

EDGECOMB PLANNING BOARD  
MINUTES, AUGUST 7, 2006

The meeting was called to order by Erin Cooperrider, Chair, at 6:37 p.m. Board members present were David Boucher, Vice-chairman Katharine Braid, Bruce Cameron and Chairman Erin Cooperrider and alternate Amy Winston. Lisa McSwain and alternate David Clifford were absent. The chairman appointed Amy Winston to act in Lisa McSwain's absence.

1. Review Minutes of July 20, 2006

There were questions of interpretation of two statements made by Attorney Schmuadine (last sentence on page 1 and the last sentence under Exhibit 3 - Density Calculations). In the second sentence on page 4, the last word was changed from applicant to application. Bruce Cameron moved, Katharine Braid seconded, to table approval of the minutes pending clarification from Attorney Schmuadine. Vote 4-0-1 (Cooperrider abstained).

3. Other Business

The public hearing on the Sheepscot Harbour Village and Resort Phase 2B was postponed from August 10 to August 31 so that consultants could be present. The August 17 meeting was cancelled because a quorum would not be present. The September 4 workshop meeting (Labor Day) was postponed to Thursday, September 7. All meetings will begin at 6:30 p.m.

The chairman said Steve Roberge's report (Item 2h on the agenda) was not ready and therefore would not be discussed at the meeting.

The Board had been asked to determine if home occupation (servicing boats) on a dock in Shoreland was allowed. The proposal meets the definition of home occupation, structure and accessory use; and is allowed in the Stream Protection and Limited Residential Districts with approval of the Planning Board. The use is prohibited in the Resource Protection District and the applicant will be so advised.

2. Midcoast Cohousing Subdivision and Site Plan Review Application

a. Permitted Uses in Marine 1 District

The question is whether a use is prohibited if not specifically listed in the ordinance. Erin Cooperrider reminded the Board that interpretations made would guide future boards and future applications; and the interpretations need to be applied in the context of the whole ordinance. It was the consensus of the Board that the lists of uses in the Land Use and Shoreland ordinances were not intended to be exhaustive and that if a use was not listed, it was not specifically

prohibited. This interpretation would apply to item 2d also. Erin Cooperrider reminded the Board that according to Attorney Schmuadine, if there was any ambiguity in the ordinance, the matter is usually decided in favor of the applicant.

It was the consensus that the proposed co-housing use (duplex and multi-family units) was similar to an allowed use (single-family residence) and not specifically prohibited. Taken in context of the whole ordinance, although allowed, the proposed use would be subject to additional standards.

Because 2b and 2e are related, they were discussed together

#### e. Shoreland Road Setback

Article III, Section 1.9.7.1 was read and it was agreed that the cohousing proposed road/driveway was an approach to a waterbody and therefore the 75-foot setback did not apply. It was agreed that the road/driveway was not non-conforming with respect to the setback, and consequently a non-conforming use was not being expanded.

The road is classified as a private right-of-way serving fewer than ten lots and must comply with the subdivision street design and construction standards, Article IV, Section 1.4.13 with the exception of the paving requirements.

It was agreed that the road/driveway was existing and was providing access to permitted uses, and therefore was allowed under Article III, Section 1.9.7.3. However, its compliance with the ordinance under Article III, Sections 1.9.7.4, 1.9.7.5, 1.9.7.6 and 1.9.7.7 and 1.9.7.8 will be determined by the engineering consultant.

#### b and c. Lot Area for Determining Density and Density Calculations

It was determined that there was no division of land, only a division of structures. It was agreed that the subdivision encompasses the entire parcel. It was the consensus that all wetlands be mapped but that they should be deducted from the total parcel for density calculations, the engineer to determine how much could be deducted and why.

#### f. Site Plan Review

Because the Board had determined that multi-family residences were allowed in the Shoreland District, the Site Plan Review application would be required.

#### g. State Review Criteria

Not submitted to date.

### 3. Other Business (cont'd)

Katharine Braid, a member of the subcommittee drafting a change to Section 4.8 of the Building Code, asked the Board for a definition of the term "Multiple Residential Units" in the ordinance. It was the consensus of the Board that "residential unit" and "dwelling unit" were synonymous and this should be reflected in the Definitions Section of the Ordinance. Although "multiple," was not defined in the ordinance, it would have the customary dictionary meaning.

Letters from Barry Hathorne and Midcoast Cohousing were distributed as well as an application from William Witzell, which was assigned to Katharine Braid.

David Boucher moved, Bruce Cameron seconded, to adjourn the meeting at 8:45 pm. Vote 5-0.