

ASSISTED LIVING

In 1970 the Town of Edgecomb formed its first Planning Board and charged it with finding out what kind and what amount of growth the people of the Town wanted. I began a long history of all our preliminary plans and Comprehensive Plans to show that from 1971 when the first preliminary Plan was offered to the Town, right up through the efforts of today's Comprehensive Plan Committee, have remained virtually the same. The Town of Edgecomb wants to remain a "Rural Residential" town . It has come through loud and clear over almost 4 decades. However we all know that. We all also know that all of our Plans have been drawn up to help us enact ordinances that we may protect the Town by growing in a manner compatible to its citizens wishes.

In the 1982 Comprehensive Plan Page 19 1.2 Summary of Major findings states "The strongest attitude spot lighted by the survey is that Edgecomb residents like their town and want to maintain its character and the quality of life it offers. One survey respondent said, for example, "Edgecomb is a unique community and one of its big advantages is in what it does not have....Preserve the town and its beauty without departing very much from the way it has been in the past. On page 22

of the 1982 CP 2.3 Growth states that "the preference for limited growth was shown in a question regarding the desired size for Edgecomb. Fifty-one percent of the respondents did not want the present population of 826 to increase in the next 10 years to more than 1000, with an additional 30% saying it should not go above 1500." " 60% of the respondents said they do not want to see the summer population increase above 2500."

In the 1991 CP as amended May 17, 2003 page 10 under COMMUNITY CHARACTER " Most of the population live in Edgecomb because they like Edgecomb. They like the quality of life, the availability of the rivers, the parks, the scenery, the woods and finally the friendly neighbors. Can we maintain this desirable quality of life? We hope so. We hope this Comprehensive Plan, and the ones that follow, will assist in the effort."

From all we hear from the new Comprehensive Planning Committee very little has changed in the views and attitudes of the people of Edgecomb in how they want their Town to continue. It is overwhelmingly obvious that the vast majority do not like the manner of growth the Town is now experiencing.

The ordinances that we have come up with over the years are cumbersome and confusing. However if we keep a few on the principals of the Comprehensive Plan in mind, we find the ways to keep our Town in the manner the Towns people want. It is anguishing when pressure is applied by people who want to build projects beyond the scope of the Town wishes. When rendering a decision on an application we must keep in mind what the people have said they want in the Comprehensive Plans and the TOWN OF EDGECOMB LAND USE ORDINANCE that document is a series of ordinances and can be quite confusing. If we look we can find the

conditions and restrictions we need to come to a conclusion that fits with the Town's wishes.

Now here I want to make it clear...we the elected Planning Board members are charged with upholding the wishes set forth by the Town ...not the wishes of the developer if they are not compatible with the Town's Comprehensive Plan and the Town's ordinances. The 2008 Maine PLANNING & LAND USE LAWS page 90 Land use Regulation states in 30-A 4352. Zoning ordinances 2. Relation to comprehensive plan. "A zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body." (Legislative body being the people of the Town.

In Article IV-Subdivision and Site Plan Review Regulations give us some insight:

In Section 1-Subdivision Standards and general provisions; 1.1 Purpose- The purpose of these subdivision regulations SHALL be to assure the COMFORT, health, safety and general welfare of the people, to protect the environment, and to provide for the orderly development of a sound and stable community. Page 117 (gray)

1.4.8 Lots and Density.

1.4.8.4 All lots within a subdivision shall conform to the lot size, frontage and setback requirements of the zone in which it is located.. (By the State dwelling units are considered lots PLANNING & LAND USE LAWS page 108 4. Subdivisions)

Section 3- Site Plan Review Standards and General Provisions: 3.1 Purpose - The purpose of this ordinance is to accomplish the following objectives....

3.1.7 To BALANCE the right of land owners to use their land for the purposes stated in paragraph 3.1.1, With the corresponding right of the abutting and neighboring land owners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, or stormwater run-off, or the pollution of ground or surface water resources..

3.1.10 To protect property values.

3.1.11 To reduce off-site problems created by development thereby decreasing the cost of maintaining or improving municipal facilities.

Next we turn to our building Code Article V - Building Code: General Criteria and Standards.

Section 1 - Purpose

1.2 To establish a fair and reasonable set of standards for evaluating each such proposal.

Section 3 - Administration

3.4 Approval or Denial

After review by the Code Enforcement Officer and the Planning Board, if required, to determine compliance with the requirements of this ordinance, the application shall be approved or denied and the applicant shall be notified in writing of the action taken within thirty days of receipt by the Code Enforcement Officer. All building permits will expire after one year unless there has been a

substantial start.

Section 4 - Criteria and Standards

4.8 Lot Size for Multiple Dwelling units

The required Minimum lot size for all Areas and Districts shall be met for each dwelling unit, with the exception of an accessory apartment. For the respective Area or District. [For lots having Town of Edgecomb controlled sewer and water held in a single ownership and located only within the Edgecomb Gateway or the Edgecomb Thoroughfare District, or the Commercial Growth District upon which multiple dwellings units are proposed, the minimum lot size per dwelling unit shall be 1 acre for the first dwelling unit plus one-fourth acre for each additional dwelling unit over one.

Under 4.8 that would mean 1 acre for one dwelling unit then 53 one-quarter units or 1 acre plus $53/4 = 13.25$ acres = a total of 14.25 acres thus you need 14.25 acres minimum for this 54 unit project.

In the Edgecomb Comprehensive Plan (current 1991&2003) under Goals - Policies - Plans page

71. Goal A (the very first one!)- MAINTAIN THE CHARACTER OF THE TOWN STAGE 1

PART 2 States "The zoning Ordinance should prohibit building and certain other activities within (1) designated wetlands; (2) designated park or preserve areas; (3) floodplains; (4) slopes greater than 20%. The zoning ordinance should allow limited, low density residential development within (1) designated scenic areas; the Lilly Pond watershed;....

The Scenic areas to protect are listed on pages 60 & 61 of the Comprehensive Plan.

In order for Edgecomb to grow in the manner we have been told by those who elected us we must look at the whole picture and listen to what our friends and fellow residences asks and tells us. We must then go with an open mind and use the material we have been given in order to keep the Town in the manner of its peoples wishes.

Earlier I stated that "it is overwhelmingly obvious that the vast majority do not like the manner of growth the Town is now experiencing." It is obvious they feel the Planning Board has made grievous errors in the past. The Maine Municipal Association PLANNING BOARD MANUAL addresses past mistakes by the board if they have been made. It states on page 40 "Prior Mistakes by the Board. The fact that a board or its predecessor made mistakes in the issuance of a permit or the interpretation of an ordinance does not have any legally binding, precedent-setting value. 'Past mistakes do not give any administrative board the right to act illegally'."

In my opinion, even though I am constantly told our opinions do not count I find it a bit difficult to evaluate and decide what the materials we are given, mean toward a project, without forming an opinion. My opinion is the assisted living is not allowable under our Comprehensive Plan and ordinances as above. I can not justify any commercial/service building of 57,000 square feet as being compatible with our Comprehensive Plan or ordinances.

Barry Hathorne