

**MINUTES OF PLANNING BOARD PUBLIC HEARING
AND PLANNING BOARD MEETING**

**SATURDAY, SEPT. 8, 2007
FRYE ISLAND COMMUNITY CENTER**

Present: Dave Treacy, Margarete Schnauck, Steve Kaplan, Sam Donio, Marge Hommel, Ed Johnson and Paul White CEO.

Absent: Paul Peterson

Attendees: Kenneth Gardner- 35, Cathy Potts- 1633, Nancy Fournier- 1113, Steve Aranyi,- 271, John Masayda- 63, Frank & Becky Limauro- 74, Bill Speed- 268, Ron Cedrone- 85, Dick Vande Hei- 277 and John Nun Chairman of Board Of Selectmen- 269.

Paul White distributed multiple hand outs to the Board and attendees to aid in understanding the various subjects to be discussed.

Dave Treacy, Chairman opened the **Public Hearing** at 8:40 a.m.

Dave Treacy explained to the attendees that the State of Maine has mandated that we must update our Shoreland Zoning and incorporate any changes mandated by the State into our Shoreland zoning Ordinance. Each change made at our 8/25/07 meeting will be presented and discussed at this public hearing.

Permits for Temporary Structures especially Docks:

Steve Kaplan passed out a recommended Ordinance change to Chapter: 100 Land use Article III Shoreland Zoning with the purpose of the Town “Opting Out” of regulating temp. structures, especially docks. He also attached a memo from Paul White stating that he had verified with the DEP that the Town does have the option not to regulate temp. docks.

Sam Donio moved that we adopt the “Opt Out” language and put it in the zoning package to be presented at the Town meeting. Seconded by Steve Kaplan
An extensive and controversial discussion followed on the consequences of opting out or leaving in the State DEP regulation with the primary concern being – could people place a dock anywhere they wanted to.

Nancy Fournier questioned that if we opt out what is to prevent people from putting docks on public beaches or on other people’s property? Paul White stated that on page 98 in the state regulations the existing ordinance explains what is protected. Right now Paul White as CEO has the authority to stop people from putting docks in the wrong place because they have to get a permit.

Dick Vande Hei asked if we did not opt out and an individual has a dock with a 12' x 10' platform at the end, which was grandfathered – could he put in a new dock with the same footprint. Paul White first said “yes” then said “no”. He would not allow it because a dock cannot be wider than six (6) feet.

Kathy Potts stated she had concerns with opting out.

Sam Donio wanted to know whether or not an individual could replace his existing wooden dock with an aluminum dock with the same footprint and questioned if the six (6) foot regulation would still apply. Sam felt Paul needed to come up with a definite yes or no answer.

With the many questions still left to be answered John Nun stated that he felt we were not yet ready to move the Shoreland Zoning forward to be voted on at the Town meeting.

Sam Donio withdrew his motion to opt out. Marge Hommel moved that we adjourn the dock portion of the agenda until the 9/15/07 Public Hearing. Seconded by Sam Donio – all in favor.

Clearing or Removal of Vegetation

101-III-15-NC2C-new wording added regarding leaf litter and the forest duff layer
Dick Vande Hei said that he was in favor of the language as he stated that since 1987 the lake has lost about ten (10) feet in clarity due to phosphorus run off into the lake.

Definition of Structure

Marge Hommel made a motion not to strike out the sentence: Fences and structures such as dog houses, tree houses designed for children’s use, and bus stop shelters shall not be considered as structures.

Ed Johnson seconded the motion. All voted in favor.

Dog Control Ordinance

A handout of the proposed Dog Control Ordinance, prepared by the Town Manager based on ordinances in surrounding towns, was distributed to all in attendance.

Dave Treacy said that he had received a letter from Paul Peterson expressing his support of a Dog Control Ordinance. Paul recommended that the hunting clause be struck as Maine does not allow a municipality to control hunting. Paul’s letter was submitted to the recording secretary for the records.

Marge Hommel made a motion to remove the clause “except when used for hunting.” The motion was seconded by Sam Donio. All were in favor.

Nancy Fournier, Lot 1113 voiced her support of the Dog Control Ordinance because, although the rules are posted at all the beaches, they are not being adhered to.

Kathy Potts, Lot 1633 recommended that the phrase “within a period of six (6) months from such warning” should be removed.

Ron Cedrone recommended that under Enforcement the language be changed to read “Third and subsequent offences \$200.00”.

The Board unanimously approved the suggested amendments.

The Public Hearing was closed at 10:45 a.m. by Dave Treacy, Chairman.

Planning Board Meeting

The planning board meeting was called to order at 10:50 a.m. by Dave Treacy, Chairman.

Ed Johnson made a motion to accept 8/25/07 minutes with the amended definition of driveway as discussed. Marge Hommel seconded the motion. All were in favor.

Dog Control Ordinance

Dave Treacy presented a letter from Dick Norris expressing his support of the dog control ordinance. The letter was given to the recording secretary for the records.

Marge Hommel recommended the letter be forwarded to all members of the planning board.

Marge Hommel moved that the Dog Control Ordinance, as amended, be placed on the warrant for the Oct. Town Meeting. Motion seconded by Sam Donio. All were in favor.

Steve Kaplan will forward the amended Dog Ordinance to Wayne Fournier, Town Manager who will then send it to the Board of Selectmen.

PB FILE

Dave Treacy stated that any Planning Board e-mail communications should also be sent to the “Planning Board File”. Dave Treacy is going to check with Joe Potts regarding the web site to be sure the public has access to the PB file.

Planning Board Efficiency

Steve Kaplan requested that the board discuss ways on how items being presented to the Planning board can be handled to make for more efficient use of everyone’s time. Steve suggested not allowing any specific topic to over take the meeting. He also suggested that in the future all agenda or new business items be highlighted and presented to the board a minimum of six (6) days prior to the next meeting to allow the board sufficient time to study the issue.

Sam Donio suggested when making changes that refer to other government regulations the information should include the government documentation to back it up so the board has all the information required to make a decision.

Ron Cedrone suggested that if the board knows an item will be lengthy and perhaps tabled for more information, then the board should do the house cleaning items first so we can be sure we get to them.

Marge Hommel moved that Steve write up his suggestions, especially the six (6) day advance notice, so they can be incorporated into the Planning Board by-laws. The motion was seconded by Ed Johnson. All were in favor.

New Business

Application for a Building Permit – Section 101 – III – 11- E -2

At the 8/25/07 meeting, the Planning Board finalized the language proposed for an ordinance recommended by the Appeals Board to reduce the number of appeals do to inappropriate property line set backs. The board unanimously approved presenting the ordinance at the 9/8/07 public hearing, however it was inadvertently left off the agenda and therefore could not be discussed. Rescheduled for the 9/15/07 public hearing.

Reconsideration Changes in Article 101- I – 14- F- 4

Paul White distributed a hand out with changes in the reconsideration ordinance as given to the Appeals Board by the Town lawyer.

Marge Hommel made a motion to bring the changes to the public hearing on 9/15/07 so it can be placed in the Warrant for the Town meeting. It was seconded by Ed Johnson. All were in Favor.

Future Meetings

Planning Board Public hearing and regular meeting - September 15, 2007

Ed Johnson made a motion to adjourn the meeting. It was seconded by Marge Hommel. All were in favor.

Meeting adjourned at 11:05 a.m.

Respectfully submitted
Inez (Smitty) Kaplan – Recording Secretary