

**Town of Otisfield
Planning Board Meeting Minutes
March 17, 2009**

1. **Call to Order:** The regular meeting was called to order at 7:01 PM.
2. **Attendance:** Members present were Chair - Stan Brett, Vice Chair - Dan Peaco, Recording Secretary - Mike McAllister, Herb Olsen, Beth Damon, Alternate - Dave McVety & Alternate – Karen Turino.

Code Enforcement Officer: Richard St. John & Planning Board Secretary: Tanya Taft

3. **Quorum:** Board had a quorum.
4. **Secretary's Report:**
 - A. Regular Meeting Minutes from March 3, 2009. Motion to accept minutes as amended. DP/MM Unanimous.
5. **Discussion & Comments from public:**
 - A. None.
6. **Residence - Based Business Applications:**
 - A. None.
7. **Shoreland Zoning Applications:**
 - A. None.
8. **Site Plan Applications:**
 - A. None.
9. **Subdivision Application:**
 - A.
10. **Miscellaneous:**
 - A. None.
11. **Upcoming Dates:**
 - A. Planning Board Meeting April 7, 2009 @ 7:00 PM
12. **Discussion & comments from Code Enforcement Officer:**
 - A. Proposed SLZ Ordinance Review: PB continued to review and edit. See “draft” documents to view updated material.

1) **Proposed change:** Insert this note at either the bottom of page # 8, or top of page # 9.

NOTE: MUNICIPALITIES MAY ALSO INCLUDE THE FOLLOWING OTHER AREAS WHICH HAVE BEEN RECOMMENDED FOR PROTECTION IN THE COMPREHENSIVE PLAN OF THE MUNICIPALITY, SUCH AS:

- 6) Other important wildlife habitat;
- 7) Natural sites of significant scenic or esthetic value;
- 8) Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and
- 9) Other significant areas which should be included in this district to fulfill the purpose of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation w/ the Maine Historic Preservation Commission.

*Motion to add items 6-9 back to Resource of Protection section. MM/DP – Unanimous.

2) Proposed change: Insert on page #15, B) 7.

Discussion: Alternative energy structure wording will be added. CEO consulted with MDEP and they are looking for the correct language to be administered that includes all the suggestions listed in the Shoreland Zoning News article. Specifically, the area within the set back in which the solar and wind-power or other alternative energy structures are proposed must be a legally existing clearing, etc. BD will write up proposed language and send to CEO for next meeting.

*PB will consider and revisit this topic.

3) Proposed change: Insert this note on page # 15, after C) 8.

NOTE: NEW PERMANENT STRUCTURES, AND EXPANSIONS THEREOF, PROJECTING INTO OR OVER WATER BODIES SHALL REQUIRE A PERMIT FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE NATURAL RESOURCES PROTECTION ACT, 38 M.R.S.A. SECTION 480-C. PERMITS MAY ALSO BE REQUIRED FROM THE ARMY CORPS OF ENGINEERS IF LOCATED IN NAVIGABLE WATERS.

* Motion to insert this note and add to Shoreland Zoning Ordinance page 15, after C8. HO/MM- Unanimous.

4) Proposed change: Insert this note on page # 20,

NOTE: THE STORMWATER MANAGEMENT LAW (38 M.R.S.A. SECTION 420-D) REQUIRES A FULL PERMIT TO BE OBTAINED FROM THE DEP PRIOR TO CONSTRUCTION OF A PROJECT CONSISTING OF 20,000 SQ.FT. OR MORE OF IMPERVIOUS AREA OR 5 ACRES OR MORE OF A DEVELOPED AREA IN AN URBAN IMPAIRED STREAM WATERSHED OR MOST-AT-RISK LAKE WATERSHED, OR A PROJECT W/ 1 ACRE OR MORE OF DEVELOPED AREA IN ANY OTHER STREAM, COASTAL OR WETLAND WATERSHED. A PERMIT-BY-RULE IS NECESSARY FOR A PROJECT W/ 1 ACRE OR MORE OF DISTURBED AREA BUT LESS THAN 1 ACRE IMPERVIOUS AREA (20,000 SQ.FT. FOR MOST AT RISK LAKES AND URBAN IMPAIRED STREAMS) AND LESS THAN 5 ACRES OF DEVELOPED AREA. FURTHERMORE, A MAINE CONSTRUCTION GENERAL PERMIT IS REQUIRED IF THE CONSTRUCTION WILL RESULT IN ONE ACRE OR MORE OF DISTURBED AREA.

*Motion to insert this note and add to Shoreland Zoning Ordinance page 20. HO/MM – Unanimous.

5) Proposed change: Page # 25, P, 2, B

Discussion: Recommending the proposed 25 x 50 feet of rectangular area, and 24 Points be used.

*PB Agreed by consensus that we will leave it as is.

6) Proposed change: Page # 29,

SPAGHETTI LOT- SHORELAND ZONE - A parcel of land with a lot depth-to-shore frontage greater than 5 to 1. Discussion: Spaghetti lots, ratio of 5 to 1. Subdivision Ord. has a ratio of 3 to 1.

*Motion to change Spaghetti lots ratio of 5 to 1, to 3 to 1, so that it's consistent. DP/MM – Unanimous. Definitions Ordinance will need to be updated accordingly.

7) Proposed change: Page # 32,

Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a *de novo* basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

Discussion: Administrative appeals on a de novo basis versus appellate basis.

*PB Agreed by consensus to leave as is.

8) Proposed change: Page # 33,

Discussion: Lettering typo / cleanup. Existing Ordinance is out of alphabetical order. New Ordinance will reflect corrections. See below:

(E) Notwithstanding SECTION / SHOULD BE (D)

(F) The Board of Appeals SECTION/ SHOULD BE (E)

(G) A copy of each variance request SECTION / SHOULD BE (F)

- B. Proposed Definitions section: PB reviewed new proposed versus existing definitions. See “draft” document to view updated material.

1) Proposed change:

GREAT POND- Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner

*Motion to add Thompson Lake, Pleasant Lake, Saturday Pond, Moose Pond & Little Pond. DP/MM – Unanimous

2) Proposed change:

HOME BASED BUSINESS- See *RESIDENCE BASED BUSINESS*

*Motion to see Residence Based Business. HO/DP – Unanimous.

3) Proposed change:

Increase in nonconformity of a structure - Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. *lateral expansion shall be minimal as determined by the PB using the criteria in section 12(C)(2). Property changes or structure expansions which meet the dimensional standard shall not be considered to increase non-conformity. In-fill of irregularly shaped structures would be considered lateral expansion which shall be minimal as determined by the PB using the criteria in section 12(C)(2).

*Motion to accept the above verbiage. MM/DP – Unanimous.

4) Proposed change:

Principal structure – Any building that can fully function on its own with no obvious secondary or dependant relationship to another building

*Motion to use existing definition, not the proposed definition. DP/MM –Unanimous.

5) Proposed change:

Road - Any public or private way designed for vehicular access, other than driveways, farm roads, trails or logging roads. The term “roads” includes synonymous words including, street, avenue, highway, lane, way, etc.

*Motion that we keep our existing language, not the proposed definition. DP/MM – Unanimous.

6) Proposed change:

Spaghetti-Lot – A parcel of land with a lot depth to shore frontage ration greater than 5:1. Shore frontage means land abutting a river, stream, brook, great pond as defined herein.

*Motion to change Spaghetti lots ratio of 5:1, to 3:1, so that it’s consistent. DP/MM – Unanimous.

7) Proposed change:

Appendix A:

Page 48 & 49 from MDEP Guidelines for a special expansion allowance if a 50 foot buffer is created. Motion to omit Paragraph 1 – A through 1 – C. DP/HO – Unanimous.

*Discussion: PB decided to table discussion at this point for the evening. *Alternate energy will be brought back to PB for discussion on final verbiage. PB will re-discuss this Special Expansion Provision on page 48 after a chance to sleep on it. *CEO WILL PROVIDE AN UPDATED DRAFT DOCUMENT FOR PB REVIEW.

13. Discussion & comments from Board:

A. None.

14. Adjournment:

With no further business, the meeting was adjourned at 10:15 PM. MM/DP – Unanimous.

Respectfully submitted,

Tanya Taft, Secretary.

Approved by: **Stan Brett**, Chair

Otisfield Planning Board

Approved on: **04.07.09**