



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

March 10, 2020

6:00 pm

MINUTES

CALL TO ORDER: David Peppard called the meeting to order at 6:00 pm.

ROLL CALL: Members present were David Peppard, Craig Knight, Jeff Argleben, James McLeod, Kristen Wilson and Dean Bennett, CEO. Susan Dunham-Shane arrived at 6:03.

Motion to allow James McLeod to be a voting member **By Kristen W/Jeff A 2nd. Vote 4-0**

MINUTES: Motion to accept the minutes of January 28, 2020.

By Kristen W/Jeff A 2nd. Vote Yes: 4 – Abstained: 1, Susan DS was not at that meeting

ELECTION OF CHAIR & VICE CHAIR:

I nominate David Peppard to be the Chair

By Susan DS/Craig K 2nd. Vote 4-0

I nominate Craig Knight to be the Vice-Chair

By Susan DS/Jeff A 2nd. Vote 4-0

NEW BUSINESS:

UNFINISHED BUSINESS: The Board will continue their work on the Zoning Ordinance revisions and the review of the Red-Lined Copy of changes. They will go through the ordinance, identify any changes and either accept them as changed, or discuss the change further.

108.2.3 – Okay

203.2 – Okay

204.2.5 – Motion to change the wording from:

204.2.5 The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term ‘structures necessary for access to or egress from the property’ shall include ramps, railings, wall, or roof systems necessary for the safety or effectiveness of the structure.

To:

204.2.5 A variance to a property owner for the purpose of making the property accessible to a person with a disability who is living on the property shall be the authority of the Code Enforcement Officer as per Title 30-A, 4353-A, see below. (And then the wording of Title 30-A)

By Susan DS/Jeff A 2nd. Vote 5-0

402 – Okay,

402.8 – Susan said that they need to take note that Chapter 8 and the MEO addendum do not reference the quality or quantity of ground water, as it is in this section.

Motion that for 402.2, 402.3, 402.8, 402.9, 402.10 and 402.11 the revised wording be struck and returned to the original language.
By Susan DS/No Second/Motion Dies

Dean B pointed out that however a standard is described, the Board collectively decides on whether it meets the ordinance criteria. He also pointed out that the Wind Energy Ordinance and MEO Addendum are stand-alone documents and should not require reference back to the Zoning Ordinance.

404.1.3 – Okay

606 – District Use Chart - Susan DS questioned three items (Auction Facility & Antique Sales, Indoor Commercial Recreation & Amusement and Veterinary Clinic) that were changed from Planning Board to CEO approval. She feels that they were more commercial type businesses, have more traffic and they are something that the neighbors would be impacted by and they should remain with Planning Board approval. Dean suggested making the Auction Facility and Antique Sales two separate activities. They feel that a Veterinary Clinic would not have the impact as the others.

Motion that we split Auction Facility to its own line and it is reviewed by the Planning Board in the Commercial, Mixed Use and Rural Agricultural Zones. Antique Sales will have a separate line reviewed by the CEO in the Commercial, Mixed Use and Rural Agricultural Zones. Additionally Indoor Commercial Recreation/Amusement will go back to Planning Board review and available in all areas except conservation.
By Susan DS/Jeff A 2nd. Vote 5-0

607 – Susan DS does not agree with the change to 200' frontage in Rural Agricultural and reminded everyone that at a prior public hearing there was opposition. Dean B also said they may get opposition from the State of Maine and the Comp Plan. Susan suggested 300'. No change was made

701.8 – Okay

703.1 - Okay

703.1.1 – Okay

708 – Okay

710.2.4 – Okay

Move that on 805.3 we strike the words “subdivision” and “development” from that section and add the word “project” in place of “development”.
By Susan DS/Craig K 2nd. Vote 5-0

Motion to remove 805.4, 805.4.1 and 805.4.2

By Jeff A/ Kristen W 2nd. Vote 5-0

802.2.7 - Okay

902.1.1 – Okay

902.2.1 - Okay

902.2.3 – Okay

903.12 – Okay

1001.2.4 – Okay

1002 – Okay

1005.9.2 – Okay

1005.9.3 - Okay

1005.6 – Okay

Chapter 11, Definitions:

Accessory Structure: Dean suggested removing everything after the first sentence. The Board explained that this change came about because of a resident inquiring about putting a garage on a piece of land not at his residence to store items. Dean B said that in zoning it is the use of the building that is regulated. If a resident wants to build a garage on a lot, as the principal structure on the lot, it is allowed. If later they want to change the use of the structure, that new use would require approval.

Motion that under Definitions, Accessory Structure, we write the definition to be simply: "An accessory structure is one that is customarily incidental and subordinate to the principal building on the property and is physically detached from the principal building." **By Susan DS/Jeff A 2nd. Vote 5-0**

Agriculture – Non-livestock: Okay
Agriculture – Non-livestock, Commercial: Okay

Commercial: Dean explained that including the term Home Office in this definition could cause confusion for people in assuming that all Home Office's do not require a permit, while some Home Office's would be considered Home Occupation and would require approval.

Motion to strike "or Home Office" from the definition. **By Jeff A/Kristen W 2nd. Vote 5-0**

Motion to remove Home Office from the District Use Chart, page 22.

By Kristen W/Jeff A 2nd.

Susan does not agree with this. She said one of the reasons for rewriting the ordinance was so that people could refer to the ordinance and get their question answered. Dean explained that he wants to be the deciding factor if a business is a Home Occupation or a Home Office and does not want people to just open a business and consider it a Home Office when in fact it is a Home Occupation.

Vote: Yes 4, Abstention 1, Susan DS abstained

Congregate Care: Okay
Cottage Industry: Okay
Earth Moving: Okay

Motion in Definitions, page 60, remove Kiosk and its definition from the list because we took it off the use chart.

By Susan DS/Jeff A 2nd. Vote 5-0

Open Space: Susan will look up where Open Space comes in to play in the Zoning Ordinance and they will discuss it further at the next meeting.

Road: Okay

2002.2.2.18 – Okay

2008.2.1 – Okay. The majority of the Planning Board will decide what is unreasonable

2008.2.3.5 – Okay

2008.2.10.5 - Okay

2008.2.12.11 – Okay

2008.2.13.1 Minimum Setbacks – Okay

2008.2.14.11 – Okay

E911 Ordinance Change – Okay

Dean B explained new wording that he recommends be added to the Ordinance changes. At a recent conference he attended for lawyers and Code Enforcement Officers they discussed a recent case in the state of Maine where a disgruntled property owner went to their town and complained about a resident that they felt was in violation. The CEO with consent of the Planning Board and Town Manager, decided not to pursue notice of violation for this complaint. The disgruntled person then went to the courts and sued the town to appeal this non-decision. The courts allowed this to go forward, which caused the town to spend thousands of dollars. Because of this, the lawyers are recommending to CEO's in towns that they include the language he has presented in their Ordinances. Any aggrieved party can appeal any decision made by a CEO or Planning Board to the Board of Appeals or the courts. In this case there was no formal way to not make a decision.

Move that we add to Section 201 Code Enforcement Officer:

201.1 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall immediately notify in writing the persons responsible for such violation, indicating the nature of the violation and the action necessary to correct it. **Decisions on whether to prosecute, time granted for willful compliance and the terms of any consent agreements are not appealable.** The Code Enforcement Officer is authorized to order immediate cessation of any development activity, pending action of the Board of Selectmen, as provided in subsection 202 below.

By Susan DS/Kristen W 2nd. Vote 5-0

Motion that in section 301.2 it shall read “The construction, erection, improvement, addition, enlargement, alteration, demolition or movement of any building or structure. Striking: **larger than 100 square feet.**

By Susan DS/Craig K 2nd. Vote 5-0

Motion to remove **Section 302.3 For an accessory structure of 100 square feet or less in area and which is not attached to any other structure or building.** **By Craig K/Susan DS 2nd.**

All structures require a permit to assure that they meet the setback requirements.

Vote 5-0

Dean B recommended some consistency on the District Use Chart such as Commercial Kennel is allowed in the Commercial Zone but not the Mixed Use District and Self-Storage is allowed in Commercial and Mixed Use and Rural Residential, but Storage/Warehouse is only allowed in Commercial. Kristen W and Susan DS do not feel that the one acre lots of the Mixed Use District are suitable for a Commercial Kennel.

Motion to change Storage/warehouse on the District Use Chart under the Mixed Use District and Rural Residential to P's. (replacing the N's) **By Kristen W/Jeff A 2nd. Vote” Yes 4 – Opposed 1**
Susan DS opposed the motion

Motion that under Rural Uses we strike Individual Private Campsite all together.

By Craig K/Kristen W 2nd. Vote 5-0

Move that under Rural Uses, Roadside Farm Stands would change current Y's to C's.

By Susan DS/Jeff A 2nd. Vote 5-0

Motion that under Rural Uses, Timber harvesting gets struck **By Craig K/Jeff A 2nd. Vote 5-0**

701.8 In the current wording it has private road or subdivision road and Dean would like the reference to the Subdivision Ordinance removed. Susan DS said you cannot make subdivision roads smaller than 60' so she does not understand why the reference to the Subdivision Ordinance needs to be removed. The wording will remain as it is.

Motion to change 704.2 “A detached building” to “A detached accessory unit”

By Kristen W/Jeff A 2nd. Vote 5-0

Under 902.2 Driveway and Common Driveway Standards, Dean B would like to remove the minimum right-of-way of 30 feet in 902.2.3. The Board will discuss it at the next meeting.

AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING: Everyone should do their homework on these items:

1. Page 62, Wetland being considered in Open Space
2. Commercial zone change
3. Definition of Road Side Farm stand from Dean B
4. 902.2.3 Driveways

The only item Dean B has for future meetings is the preliminary application for the subdivision off Comins Lane and they will not have anything for the next meeting.

Craig K said that Jeff A has offered his expert services in mapping and he would like to see them move ahead with that. Susan DS said they need two drawings, one is the Shoreland map with all of the updated Shoreland protection overlay with the zones of the town that follow plot lines. Jeff A said he downloaded the maps from the state and the town lines and parcel layers are way off. He can bring in his computer and show them. Dean B has the new Flood Plain maps and will forward them to Jeff A. Dean B said they need a new Zoning Map, Shoreland Zone Map and a future Land Use Map for the Comprehensive Plan. David P asked Jeff to show them what he has found for mapping and they will discuss it at the next meeting. Susan DS suggested that Jeff A speak to Russell Smith regarding the maps and previous work done by Gretchen Heldmann.

DATE OF NEXT MEETING: .

PUBLIC ACCESS:

ADJOURNMENT: Motion to adjourn at 8:08 pm.

By Craig K/Jeff A 2nd. Vote 5-0

Respectfully Submitted,

Denise M. Knowles