

### **3. NEW BUSINESS:**

#### **a. Other Questions :**

N/A

### **4. OTHER BUSINESS:**

There needs to be more preparation for Public Hearings and Special Town Meetings. Send an email to the Municipal Officers requesting the Town Attorney be present for the Public Hearing and maybe provide assistance in the Fact Finding process. Maybe set the date of April 24, 2025 for the Public Hearing?

Tentatively Town elections are set for May 16 & Town meeting for May 17, 2025.

**5. MOTION TO ADJOURN MEETING:**

Jenkins made a motion for adjournment. All approved. The meeting was adjourned at 6:05 pm.

Next regular meeting of the Planning Board will be held on Thursday, April 10, 2025 at 4:15 pm at the Prospect Community Center.