

EDGECOMB PLANNING BOARD  
MINUTES, MARCH 3, 2008

1. Call to Order

Chairman Katharine Braid called the meeting to order at 6:30 p.m.

2. Roll Call

Members present were David Boucher, Katharine Braid, Bruce Cameron, Barry Hathorne and Anne Peaslee and alternate April Lawrence. Alternate Jarryl Larson was absent.

3. a) Review and approval of Minutes of February 21, 2008

The first sentence under No. 3 was amended to read "The spelling of Kyle Coolidge's ...". The first sentence in the second paragraph under No. 5 was changed to read, "Jason House, Senior Hydrogeologist from Woodard and Curran, illustrated the...". In the last paragraph on page 3, third line, the singular of "walk" was substituted. Bruce Cameron moved, David Boucher seconded, to accept the minutes of February 21, 2008 as corrected. Vote 5-0.

4. Planning Board Budget

Copies of the budget that was proposed to the Budget Committee and Selectmen were distributed.

5. Planning Board Membership

The chairman noted that David Boucher's term would expire in May, and he indicated he would run again for the board. She encouraged the alternates to remain as alternates and asked that they advise her of their intentions as soon as possible. April Lawrence will advise the chairman of her decision within a month. The chairman also asked that members encourage anyone who might be interested in being an alternate to contact her. She said that Planning Board members should expect to spend at least twice the amount of time outside of meetings as they spend at a meeting.

6. What to expect at the Public Informational Meeting and the Public Hearing on the Ordinance Amendments

The chairman reminded members of the public informational meeting on Saturday, March 8, at 10 a.m. The public hearing is scheduled for 6 p.m. on March 20. Changes will be made to the current draft before and possibly after the public meeting. No changes can be made after the public hearing.

7. The Appeal Board Ordinance and the references to the Appeal Board in the Land Use Ordinance

Katharine Braid reviewed the changes she had made in the proposed amendments as well as those recommended by Attorney John Shumadine. To keep costs down he had not been asked to review the amendments to ensure that they comply with the recent

changes to the state shoreland zoning standards. The proposed amendments including any changes made at this meeting will be sent to the State for its approval.

The following changes were recommended by Attorney Shumadine and/or the chairman and made by the Planning Board. See the attorney's letter for detailed explanations.

General Applicability: Delete "misspelled words"

Article I, Section 8.2 Definitions: Delete proposed definition of Dwelling Unit and retain original.

Article 1, Section 9 Fees: Use paragraph recommended by Attorney Shumadine.

Article III, Section 4 - Sign Regulations: Add definition of Institution - a "building or site...."

Article IV, Section 1 Subdivision Regulations: Use paragraph recommended by Attorney Shumadine.

Inconsistencies within the Ordinance about the provisions governing appeals from Planning Board decisions: References to the appeals procedure sections of the current ordinance will be amended for consistency and if time permits, the chairman will draft an amendment to the Jurisdiction and Notice sections of the Board of Appeals ordinance.

The chairman recommended that the appeal procedure under site plan review be the same as under the subdivision regulations, and that the Board of Appeals handle appeals from decisions made by the Code Enforcement Officer and on variances. Appeals from Planning Board decisions will be made in Superior Court.

Possible oversight regarding the addition of the disability variance to the shoreland zoning ordinance - Article III, Section 1. 11.7.1.2(d): Insert recommendation of Attorney Shumadine. This recommendation would add a disability variance to the shoreland zoning ordinance to provide the same appeal benefit as exists in sections of town outside the shoreland district. This should also be inserted in Article V.

Article I, Section 8.2 Definitions: Delete definition of Residential dwelling unit.

Shoreland Zone: Change to "the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream."

Article III, Section 1.7.2(2) Proposed change to amendment allowing extension of time period for the resumption of a non-conforming use: Use paragraph recommended by Attorney Shumadine. This would allow an extension of a non-conforming use for one year with Planning Board approval if the extension is applied for before the original one-year period expires.

Article III, Section 1.10.2.1: Delete “If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals” if not required by State statute. This is not a final decision; appeals should only be made from a final decision of the Board.

Article III, Section 1.11.7 Appeals: Delete “To hear and ... of this Ordinance; and...” The first sentence in this section would then begin, “To hear and decide...”.

Article III, Section 1.11.7.1.2: Delete second paragraph.

Article III, Section 1.11.7.2.1.(i): Delete in the third line “or the Planning Board.”

Article III, Section 1.11.7.6: Add section, “An appeal may be taken within 30 days from the Planning Board’s decision pursuant to the Shoreland zoning provisions of this ordinance, by any party, to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.”

Article IV, Section 3.6.1: Change to, “An appeal may be taken within 30 days from the Planning Board’s decision on the Final Site Plan Review plan, by any party, to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.”

The above amendments will make the appeal sections consistent with all articles of the Land Use Ordinance: All appeals from Code Enforcement Officer decisions or variances will be made to the Board of Appeals as trial de novo; appeals from Planning Board decisions on subdivision, shoreland or site plan review will go to Superior Court without going to the Board of Appeals. Katharine Braid will amend the Board of Appeal Ordinance so that all issues relating to appeals can be discussed at one time. An appeals section may be added to the Land Use Ordinance as Article VI.

## 8. Announcements and Correspondence

A statement by John Johnson, which was read into the record at the February 25, 2008 Selectmen’s meeting, was distributed and is attached. The statement referred to a meeting Mr. Johnson had with Mr. Bettey, developer of the proposed assisted living facility. The applicant has not withdrawn or asked for a postponement of the current application to locate the facility behind the workforce housing development. The Board is waiting for peer reviews on the surface and ground water reports and will schedule a public hearing on the application as soon as the reports have been reviewed.

Woodard and Curran has submitted a copy of a bill for \$905 for work related to the assisted living project.

The Registrar of Deeds has requested that all members sign plans and mylars.

A notice was received from the Department of Conservation advising of tree cutting on property owned by Louis Busby, 301B Dodge Road. The property is in Tree Growth and Mark Hawks, licensed forester, will be performing the work.

## 9. Other Business

Byron Johnson said items for the next agenda include applications for a dock and float and for expansion of a residence; an application from Edgecomb Development, LLC to

swap the location of one unit for the location of the community building; and application from the Cod Cove Farm B&B to resume business after being closed for more than two years.

The chairman asked Byron Johnson to advise the applicants that the regular Planning Board meeting would follow the 6 o'clock public hearing, and the board would not start hearing a new matter after 8:30 p.m. Applications will be heard in the order in which they were received.

David Boucher asked that the Town Planner or Code Enforcement Officer look into the addition being made to Bintliff's dock and whether it was included in the original approval.

#### 10. Adjournment

Barry Hathorne moved, Anne Peaslee seconded, to adjourn the meeting at 8:25 p.m.  
Vote 5-0.