

EDGECOMB PLANNING BOARD
MINUTES, MARCH 20, 2008

PUBLIC HEARING

1. Call to Order

Chairman Katharine Braid called the public hearing to order at 6:14 p.m.

2. Roll Call

Members present were David Boucher, Katharine Braid, Bruce Cameron, Barry Hathorne and alternates Jarryl Larson and April Lawrence. Anne Peaslee was absent. Three members of the public were also present.

3. Public Hearing on Proposed Amendments to Land Use and Board of Appeals Ordinances

Katharine Braid said three warrant articles would be submitted to the voters in May: 1) Miscellaneous amendments to the Land Use Ordinance consisting of corrections and clarifications to other than the Shoreland or Appeals Board ordinances; 2) changes to the Shoreland ordinance to comply with the State ordinance (including changes to the appeals section); 3) new Article VI, Appeals, and amendments to the Board of Appeals Ordinance (which will delete the appeals section in the Shoreland ordinance). If any of the above warrant articles fail, it will not affect the others.

a. Miscellaneous amendments to the Land Use Ordinance - corrections and clarifications

This warrant article has changed only slightly since its presentation at the public informational meeting. The definitions of *de Novo* and *dwelling unit* were added. Wording of the section on experts' fees was amended as discussed in the public informational meeting.

b. Shoreland Ordinance amendments

Misspelled words were corrected, *must* has been changed to *shall* in several instances, and new sections, which were not previously underlined, have been underlined.

c. Article VI and Board of Appeals Ordinance

The Board of Appeals Ordinance changes consist of adding *Edgcomb* before Land Use Ordinance, making consistent 45-day periods for appeals and variances, deleting procedure for variances and appeals, deleting *Rule 80, Maine Rules of Civil Procedure* and substituting *State law*, correcting Section 11 numbering, and deleting the word *effect* which had been duplicated.

In response to Attorney Shumadine's letter of March 20, 2008, the following changes to the Board of Appeals ordinance were made:

The definition of Height of a structure was changed to read, "the vertical distance between the mean original (prior to construction) grade or new finished grade, whichever is lower, at the downhill side of the structure, and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Section 3, fifth line -(added sections are underscored) "...at least a majority of members. A member who abstains from voting, is recused or otherwise disqualified shall not be counted in determining whether a quorum exists. The Chairman shall designate an alternate member to serve in the place of a regular member who is absent or disqualified. When the Chairman so designates an alternate, that alternate shall count towards making up a quorum and shall have the same right to vote on a matter as a regular member."

In the sixth line "*alternate of a quorum or voting*" is deleted.

Section 4a, third line following "Ordinance" add "except for enforcement matters; and"

Section 4b, second paragraph - change to "The Board may exercise jurisdiction only upon receipt of a written appeal from a person aggrieved, ~~filed within forty-five days of the action complained of,~~ or upon receipt of a written application for variance together with a non-refundable fee (see Fee Schedule in Land Use Ordinance) and stating the relief sought and the grounds therefor and, in the case of an administrative appeal, must be filed within forty-five (45) days after the action complained of.

Section 6: Title should be *Procedure and Notice of Decisions*.

Section 7: Change to read - The Board may reconsider any decision within forty-five (45) days after its prior decision (delete rest of sentence and add) as set out in Article VI of the Edgecomb Land Use Ordinance.

Changes to Article VI of the Edgecomb Land Use Ordinance are as follows:

Article VI, Section 2, second line: sentence should read "...except for enforcement ~~of~~ related matters." Substitute *forty-five days* for *thirty days* in the third and fourth lines and substitute *extend* for *waive* in the last sentence.

Article VI, Section 4.2a: Should read, "A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains, is recused, or otherwise disqualified, shall not be counted in determining whether a quorum exists (italics added).

There was no public comment and the public hearing was closed at 7:25 p.m.