

## 2020-11-16 LIPB Meeting Minutes

This was a ZOOM meeting.

The meeting was called to order at 5:31 PM by Chair Steve Hart

**Members Present:** Steve Hart, Doug McCown, Curt Murley, Paul Thorton, Peter Thornton, Justin Papkee

**Members of Public in Attendance:** Mark Greene, Toni O'Donnell, Wes Wolfertz and Peter LaMontagne

Char Hart noted that the Secretary distributed an information packet containing material related to this meeting to Planning Board members a few days ago. This is something that will be done for all our meetings going forward.

### 1. Review and Approve Previous Meeting Minutes

The draft minutes of the October 18, 2020 meeting were previously distributed by email in the meeting information packet. A motion to approve the minutes was made by Member Doug McCown and seconded by Chair Steve Hart. There was no discussion. The minutes were approved by voice vote unanimously.

### 2. Correspondence

Chair Steve Hart shared two items of correspondence received in the past month.

- 1) An email exchange with Jeff Kalinich regarding hazard tree language we are proposing for our shoreland zone ordinance. Kalinich stated that the language was acceptable. He also said that there are existing DEP procedures to deal with hazard trees which can be approved by our CEO.
- 2) Email exchange with Rick Harbison of GPCOG regarding the Comprehensive Plan Committee. There will be an initial Zoom meeting of prospective members on November 17th with presentations by Tom Miragliuolo of the Maine Municipal Planning Assistance Program, Rick Harbison of GPCOG and Chris McDuffie Chair of our 2008 Comprehensive Planning Committee. Chair Hart noted that there are about a dozen people interested in serving on the committee and that GPCOG has \$11,000 in their budget to assist the committee.

### 3. CEO Report

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Secretary Curt Murley stated that he had no CEO/building permit report for the Board.

**Secretary Note:** *The Secretary forgot to say that updated building and plumbing permit lists are posted on the CEO page of the town website*

*([http://townoflongisland.us/wp/?page\\_id=3916](http://townoflongisland.us/wp/?page_id=3916)) around the date of Planning Board regular meetings.*

### 4. Old Business

#### 2020-21 Program of Work Items

Item b was taken up before item a since Mark Greene had another meeting to attend after this meeting.

##### a) Floodplain Amendments

Board Member Curt Murley was responsible for generating and presenting the information about these amendments to the Board.

He started by saying that the State and Federal governments require that we have a floodplain ordinance in our Land Use Ordinance if we want our property owners to be able to buy flood insurance. Being able to buy flood insurance is very important since banks will not mortgage structures located in a flood zone without it. Board Member Peter Thornton and Guest Peter LaMontagne agreed that based on their experience this a fact.

Board Member Murley went on to say that the flood plain ordinance, found in the model ordinance sent to us by the State, must be adopted exactly as presented. The State strongly recommends we make no changes to it, other than to specify the date it was adopted.

Chair Steve Hart asked if we should wait until FEMA issues our revised floodplain maps before adopting these floodplain ordinance changes. Board Member Murley said that it was his opinion that we should go ahead and adopt the changes next year. We do not know when the new floodplain maps will be issued and when they are issued we only have to change our ordinance to reference the issue date of the new maps.

**ACTION:** Chair Hart suggested we discuss the floodplain amendments again at our next meeting. There being no objection no action was taken on these amendments at this time.

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### b) Cluster Housing Proposal

Chair Steve Hart created the initial draft of the cluster development proposal based on material submitted to the Board by Mark Greene and he guided the discussion through its details section by section.

Note that cluster development is a type of residential subdivision that allows flexibility in the placement of structures and subsurface waste disposal systems on the parcel being developed. It also allows for common land in the subdivision.

If approved the draft language we are considering would become part of our Land Use Ordinance Article 11: Subdivisions.

#### **Definition - Cluster Development**

It was noted that cluster development is defined as a conditional use in its definition and that our land use ordinance enumerates conditional uses in each of our zones. It was generally agreed that cluster development is a type of residential subdivision and therefore should only be allowed only in our IR1 and IR2 zones and enumerated as a conditional use therein.

#### **Sec. 1 - Purpose**

No discussion.

#### **Sec. 2 - Basic Requirements**

**(a) Dimensional Exemptions** - Exemptions related to setbacks may need to be enumerated or given additional thought as regards abutting parcels, public or private streets and distances between residences in the development.

**(b) Minimum Acreage** - Cluster development allows a residential subdivision of two or more residences whereas our subdivision ordinance requires a minimum of three residences.

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**(d) Net Density Calculations** - A question about density was raised and it was noted that although cluster development allows residential structures to be grouped together on a parcel it does not change the island's residential density of no more than one residence per 60,000 square feet.

**(e) Preservation of Natural Resources** - Board Members thought this may need to be revised.

**(i) Subsurface Wastewater Disposal Systems** - It was pointed out that DEP rules only require a 100 foot minimum distance from private wells, not 300 feet. This should be changed.

There was no discussion regarding items (b), (c), (f)-(h) and (j).

**Sec. 2 General Comments/Questions** - How will residential outbuildings, garages, sheds, boathouses be addressed? Perhaps this should be addressed in the builder's master plan?

### Section 3 -Dedication and Maintenance of Common Open Space

**Sec. (a) Covenant Restrictions** - Should we require Planning Board approval of covenants?

**Secs. (b) - (f)** - There were no discussions regarding these sections.

### General Comments Regarding Cluster Development Proposal

1. Board Member Curt Murley pointed out that our CEO, Jim Nagle, is the CEO of Arundel and since Arundel allows cluster development he has had experience administering a cluster development ordinance. He would be a good source of information about how it works and the issues that it brings up.
2. Board Member Doug McCown pointed out that although we currently do not have many parcels that would allow cluster development (more than 120,000 sq. ft.) on the island, thus allowing cluster development, a developer could purchase and combine parcels to make parcels that would.

**ACTION:** No action was taken on this proposal. We will continue discussing it at our next meeting.

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### c) Frontage and Driveway Standards Amendments

Board Member Curt Murley presented the proposed amendments to our Land Use Ordinance.

He said that the planning board had previously worked on this proposal in 2019-2020 and that they were nearly ready to be reviewed by the town attorney for our 2020 town meeting. They were not reviewed since they were not to be considered in our Covid-19 abbreviated town meeting. After their last planning board review Chair Steve Hart proposed some minor charges. The draft being considered at this meeting incorporates those changes.

Member Murley stated that the frontage amendments are intended to correct a problem with our ordinance frontage requirement that was pointed out by our CEO. Currently we require frontage on a public way, which makes many parcels on the island unbuildable. We are proposing to fix this by defining street frontage as frontage on either a public or private way.

He went on to explain that we are proposing changes to our current driveway ordinance since the planning board determined that it is important that driveways be built so that they can be used by town fire and rescue vehicles.

Finally, some language related to driveways in the IR1 and IR2 zoning articles is proposed to be stricken since the revised driveway ordinance makes them unnecessary.

There was little discussion about these proposed changes.

**ACTION:** It was moved by Chair Steve Hart and seconded by Board Member Doug McCown that the proposed frontage and driveways standards changes be presented for consideration at our 2021 town meeting. The motion was approved unanimously.

Chair Hart will forward them to our CEO and town attorney.

## 5. New Business

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No new business was proposed.

### 6. Other

There will be no Planning Board meeting in December. Our next meeting will be Jan. 18, 2021. At that meeting we will continue our discussion of the cluster development proposal and also consider approving the floodplain amendments.

### 7. Adjournment

The meeting adjourned at 6:38PM.

Respectfully submitted,

Curt Murley  
Town of Long Island Planning Board Secretary