

Town of Otisfield
Planning Board Public Hearing
Proposed Ordinance Changes for 2009
June 10, 2009

Opening statement and introductions: Rick Micklon, Board of Selectmen.

The Board of Selectmen, Planning Board, and Ordinance Committee have identified these areas of concern, and recommend to the voters to consider these changes at our upcoming annual Town Meeting on June 27, 2009.

1. **Proposed changes to our New Shoreland Zoning Ordinance**
2. **New Floodplain Ordinance**
3. **New “Definitions: changed verbiage and inclusive of all ordinances.**
4. **Specific fee amounts to be removed from individual ordinances**
5. **Amend Beach Ordinance: No smoking, no parking areas and emergency vehicles allowed on beach.**

1. **Call to Order:** The Public Hearing was called to order at 8:05 PM.
2. **Attendance:** Members present were Vice Chair - Dan Peaco, Recording Secretary - Mike McAllister, Herb Olsen, Beth Damon, Alternate - Dave McVety & Alternate – Karen Turino. (Absent – Chair, Stan Brett)

Code Enforcement Officer: Richard St. John *Not in attendance.
Planning Board Secretary: Tanya Taft

3. **Discussion on the following items:**
 - A. **New Shoreland Zoning Ordinance:** Dan Peaco explained this is State mandated and that this will make the process less complicated for calculating expansions and ecologically speaking, moving people back is better for the environment and the lake. RM: All towns are adopting the new State guidelines. Minor changes have been made with the maps and with some definitions. Floodplain has been separated. Major change, is with the non conforming structures –30% expansion:

Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.

Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.

For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a

wetland is 20 feet or the height of the existing structure, whichever is greater.

For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of division

PB feels this option is more straightforward. If you are within 25' of water, there is to be no expansion. 25-75' you can expand up to 1,000 sq. ft., if your 75' – 100' ft, back you can expand 1500 sq ft.

Discussion & Comments:

Joanie Jacobs: Is this more stringent then the state? PB: This is what the State recommends. Garry Dyer: Speaking for tax payers who live away, he feels the old way is better, because then they have a chance to do what they want to do. They may not have a chance to vote or have input on this. MM: if they are not residents they do not vote anyway. Garry: If the state is giving towns a choice, he still feels the information needs to be dispersed to those who do not live in town. BD: Suggests that everyone can put the word out. Most people follow the web site and the information is available. BD explained that the major concern is ecological, and not so much about making it easier for the PB. Phosphorous run off can be absorbed better the further back it is. Anything new must be 100' back from water. Lenny Adler: 30% expansion, if it's not recorded, it's hard to tell if it's been done. Lenny: If it's 25' – 75' back, does that only apply to portion of structure that is that far back? DP: correct. LA: we are more strict then the state of NH, is there a difference in water quality or does anyone know? RM: No comparisons to report of, but this is the first year that the fish that have been stocked have not survived. Lenny: Is there a benefit to doing as much as we do. RM: No way to report on that, at this time. Vicky: Owns 1/3 of a camp, 25' within distance of water, it's not a very big camp. To say you can't do anything, does not sound reasonable. RM: DEP's rationale is, they would like you to move your camp back because of better management practices. They would rather you take it down and move it back 100'. Mike Hooker: Would hate to think someday he won't be able to put up a deck on his back porch because of how close he is to the water. Callie: So if you're within 25' from the water, you can't expand? PB: Correct. Jared Damon: So, the PB had a choice of keeping as it was or going new, can you tell us why you chose to go w/ this option. DP: It's going to stream line the application and it is better for the environment. Jared: what if this is voted town? DP: The state will impose their minimum SLZ guidelines onto the town until we pass a suitable version. Probably with the 30% rule in place. Garry: At town meeting if this is voted down, we get the same thing except w/ more changes? PB: WE will have what the state has given us w/ our input. State has already agreed w/ PB input. Setback requirements 25' is per the State, the number of expanding and the height requirement is per the state. Only option is to pull camp back to Greatest Practical Extent (GPE). If you decide you want to do something that does not meet PB criteria, then the PB decides where the GPE is. 30% vs, you can't do anything, then in the interim we have to adopt the state ordinance. A Special town meeting would be needed to adopt its own ordinance if the town votes this down. LA: if you are between 75-100', you can expand sq. ft, so it could be helpful to people who are more then 25' from the water. PB: There are some substantial advantages to most people. Quenton Henderson: The states guidelines were modified in some areas to make the definition match up to towns. RM: The Basal points system is a state guideline and it's a CEO issue. Revegetation is addressed. Quenton: would it be beneficial to have a list of pros and cons, for the voters? PB: Agrees w/ his suggestion and will try to put a list of pros and cons to be considered for town meeting. PB: There will be a new Shoreland Zoning Ordinance regardless. RM: what's the harm in leaving it as the state has adopted? PB: downside of tonight's issue, finding the footage, of what they can use for expansion and what they can't. Living space is difficult to interpret. RM: why not come up w/ your own version of a standard, which goes out w/ every application.

Karen: Ecologically speaking, moving people back is better for the environment and the lake. It's to more peoples benefit. Public feels this is very confusing and PB will workshop this on June 16, 2009 to help explain it better to the people.

- B. New Floodplain Ordinance:** RM explains there is nothing the town can do about this. Updated maps from AVCOG and the State have been received. Maps are handed down to us with minor edits. State wide level, we just have to vote to except it.
- C. Definition Ordinance Changes:** State definition changes, same definitions we have always used, only now they are in the new SZO. – RM suggests everyone take them home and if you have questions feel free to address them. JD: Road/ right of way: He wants to know why *traveled way* is not in the definitions? BD: This was not one of the modified words. JD: Suggests that maybe it can be modified next time Definitions are looked at.

D. Specific fee amounts to be removed from individual ordinances:

- 1) **Site Plan Review Ordinance** - Page 6. Section 4. D.1 –
- 2) **Subdivision Ordinance** - Page 8 Article 6.2.B Page 11 Article 7.1.B Page 14 Article 8.1.B Page 18 Article 10.1.A.2 "
- 3) **Wireless Telecommunication Ordinance** - Page 5 6.4.A
- 4) **Animal Control Ordinance** - Page 1. 4.

RM: The reason for this change is so that the BOS can look and adjust fees as they see fit on an annual basis. By removing the fees from the ordinances one fee schedule can be looked at annually. This will result in easier maintenance for the town.

- E. Amend Beach Ordinance:** No smoking, no parking areas and emergency vehicles allowed on beach. It was brought to the BOS that smoking has been issue. So this ordinance was sent to the OPRC and amended. The left side of beach facing the water, will have no parking except for emergency vehicles. Lenny Adler: No smoking was debated on the OPRC, but decided that signs would be posted. Some feel the ordinance is unenforceable and may create issues, but others feel signs will stop most people.

***RM:** Any further discussion, comments, or questions from the public? None.

4. Adjournment:

Public Hearing adjourned at 9:30 PM. HO/MM – Unanimous.

Respectfully submitted,
Tanya Taft, Secretary.

Approved by:
Dan Peaco, Vice Chair
Otisfield Planning Board
Approved on: **06.16.09**