

2020-09-21 LIPB Meeting Minutes - APPROVED

This was a ZOOM meeting.

1. Call to Order

Meeting was called to order at 5:45 PM by Chair Steve Hart

Members present: Steve Hart, Michael Lingley, Doug McCown, Curt Murley, Justin Papkee, Paul Thorton and Peter Thornton

Members of Public in Attendance: None

The Chair opened the meeting by welcoming three new members to the Planning Board: Doug McCown, Justin Papkee and Peter Thornton.

2. Review and Approve August Meeting Minutes

The minutes of the August 10, 2020 meeting were reviewed and approved unanimously.

3. Correspondence

Chair Steve Hart reported that he had received a notice from the town clerk on Sep. 4th that we would be receiving a request for a site plan review. He then added that this request was subsequently withdrawn.

4. CEO Report

The YTD building and plumbing permit report was previously distributed to Planning Board members by email. **Secretary Note:** *Lists of all building and plumbing permits are available on the CEO page of the town website.*

6. Old Business

2020-21 Program of Work - Status Update

Secretary Note: *The current 2020-21 Planning Board program of work is posted on the Planning Board page of the town website.*

1. Shoreland Zone Amendments

The proposed Shoreland Zone amendments were approved by the Board earlier this year with the expectation that they would be presented at the 2020 town meeting. Due to the Covid 19 lockdown the public hearing was cancelled and they

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were not put on the abbreviated June town meeting. The proposed amendments will be edited to reflect the 2021 town meeting date and are ready to be reapproved by the Board.

2. Alternative Revegetation Plan

This item has been discussed at previous Board meetings and a workshop. It was previously decided that we need more discussions regarding this plan before moving forward with it.

This plan was brought forth by a group of citizens that own property which abuts the unstable bank above Front Beach on the West End. The Chair reported that he walked the site with members of this group since our last meeting.

The Chair is working with the Southern Maine Shoreland Zone Coordinator, Jeff Kalinich. He will facilitate discussions between the DEP, the property owners and the Planning Board.

Regarding Shoreland Zoning issues, Board Member Mike Lingley suggested that all Board members read the DEP July 2020 Shoreland Zoning News. **Secretary Note:** *DEP Shoreland Zoning News newsletters are available at <https://www.maine.gov/dep/newsletters/index.html>.*

3. Cluster Housing

We have been asked by Mark Greene, president of the Year Round Housing Corporation, to develop a cluster housing subdivision ordinance that will allow an alternative way to layout housing in a subdivision.

Cluster housing is a zoning method in which development density is determined for an entire specified area, rather than on a lot-by-lot basis. Within the specified cluster housing subdivision, a developer can exercise greater flexibility in designing and placing structures, as long as the total density requirement is met.

4. Frontage Requirements

Our current Land Use Ordinance requires that residential structures have frontage on a street except in certain special circumstances. For example see Articles 3.2 and 3.3 Section E(2). The problem with these provisions is that a "street" is defined in Article 2 as a public way. This means that except in special

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circumstances residential structures must have frontage on a public way. We are considering changing our ordinance language to require frontage on either a public or private right of way to fix this “problem”.

5. Driveway Standards

We are considering changes to our Article 16: Driveway Standards to insure that driveways will permit the delivery of emergency and fire services to the structures they serve. These changes are related to the special circumstances in the previous item.

6. Floodplain Standards

We have not updated Article 12: Floodplain Standards in several years. We are currently awaiting approval of the FEMA digital floodplain maps for Long Island and are still using the 1986 floodplain maps. We are required to have FEMA floodplain standards in our Land Use Ordinance to enable property owners to obtain Federally subsidized flood insurance.

While the new FEMA floodplain maps for Long Island have not yet been approved we have been advised that we should update our Article 12 to reflect the latest FEMA standards. When the new maps are approved we will have to amend Article 12 to reference the new maps.

Incorporating the new FEMA floodplain standards into our ordinance is a simple process. The State will provide us with a FEMA model floodplain ordinance standard and we then ask the voters at town meeting to repeal the existing Article 12 standards and replace them with the new FEMA standards.

7. Boathouses and Accessory Structures

This issue was brought to us by the Selectboard without any details about what their concerns with the current ordinance language related to these structures are. We need more guidance from them in order to pursue this.

7. New Business

1. New Member Orientation

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Chair Steve Hart briefly described the Planning Board members only page on the town website. He noted that this page contains documents related to current Planning Board business.

Secretary Curt Murley pointed out that this is not a publicly visible webpage and requires a specific link and a password to access it. He will send an email message to all members containing the link and password for this page.

Chair Steve Hart noted that all email sent or received by Planning Board members related to Planning Board business is covered by the “Right to Know Law” (Freedom of Access Act or FOAA). A record of this information that satisfies the Right to Know Law can easily be made by copying the Planning Board secretary in the case of messages being sent and by forwarding it to the secretary in the case of messages received.

Chair Steve Hart discussed ex parte communications regarding Planning Board business. An ex parte communication is a written or oral communication between a Planning Board member and an interested person concerning any issue, such as a subdivision or site plan review or conditional use application, that is before the Board that does not occur in a public Board meeting.

Board Member Curt Murley noted that Board members should not discuss Board business with other Board members either in person or via email. **Secretary Note:** *The Planning Board Manual has a section on the Freedom of Access Act as it applies to Planning Boards starting on page 14.*

Finally Chair Steve Hart advised members that they should not give opinions or answer citizen questions regarding the interpretation of our Land Use Ordinance. Such questions should be directed to our CEO.

2. 2020-21 Calendar

Chair Steve Hart went over the Planning Board 2020-2021 Calendar which had previously been emailed to members. It was noted that some of the dates given in the calendar are incorrect. **Secretary Note:** *The Secretary will correct these errors and post the document on the town website Planning Board page.*

Chair Steve Hart pointed out that in addition to working on ordinance amendments we may have subdivision, site plan and conditional use application to consider during the coming 2020-21 year.

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8. Other

Chair Steve Hart asked that all new Board members submit short biographies to him that he could put in the Planning Board article in the next LICA newsletter.

Board Member Curt Murley asked about the possibility of returning to in person meetings in the near future. Chair Steve Hart said that he would ask the Selectmen about doing this.

9. Adjournment

The meeting adjourned at 6:46PM.

Respectfully submitted,

Curt Murley
Town of Long Island Planning Board Secretary