

MINUTES

ORDINANCE COMMITTEE MEETING

JUNE 16, 2014 --- 8 A.M.

Conference Room A

Present: Councilor Matt Robinson, Chair; Councilors Sherrie Benner and Benjamin Hartwell

Also Present: Town Manager David Cole; Town Planner Tom Poirier; Dillon Lippold from Seaside Landscaping

1. Approval of May 12, 2014 Committee Meeting Minutes.

A motion was MADE by Councilor Benner, SECONDED by Councilor Hartwell, and VOTED to accept the minutes of the May 12, 2014 meeting. Unanimous vote.

2. Current Business.

A. Review draft Military Excise Tax Exemption Ordinance and report back to Council.

This ordinance would exempt active military personnel from paying excise tax while serving in the United States Armed Forces and permanently stationed at a military post outside of Maine or deployed overseas for a period of 180 days.

A motion was MADE by Councilor Benner, SECONDED by Councilor Hartwell, and VOTED to recommend to Council approval of the draft Military Excise Tax Exemption Ordinance as proposed. Unanimous vote.

B. Develop a proposal to provide more flexibility for allowing home occupation businesses for the Town Council to consider at a future meeting (referred by Town Council on December 3, 2013).

Mr. Lippold of Seaside Landscaping stated that he was present to hear discussions on this item. He discussed with the Committee current restrictions on his business.

The Committee continued its discussions on this item and reviewed a draft Land Use Amendment that incorporates two tiers, or two levels, of home occupations. It was noted that while researching this item, staff discovered that a number of communities (Cape Elizabeth, Cumberland, Falmouth, Standish and Windham) have a multi-tiered review of home occupations and/or home businesses.

The Committee reviewed and discussed Level 1 Section of the Ordinance and asked questions. The Committee discussed the normal activities of a business and whether it met the criteria established in the draft ordinance as a home occupation business. It was noted that Level 1 businesses conform to the conditions stated in that section of the ordinance.

It was discussed that if Level 1 occupations become a nuisance, the ordinance will give the Town the capability of enforcement action if the business is not in compliance. After discussion, the Committee did not recommend any changes to the Level 1 Section of the ordinance.

Next, the Committee discussed Level 2 businesses, which as stated in the Ordinance do not conform to the standards established in Level 1.

The Committee reviewed each item of Level 2 as specified in the ordinance and recommended the following changes:

Item 1: The Committee requested that the first sentence be changed as follows: Home Occupation - Level 2 may only be established on properties located with the Rural and Rural/Manufacturing Housing Zoning district that are not part of an approved subdivision.

A Motion was MADE by Councilor Benner to add to the end of the above sentence that are five acres or more. This Motion FAILED due to lack of a second.

Item 2: No changes.

Item 3: The Committee requested that the words “and terrain” be added to the following sentence: Limited outside storage of equipment, materials, and/or commercial vehicles, may be permitted providing they are fully screened from public view by fencing and/or as solid screen of landscaping and terrain.

A motion was MADE by Councilor Benner, SECONDED by Councilor Robinson, and VOTED to change the last sentence in Item #3 to: Inside or outside storage areas, excluding the dwelling unit, shall be limited to a maximum of 1,600 square feet in area. Unanimous vote.

A motion was MADE by Councilor Hartwell and SECONDED by Councilor Robinson to further amend the last sentence in Item #3 to change the maximum amount of square feet involved from 1600 to 2500 square feet. 2-1 (Benner)

Item 4: No changes.

Item 5: A motion was MADE by Councilor Hartwell, SECONDED by Councilor Robinson, and VOTED to strike, or delete, Item #5 of the Level 2 section of the ordinance pertaining to prohibiting exterior signs. 2-1 (Benner).

Item 6: Committee asked staff to send the Committee members an email to clarify the phrase “offensive noise and vibration”. No changes.

Item 7: No changes.

Item 8: No changes.

Item 9: The Committee discussed the proposed language that restricted the utilization of total floor area for a Level 2 business to 40% of total floor area of a dwelling unit.

A motion was MADE Councilor Hartwell to change facilities to repair of motor vehicles from a Level 2 business to a Level 1 business and add “but with a single bay”. This Motion FAILED for lack of a second.

A motion was MADE by Councilor Hartwell, SECONDED by Councilor Robinson, and VOTED to recommend to the Town Council the proposed amendment to the Land Use Code relating to home occupations as amended. 2-1 (Benner).

3. Other business.

There was no other business taken up by the Committee.

4. Schedule next meeting.

The Committee agreed to discuss Items 3(A) and 3(B) listed on the agenda pertaining to creative parking solutions and developing a system for determining the number of animals at their next meeting. Councilor Hartwell agreed to bring information to assist in the discussions of 3(B) at the next meeting when it is scheduled.

5. Adjournment.

There being no further business, a motion was MADE by Councilor Benner, SECONDED by Councilor Hartwell, and VOTED to adjourn. Time of adjournment: 10:06 a.m.

Respectfully submitted,

Jeri Sheldon, Ass't to the TM/HR Director