

## **2021-02-15 LIPB Meeting Minutes - DRAFT**

This was a Zoom Meeting

LIPB Members Present: Steve Hart, Justin Papkee, Mike Lingley, Paul Thornton, Doug McCown, Peter Thornton and Curt Murley

Members of Public Present: Ron & Elizabeth DuBois, Tim Honey, Leigh Palmer, Peter LaMontagne, Anne Semonite, Brenda Singo, Ralph & Meredith Sweet, Fulton & Toni Wilcox and Wes Wolfertz

Meeting called to order by Chair Hart at 5:30PM

### **Public Hearing on Proposed Changes to Land Use Ordinance**

The following documents describing the changes the Board will be proposing were made available to the public before the meeting.

1. Proposed Changes to Article 2 Definitions
2. Proposed Changes to Article 3.2 Island Residential Zone -1 and Article 3.3 Island Residential Zone - 2
3. Proposed Changes to Article 4 Shoreland Zoning District Standards
4. Proposed Changes to Article 12 Floodplain Standards
5. Proposed Changes to Article 16 Driveway Standards

### **Public Comment/Questions**

Anne Semonite said she is attending the meeting to learn about changes being made to Article 4.

Toni Wilcox related her experience over the years with the Front Beach bank instability and spoke in favor of the hazard tree definition.

Tim Honey spoke in favor of the proposed changes to Article 4 related to bank stability in the shoreland zone.

Fulton Wilcox spoke in favor of allowing private right of ways as driveways and the proposed changes to Articles 2 and 16.

Wes Wolfertz asked the following questions:

- a. Why are the Fire Chief and Public Works Director not mentioned in Article 16 as being involved in the approval of driveways?

Secretary's Note: The CEO requires their approval as part of a driveway permit application.

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- b. Does private way need to be defined in our ordinance?
- c. Why is timber harvesting and mineral exploration not allowed by our ordinance?

Secretary's Note: Our zoning ordinances enumerate specific permitted and conditional land uses in each zone. It further states that if a use is neither permitted or conditional then it is not allowed. Timber harvesting and mineral exploration are neither permitted or conditional uses in any zone in Long Island.

Peter LaMontagne spoke to changes proposed to Article 16 and said he thought we did need a definition of private driveway.

Wes Wolfertz questioned whether or not we should allow the replacement or reconstruction of a structure that is located less than the required setback from a water body, tributary stream or wetland as allowed by Article 4.C(4) in proposed changes.

Board Member Murley noted that this is something we could do as it would make our ordinance more stringent than the DEP guidelines require.

The Chair declared the public hearing to be closed at 5:55PM at which time a 5 minute recess was declared.

### **Planning Board Regular February Meeting**

#### **1. Review and Approve January 18, 2021 Meeting Minutes**

Chair Hart requested that minor changes be made to the draft minutes related to GPCOG Planner meetings on page 1 and Board Member Lingleys concern about Board liability related to item #3 in the document titled **01-07-21 Amendments SLZ Draft#1**.

Chair Hart moved that the meetings be approved with noted changes. The motion was seconded by Doug McCown. The motion was unanimously approved.

#### **2. Communications**

Chair Hart reviewed the following communications received since our January meeting. Additional communications related to items 4 and 5 on the agenda will be discussed when those items are taken up.

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1. CEO email exchange related to removal of a hazard tree. See document titled **2021-01-29 West End Trees.pdf** included in the meeting information packet.
2. Bradley Brown question about paper streets. See document titled **2021-02-07 email Exchange Regarding Paper Streets.pdf** in the meeting information packet.
3. .Jeff Kalinich communication exchange with Chair Hart related to proposed changes to Article 4. See document titled **2021-02-11 email Exchange with DEP Regarding SLZ Amendments.pdf** in the meeting information packet.

### **3. CEO Report**

Board Secretary Murley reported that he is currently sending copies of the weekly Clerk CEO Report to the Selectboard to Planning Board members and that the Building and Plumbing Permit lists are updated monthly on the town website.

Since the CEO Report is a required item on our agenda we will continue to list it in our minutes and use it to report communications directly received from the CEO.

### **4. Old Business**

1. Article 12 Floodplain Standards proposed changes.

Chair Hart will forward our proposed changes to the town attorney and the state for their review.

Board Member Lingley asked about the new FEMA floodplain maps. Board Member Murley responded that the proposed ordinance references the current FEMA floodplain maps. He went on to say that we do not know when FEMA will issue (publish) the new maps but when they do we will have to amend our ordinance to reference them.

Chair Hart moved that we accept the proposed changes to Article 12 and send them to the town council for review. Motion was seconded by Doug McCowan and approved unanimously.

2. Article 4 Shoreland Zoning District Standards

Chair Hart communicated with DEP Representative Jeff Kalinich regarding questions related to removal of excess vegetation, access to the shoreline by barge for bank stabilization purposes and ongoing livestock grazing in the shoreland zone. See the document titled **2021-02-11 email Exchange with DEP Regarding SLZ Amendments.pdf** in the meeting information packet.

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The board discussed the issues in this document and decided that it would let the language, which meets the DEP guidelines and which we previously approved, stand.

Some minor changes related to names of state agencies were noted by DEP Representative Kalinich in our proposed changes to Article 4 and these changes will be made.

Chair Hart moved that we approve Article 4 as amended above. Motion seconded by Board Member Lingley and unanimously approved.

3. Proposed changes to Article 11 Subdivisions to permit Cluster Housing development.

Ralph and Meredith Sweet emailed a message to the Board in which they commented on and suggested a number of changes to our proposed changes to Article 11. This email message was received too late to be included in the meeting information packet and most Board members had not seen it.

Chair Hart proposed that we schedule a workshop to consider the Sweet comments and suggested changes before our March meeting. This would enable us to amend our proposal and schedule a public hearing on it in early April. Chair Hart will work with the Board and other interested parties to schedule this workshop.

### 5. New Business

The following items are for informational purposes and do not require Board action.

1. Chair Hart has exchanged e-mails with MMA and the town clerk related to the presentation of the large amount of material we have to make available to citizens related to proposed changes to our land use ordinance at our town meeting (see the document titled **2021-02-03 email Exchange with MMA RE: Long Island - Legal Information Request - Land Use Ordinance change.pdf** in the meeting information packet). The Board Chair and Secretary will work these issues out with the Town Clerk.
2. There is a proposal for a dock “floating” around that has not yet resulted in an application for a building permit. If and when the application is filed the Board will have to consider it as wharves, piers, docks and landing ramps are conditional uses in most zones.

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### **6. Other**

Our next meeting will be March 15, 2021 at 5:30PM.

In closing Chair Hart reminded members that we should not exchange views or express opinions related to matters before the Board in e-mail messages. Discussion of matters before the Board should only occur in public meetings.

### **7. Adjournment**

The meeting was adjourned at 6:52PM.

Respectfully submitted,

Curt Murley  
Planning Board Secretary