

Minutes of the Planning Board Meeting

Saturday, June 28, 2008
Frye Island Community Center

Present: Dave Treacy, Steve Kaplan, Bob Sutherland, Ed Johnson, Sam Donio,
Marge Hommel and Ron Cedrone

Attendees: John Nun #269 – BoS chairman, Ernie Wrzesinsky #285,
Nancy Donio #859 – Beach committee chairman and Jim O'Connor #1054.

In preparation for the meeting, copies of the following documents were distributed to all Planning Board members: Proposed Beach Ordinance, lot clearing ordinance draft, and proposed UTV ordinance.

Dave Treacy, Chairman, opened the meeting at 8:30am.

Welcome to New Members

Dave Treacy extended a warm welcome to the following new planning board members: Bob Sutherland - voting member and alternates, Marge Hommel and Ron Cedrone.

Reorganization

Dave called for nominations for the position of chairman. Ed Johnson nominated Steve Kaplan. The nomination was seconded by Sam Donio. As no other nominations were presented, Dave moved that nominations be closed. Steve was elected by unanimous vote.

Dave next asked for nominations for the position of vice chairman. Steve Kaplan nominated Ed Johnson. The nomination was seconded by Bob Sutherland. As no other nominations were presented, Dave moved that the nominations be closed. The nomination of Ed Johnson for vice chairman was passed by unanimous vote.

Dave called for nominations for the position of secretary. Steve Kaplan nominated Bob Sutherland. Ed Johnson seconded the nomination. As there were no other nominations, Dave moved that the nomination be closed. The nomination of Bob Sutherland as secretary passed unanimously.

Minutes and Correspondence

Steve moved to accept the minutes of the June 14, 2008 meeting, seconded by Ed with all in favor.

Old Business

Comprehensive Plan Update

Marge stated the most recent update of the Town Comp Plan was in July 2006. In trying to recall assignments, only the following could be remembered:

- Water system – Steve
- Land use – Marge, who stated that the maps were last edited in July '06.
- Fire – Ed
- Financial 4.297 – Dave

Steve will review past secretarial reports to get a copy of current assignments. He will bring the list to the next meeting and new assignments will be given at that time. Dave volunteered to be overall editor.

Shoreland Zoning

We have an extension to finish the list of sections to be amended.

Dave presented information from the most recent issue of SHORELAND ZONING NEWS. The deadline for amending shoreland zoning ordinances has been extended from July 1, 2008 to July 1, 2009. One of the primary reasons for the extension is that there have been significant changes to the guidelines. We need to obtain a copy of the guidelines before the September 2008 meeting.

At the moment, we don't have a specific list but Sam recalled that there were two "hanging" points when the planning board reviewed and amended the Shoreland Zoning last fall: (1) docks and (2) the amount of cleared space along the water and whether it was permissible to rake leaves and trim brush.

Sam has obtained the ordinances from Sebago, Raymond, Windham and Naples. Sam will put together a summary of what these towns did for the next meeting. He stated that the towns were very specific concerning square footage compared to lot size. He also said some had better language concerning repair and maintenance and more wiggle room concerning maintaining lots. Sam will bring our current wording with recommended changes in wording to the next meeting.

Dave felt we should try to match the towns in verbiage so that we have a unanimous interpretation.

Sam also stated that the towns appeared to give more power to the CEO. Marge stated that, in the past, several setback issues had come to the Planning Board for a decision and the Board had passed it back to the CEO. Ernie Wrzesinsky, a past chairman of the Zoning Board of Appeals, stated that the Planning Board needs to be careful in giving up authority to the CEO as in the decision making process, its one person against seven people on the Planning Board.

Sam stated that because of the seasonal nature of Frye Island, we should be careful about giving authority to the CEO as there are frequent personnel changes in the position which impact continuity of issues in granting variances and interpretation/passing the four-point system.

John Num stated that, if we don't want the CEO to have too much power, we need to be careful how we write the ordinances as well as assigning someone specific to follow through.

Steve suggested the Planning Board members study the Shoreland Zoning Ordinance in more depth before the next meeting.

Beach Ordinance

Steve discussed the changes to the Beach Ordinance recommended by the Planning Board to the new members of the Board as well as the attendees, which included Nancy Donio, chairman of the Beach Committee. The goal of these changes is to strengthen the original beach ordinance to make it more enforceable. At the time, there were no comments made.

Steve stated he had spoken with Wayne about getting new annual boat stickers which would be issued at the time a boat was registered. Wayne felt that this would not be a problem.

Dave recommended that the Beach Ordinance be written in true ordinance form. He was disturbed by (e) stating there was no mention of the swim area. A recommendation was made to add the statement that "no power boats allowed to enter any swim area."

Other suggestions were as follows:

- (1) A \$50 sticker fee to be charged to non-residents;
- (2) A temporary sticker for renters to be issued showing effective dates;
- (3) Requirement for all power boats anchored off any Frye Island beach and accessing those beaches to have a current resident sticker or temporary rental sticker.

Steve will rewrite proposed Beach Ordinance so it can be voted on at the next meeting.

Review of UTV Ordinance

Steve stated that he and Marge Hommel had basically used the FI Golf Cart Ordinance as a guide to drafting a proposed UTV ordinance with basic add-ons as well as adding 106-3A and -3B. In the past no types of ATV's were allowed on the Island. However, the office inadvertently registered six UTV's as golf carts. These were grandfathered by the BoS in 2007.

The State of Maine passed a law in 1999 allowing ATV's (see Chapter 310 – H.P.-L.D. 110.) Sec. 1.12 MRSA 7857, sub-24, D was amended to list multiple laws and restrictions. D-8 states that municipal officers have the right to disallow the use of off-road ATV's if it is deemed that the roads and available land would create a safety hazard to other vehicles and those walking or bicycling. The Town of Frye Island, with the support of the Planning Board, has opted not to allow off-road ATV's for safety reasons. There is a Frye Island Ordinance in place that prohibits the use of ATV's on Frye Island roads. This can be seen on the Frye Island website.

Both the proposed Beach Ordinance and UTV Ordinance will be rewritten and presented at the next meeting with plans to set up a public hearing once the proposed ordinances are approved by the Planning Board.

Select draft of tree cutting ordinance for interior properties compared to Shoreland Zoning Provision

Steve presented a draft of a proposed lot clearing ordinance. He explained that its purpose was to prevent clear cutting of lots as opposed to individual tree cutting.

Dave felt the ordinance needs to include reasonable remediation. Once the remediation is completed, the building permit can be granted.

Steve requested Dave put together a revised tree cutting/lot clearing draft to present at the next meeting.

New Business

No new business.

Dave distributed copies of the Spring/Summer 2008 SHORELAND ZONING NEWS for all to review.

A Planning Board work session is scheduled for Saturday, July 12, 2008 at 8:30am.

Sam made a motion to adjourn the meeting, seconded by Bob.

Meeting was adjourned at 10:10am.

Respectfully submitted,

Inez "Smitty" Kaplan, Recording Secretary