



Town of Eddington

906 Main Road Eddington, Maine 04428

PLANNING BOARD

March 28, 2017

6:00 pm

MINUTES

CALL TO ORDER: Mark Perry called the meeting to order at 6:00 pm.

ROLL CALL: Members present were David McCluskey, Susan Dunham-Shane, Craig Knight, Mark Perry, David Peppard and Alternate, Pam Chapman. Jim White and Charles Norburg have excused absences.

Mark P did not think that we need to include Charles N or Russell Smith in the Roll Call because they are not members of the Board. He also feels that they do not need to note if a Board Member has an excused or unexcused absence. Susan DS thinks they need to be listed as excused or unexcused per the Ethics Policy because there is a threshold of how many absences a member can have during a given time. Susan will look it up and let the Board know.

MINUTES: Motion that we accept the minutes of February 14, 2017 as printed

By Mark P/David P 2nd. Vote 5-0

UNFINISHED BUSINESS: Mark P asked where they are with the Shoreland Zone Ordinance. Susan DS said she and Denise K have updated all the changes for a final copy. She believes Russell has contacted Gretchen H regarding the map. Susan has a copy of a map that she thinks she worked with Charles N on regarding who would need letters because of regulation changes. Russell has not heard anything from Gretchen H. The Shoreland Zoning Ordinance and Map should be voted on at the same time and then they are filed with the state. Susan DS will contact Gretchen H about working on the map and Mark P will work on the RFP to put the map work out to bid. The Town Meeting is June 20, 2017.

NEW BUSINESS: Charles N or anyone from Crosby's Gun Shop are not present regarding a new sign, so they will table the discussion.

Mark P reviewed the current Planning Board Bylaws and Zoning Ordinance and found the following items for the Board to discuss:

1. According to the Zoning Ordinance an alternate is moved up to a voting member at the discretion of the Chair. This should be changed. As long as Mark is the Chair, the alternates will become voting members automatically if there is a vacancy in order of seniority. David P would like this item voted on at the Town Meeting. Susan explained that Denise K keeps a list of items that are mentioned during Planning Board Meetings that the Board feels need to be looked at further and possibly changed. Mark P would like this item added to that list and would like the list added to the agenda for the next meeting. Mark P cautioned that they shouldn't revise ordinances too often, because it gets confusing with so many versions around.
2. In regards to voting on items, Mark recommends the following change in the wording: 4.3.6. All actions of the Board shall be determined by a majority vote. ~~A majority vote of the quorum present is needed to pass any motion and in no event shall a motion pass without a minimum~~

~~of three votes in the affirmative.~~ When a motion results in a tie, the motion fails. (The wording in the Zoning Ordinance should be the same.)

3. Mark recommends changing Section 4.4, Conflict of Interest as follows:

~~Conflict of Interest means direct or indirect pecuniary interest.~~

~~4.4.1 Direct pecuniary interest shall be when the applicant is a member of the Board or an owner of property that is the subject of an application or is directly affected by the Board's decision.~~

~~4.4.2 Indirect pecuniary interest shall be when the Board member has an interest in the application due to being an officer, director, partner, associate, employee or stockholder of a corporate applicant, or other business entity. Also included shall be when a Board member is a part of the applicant's immediate family, an employer or employee of the applicant or the applicant's immediate family. Immediate family shall mean spouse, parents, siblings, children, and grandchildren.~~

~~4.4.3 Pecuniary interest shall also include a situation where the Board member, by reason of his/her interest is placed in a situation that may be viewed as temptation to serve his/her own personal interest instead of the public's interest.~~

4.4.1 A conflict of interest exists when a board member has a personal, financial, family, proximity, occupational, political or other significant relationship to a matter before the board that would cause a reasonable person to conclude that the board member could not be impartial in the matter. Members are encouraged to recuse themselves when that is warranted.

4.4.2 (previously 4.4.4) The decision of whether a member shall be disqualified from voting on a particular matter shall be made by a majority vote of the remaining members present. ~~For the Board to decide that pecuniary interest exists, a significant impact on the Board member, his/her family, employee and/or employer must exist.~~

4.4.3 (previously 4.4.5) The Board member shall make full disclosure of his or her interest, on the record, prior to any action being taken, and shall abstain from voting. ~~and from other wise attempting to influence a decision in his/her capacity as a Board member.~~

4.4.4 The board may hear from interested persons on the issue.

4.4.5 (previously 4.4.6) If a Board member ~~abstains~~ recuses or is disqualified, he/she has the right to participate as a member of the public.

4. Mark P recommends the following changes to the wording of 4.5 Ex Parte Communication:

4.5 Ex Parte Communication

Ex Parte Communication is "an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given..." and shall be avoided.

~~4.5.1 All Board members shall refrain from discussing pending or potential applications with each other outside of the Board meetings. Communications with residents regarding pending applications or potential applications shall also be avoided. Where communications take place inadvertently, they must be disclosed completely to the Board in the next scheduled public session. This includes all email communication.~~

4.5.2 Any gathering of three members (whether regular or associate) outside of scheduled meetings where any Planning Board case matters are discussed, shall be avoided as it would likely be considered Ex Parte Communication a public meeting. Any inadvertent gathering, where Planning Board case matters were inadvertently discussed, shall be reported publicly

and completely at the next scheduled meeting for purposes of proper disclosure.

- 4.5.3 No Board member may conduct official site visits to project locations. All such visits must be conducted as part of a scheduled Planning Board Site Visit.
- 4.5.4 No determination of the Board shall be made except in a duly called regular or special meeting and every decision or determination of the Board shall be filed as a part of the minutes of the meeting.
- 4.5.5 A duly called and scheduled site visit shall be considered a special meeting. Minutes of such meeting shall be kept by the Chair or Chair's designee.

5. Mark P recommends the following changes to Section 5.4.2, Order of Business:

5.4.1 Order of Business:

- Public Hearing (if any)
- Call to Order
- Roll Call
- Minutes
- Unfinished Business
- New Business
- ~~Staff Reports~~
- ~~Planning Board Comments~~
- ~~Public Access~~
- Agenda for next meeting (preliminary)
- Date of next meeting
- Adjournment

David P questioned that if Public Access is eliminated, if there would still be an opportunity for public input concerning an application? He was told there would be Public Hearings for that.

In regards to Planning Board Comments, Susan feels they are helpful to ask Charles N about an area of concern and explained that Charles N is only in the Office 1 ½ days a week and doesn't see everything going on in Town. It was explained that any resident can talk to the CEO or Town Manager at the Office at any time about a concern and that the Board is not enforcement.

Susan DS feels that Public Access is an opportunity for residents to express their concerns or share useful information. Mark P feels that if a resident has a concern, he should go to the Town Manager or the CEO and they can talk to Mark P about putting it on the Planning Board Agenda or refer them to the Selectmen. Susan DS explained that there have been times that an item is decided on at a meeting before any input from the audience is allowed. Craig K suggested Planning Board Questions or Public Questions. If any Board member has any suggestions, they can email them to Mark P. The Planning Board Bylaws do not need to go to the Selectmen for review. Mark P wants the Bylaws put on the next Agenda as he will have motions ready that with a 2nd the Board can discuss further.

Susan DS pointed out that in the Conflict of Interest Section, the wording regarding pecuniary interest is very close to the MMA and State of Maine versions, and she wonders why he wants to remove that. And in the revised Section 4.4.1, she recommends definitions for proximity, occupational and political. Mark P said it should be objective standards rather than subjective and pecuniary interest is unnecessary.

OTHER BUSINESS:

STAFF REPORTS:

PLANNING BOARD COMMENTS: David P has two new baby bulls.

PUBLIC ACCESS:

ADJOURNMENT: Motion to adjourn at 6:39 pm.

By David P/Mark P 2nd. All in favor

Respectfully Submitted,

Denise M. Knowles,