

PLANNING BOARD  
REGULAR MEETING  
TREMONT TOWN OFFICE  
TUESDAY, APRIL 24, 2007  
6PM

1. CALL TO ORDER

Planning Board meeting of Tuesday, April 24, 2007 was opened at 6 pm by Vice Chairman Wayne Patton.

2. ROLL CALL

Vice Chairman Wayne Patton, Planning Board members Linda Graham, Mike Ryan, Susan Snyder, CEO Millard Billings and Recording Secretary Heidi Farley

Members of the public present were: Residents Chad Terry, Michael Gott, Alex Wilkinson, Lisa Young, Gregory Dow, Carrie Dow, Andrea Kelley and Chandler Kelley Jr.

3. ADJUSTMENTS/ADOPTION OF AGENDA

None

4. APPROVAL OF MINUTES April 10, 2007

Planning Board member Mike Ryan noted that on agenda item 4 the word "was" needs to be taken out.

**MOTION** by Planning Board member Mike Ryan to approve minutes of April 10, 2007 as corrected, seconded by Planning Board member Linda Graham. Motion passed 4-0.

5. SUBDIVISIONS None

6. NEW BUSINESS

Application submitted by Michael Gott Jr. to operate a portable toilet business from his garage. The property is located in the Business/Residential Zone on Map 6 Lot 20.

Vice Chairman Wayne Patton asked if anyone had any questions for Mr. Gott. Planning Board member Linda Graham asked if there would be buffering.

Mr. Gott told the Board that the toilets would be at least 75' from the road and that there were many trees in between.

Planning Board member Mike Ryan asked Mr. Gott how many vehicles would be in the yard. Mr. Gott said only one truck.

**MOTION** by Planning Board member Linda Graham to approve Michael Gott Jr.'s application for a portable toilet business dated 4/3/07, seconded by Planning Board member Mike Ryan. Motion passed 4-0.

7. OLD BUSINESS

- A. Application submitted by Adrienne Gibson for a change of use permit to change her storage cottage into a summer cottage. The property is located in the Harbor Shoreland Zone on Map 13 Lot 33.

Adrienne Gibson submitted a letter withdrawing her application (see attached).

- B. Application submitted by Gregory A. Dow for a Home Occupation permit to operate a daycare in his home. The property is located in the Residential/Business Zone on Map 5 Lot 28G.

Vice Chairman Wayne Patton asked if the Board or the audience had any problem with him voting on this issue. He promised to do his best to be impartial as long as neither side objects. Nobody objected. Resident Chandler Kelley Jr. said he would like a full Board to be present but was told that wasn't an option.

Residents Greg and Carrie Dow explained that they have had children there for around 5 years and would not be adding any buildings. They explained that in order to receive a State license they needed a Town permit. Residents Chandler and Andrea Kelley argued that they do not have any sort of business on that road and don't believe that the easement given to Mr. & Mrs. Dow allows for one.

**MOTION** by Planning Board member Susan Snyder that the application submitted by Gregory Dow for a Home Occupation permit dated 2/26/07 is complete, seconded by Planning Board member Mike Ryan. Motion passed 3-0-1. Linda Graham abstained because she is friends with the Dow family.

Discussion about the easements given to Greg and Carrie Dow. The first easement is dated 1981 second is 1998. There was additional discussion concerning a deed to Scott & Heidi Farley in 1986 that transfers ownership of land over which a portion of the easement is

located. Planning Board members agreed that a legal opinion was needed.

The Planning Board went through the Home Occupation standards. The Dows meet the standards in questions 1 and 2 but the Board had questions about 3 & 4. Planning Board member Susan Snyder said that she thought structure meant inside the walls of the house, whereas Mike Ryan argued that historically the Board has always considered the surrounding area including the road and that the intent would go beyond the walls of the house. Mr. Kelley mentioned that the Town Attorney, Chad Smith, did comment on the road conditions on the same road in question for an application submitted by James Dow.

**MOTION** by Planning Board member Mike Ryan on application submitted by Gregory Dow a daycare for 6-8 children be tabled until we have attorney advise on:

1. 1981 Right of way. "Personal use and benefit", does it allow a home occupation or is driving in and out personal residential use.
2. Opinion on Home Occupation in Zoning Ordinance Page 14. H. Preamble and # 3. Two parts, 1<sup>st</sup> in # 3 is the only way to interpret "residential structure" the structure itself or could it be interpreted to impact the zone. 2<sup>nd</sup>, preamble refers to "business compatible to zone in which they are allowed", if so should that be considered separately. Motion died for lack of a second.

After many more attempts a motion was made.

**MOTION** by Planning Board member Susan Snyder to table this application pending a response to a letter to the Town Attorney requesting an opinion on the 1981 terms of easement concerning personal use and benefit. Also, do we need to consider nuisance and hazard on section H. page 14. # 3 as they apply to residential structure or to residential zone as stated in the preamble, seconded by Planning Board member Mike Ryan. Motion passed 3-0-1. Linda Graham abstained because she is friends with the Dow family.

## 8. CEO ISSUES

CEO Millard Billings reported to the Board that he has issued two notices of violation (see attached).

## 9. NOTICES

CEO Millard Billings told the Board that there will be a Hancock County Planning Commission workshop on May 30 at the VFW hall in Ellsworth and if anyone would like to go he will sign them up.

10. OTHER

None

11. SET DATE FOR NEXT MEETING May 8, 2007

12. ADJOURN

**MOTION** by Planning Board member Linda Graham to adjourn at 8:01 pm,  
seconded by Planning Board member Mike Ryan. Motion passed 4-0.

Respectfully submitted  
Heidi Farley

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Chairman George Urbanneck