

2020-05-22 Planning Board Workshop and Meeting Minutes

NOTE: Under emergency legislature passed by the Maine Legislature this meeting was held using remote participation via call-in or on-line video and audio. Planning Board members and other participant(s) were not physically present at a single location for this meeting.

WORKSHOP NOTES

The workshop started at approximately 4:30PM.

In addition to the CEO Jim Nagle the following Board members and guests were present: Steve Hart, Brenda Singo, Paul Thorton, Michael Lingle, Curt Murley, Toni O'Donnell, Tim Honey, Patrick Spearman and Town Administrator Brian Dudley.

The purpose of this workshop was to discuss with the CEO the proposed changes to the Land Use Ordinance related to lot frontage and structure access. See Attachment C to 2020-03-09 Planning Board Minutes and the following attachment:.

Jim Nagle explained that he had raised the lot frontage issue because our current ordinance requires lot frontage on a public way. This makes lots of record on private rights of way unbuildable. By changing the definition of lot frontage to include private rights of ways this corrects this oversight.

The issue of access to structures by fire and emergency vehicles has never been properly addressed in our Land Use Ordinance. Articles 3.2 IR-1 Island Residential Zone and 3.3 IR-2 Island Residential Zone sections E Dimensional Requirements items 2 Minimum Street Frontage attempt to address structure access but only for lots of records. Jim said that the proposed changes to these articles and to Article 16 will correct this problem.

Steve Hart explained his proposed changes to Article 16 and Jim Nagle expressed his agreement with them.

Curt Murley pointed out that we should propose changes to articles 3.2.E.2 and 3.3.E.2 to remove the last two sentences of these items dealing with structure access. Structure access is now addressed by the proposed changes in Article 16.4.

Mike Lingley again stated his opinion that the CEO erred in issuing a building permit for lot 547. Jim Nagle pointed out that the town had granted an easement over town owned property to provide access to this landlocked parcel which made it a buildable lot. He went on to state that he is not required to consider any private deed restrictions that may be contained in any easements associated with a parcel when he determines whether or not it is a buildable buildable. If the lot and proposed structure(s) meet the Land Use Ordinance requirements he is obliged to issue a building permit.

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The workshop ended at approximately 5:15PM.

PLANNING BOARD MEETING

Chairman Hart called the meeting to order at 5:18PM.

Planning Board Members present: Steve Hart, Mike Lingley, Curt Murley, Brenda Singo and Paul Thornton.

Guest: Toni O'Donnell, Tim Honey and Patrick Spearman

1. Review and Approve April Meeting Minutes

Mike Lingley asked that the minutes be amended to include the fact that when he expressed his concerns regarding the issuance of a building permit for lot 547 that he wanted to know the specifics of easement granting access to this lot over town owned land.

Brenda Singo moved that the amended minutes be approved.

Motion seconded by Mike Lingley.

Motion approved by unanimous voice vote.

2. Correspondence Parker email - Floodplain Management Ordinance

Janet Parker is a planner for the Maine Floodplain Management Program. The contents of the Parker email has previously been shared with the Board as attachments B and B1 to our 2020-04-13 meeting minutes.

We had previously decided to propose changes to our floodplain standards ordinance when the new FEMA maps are released. A Board member asked if we needed to update our ordinance prior to the new maps being issued and if there were any negative consequences if we didn't. Steve Hart said he would ask Janet about this.

3. CEO Report

The building permit report is not available this month.

4. Old Business

a. Approve revised Shoreland Zone amendment

Curt Murley explained that minor changes have been suggested to the proposed Article 4 Shoreland Zoning District Standards as a result of their review by the

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town attorney. The changes involve removing a couple of definitions in section 17 and adding some language to the definitions of Expansion of a structure and Timber Harvesting. A copy of the revised proposed Article 4 is made part of these minutes as Attachment B 2020-05-02 DRAFT Town of Long Island Land Use Ordinance Article 4 with Proposed Changes to Comply with 2015 DEP Guidelines - Warrant Copy. Changes in this document are highlighted by a dark gray background. These proposed changes have been reviewed by Jeff Kalinich of the DEP.

Motion to Approve proposed changes made by Steve Hart
Motion seconded by Brenda Singo.
Motion approved by a unanimous roll call vote.

At this point Chairman Hart asked if any of the attending members of the public had any comments regarding future changes to Article 4. He went on to say the proposed changes just adopted would be the subject of a public hearing and would be presented to the town at a special town meeting later this year. He also stated that no substantive changes would be entertained to the just accepted proposed changes.

Brenda Singo raised a point of order pointing out that allowing members of the public to comment on changes to Article 4 was not on the agenda and should not be allowed. She went on to state that she would leave the meeting if this was allowed.

Chairman Hart overruled her objections and invited members of the public to speak, asking that they limit their comments to 5 minutes each. As a result of this decision Brenda Singo left the meeting.

Tim Honey Comments

Tim commended the Board for the proposed changes regarding hazard trees (Article 4.15.P Hazard Trees, Storm Damaged Trees and Dead Tree Removal) but noted that it did not go far enough with respect to hazard trees on unstable bluffs in that it required their replacement.

He also recommended having public hearings on any proposed changes to the Land Use Ordinance before the changes are drafted and before the public hearing required by state law.

Toni O'Donnell Comments

Toni pointed out that she thought the DEP vegetative requirements for portions of the shoreland zone in the area of an unstable bluff are not appropriate. Her parcel was affected by a major landslide several years ago. At that time she had a geologist look at her property. He told her

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that it was a bad situation and that in 200 years the top of the bluff would be on the opposite side of Island Avenue from her property.

b. Comprehensive Plan

Chairman Hart reported that we are waiting for our requested budget item to be approved at town meeting before we can proceed.

c. Cluster Housing

Chairman Hart reported there is nothing new regarding this item.

5. New Business - Accessory structure & boathouses

Chairman Hart reported that we are awaiting guidance from the Selectmen on this issue. Curt Murley reported that he had researched “boathouses” and “storehouses for fishing equipment” in the Land Use Ordinance and will make the information he found available at our next meeting.

6. Other

We will not have a meeting in June this year. Our next meeting will be the second Monday in July.

7. Adjournment

The meeting adjourned at at 5:53PM

Respectfully submitted,

Curt Murley
Long Island Planning Board Secretary