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Memorandum

To: York Planning Board
CC: Scott Hastings
From: Mary E. Costigan
Date: August 26, 2016
Re: 7 Carriage Barn Lane

You have asked whether the Planning Board has jurisdiction to review an application for a single-family home, septic system and driveway construction at 7 Carriage Barn Lane. The short answer is yes.

The lot that is proposed for development is shown on the 1990 subdivision plan for the Division of Property for Richard Broadbent (the "Plan"). The lot is identified on the Plan as "remaining land of Richard Broadbent." The Plan contains Note 10 which states as follows: "Buildings constructed within the shoreland zone will require Planning Board approval of the specific building and erosion control plans, and all provisions of the shoreland zone apply to all lots." The same note was carried through a 1991 amendment to the plan that made changes to Note 8 with regard to lots to be offered for public sale.

According to the permit application, the lot in question is located in the shoreland zone (now referred to as the shoreland overlay district). Therefore, in accordance with Note 10 on the Plan, the proposed construction of a single-family home, septic system and driveway in the shoreland zone requires Planning Board Approval.

Although the ordinance may have been amended since 1990 to change the jurisdiction of the Planning Board with regard to the construction of single-family homes, Note 10 on the Plan was not amended. The fact that the Planning Board had jurisdiction at the time reinforces the Planning Board's desire to make sure that development within the shoreland zone on the Plan is reviewed by the Planning Board.