

**Planning Board Meeting and Public Hearing on Docks
Saturday, June 27, 2009
Frye Island Community Center**

Present: Steve Kaplan, Chairman, Bob Sutherland, Dave Treacy, Ed Johnson, John Thompson, CEO

Absent: Marge Hommel, Ron Cedrone, Sam Donio

Attendees: Kathy Potts 1633, Joe Potts 1633, Wayne Fournier 1113, Island Manager, Paul Peterson 282, Jacquie Ossi 1680, Michael Ossi 1680

Planning Board Meeting

The chairman called the meeting to order at 8:30 am.

Minutes and Correspondence

Ed Johnson moved to accept the minutes of the 6/13/09 meeting; seconded by Bob Sutherland with all in favor.

MMA Workshop

Steve discussed the MMA Workshop being held on Tuesday, September 22, 2009 in Paris, Maine. Joseph Young sent Steve a notice saying they need to know who will be going ASAP. Steve and Bob will be going. Ed and Dave said they will be unable to attend.

Comprehensive Plan

Steve stated he wanted to resume work on the comp plan and asked everyone to be prepared to discuss in detail at the next meeting.

No new business. Bob Sutherland moved to close this portion of the meeting; seconded by Ed Johnson with all in favor. Steve closed the meeting at 8:40 am and opened the Public Hearing.

Public Hearing on Shoreland Zoning on Docks

Copies of the State Guidelines for Municipal Zoning Ordinances for Docks were given to all those in attendance.

Steve explained that he had been in communication with Mike Morse, Shoreland Zoning Coordinator for Southern Maine, who stated that the ordinance is to eliminate parties etc. on docks by controlling the size. Towns can opt out, however, most towns are adopting the State guidelines.

If a town opts out and makes their own rules, they would have to be more stringent. If they submit something less stringent, it is a red flag to the state and they will come out and inspect. If a dock is not in compliance, then the dock will have to be taken down.

Steve introduced John Thompson, CEO who was previously the CEO for Naples, Maine. John stated Naples had the first inland dock ordinance. He explained that the State is looking for a dock that will accommodate a boat only. The State will allow the town to have its own ordinance, but it has to be as stringent or more stringent. John recommended going along with the State guidelines. If less stringent, the State will be out and make you do it over.

Paul Peterson 286 asked why there is no distinction between temporary and permanent docks on the State Guidelines. The CEO responded that the reason it doesn't distinguish is because permanent docks are not allowed. All docks are considered temporary. A dock in its entirety when taken out has to be put back exactly as it was.

Joe Potts 1633 asked where do swim platforms fall. The CEO responded that if it's hooked to the dock, then it's part of the dock.

Steve asked if there were any other comments. Kathy Potts stated she felt the State Guidelines are not that restrictive. She feels we don't really have a choice. Wayne was in agreement, Paul Peterson also said he didn't feel we had a choice.

Mike Ossi 1680 asked who enforces the regulations on the island. The CEO said that he was responsible; however, if a person has a problem with the CEO's decision, they could go to the DEP.

Paul Peterson asked if the basic difference between the State Ordinance and Frye Island's is the 6 foot width and Ed Johnson said "yes". Paul Peterson stated that from a practical point of view we have to adopt the State Guidelines or make ours more restrictive.

Steve asked "If I take a dock out of the water that is not compliant, am I allowed to put it back in the following year?" The CEO said "Yes" if the dock in its entirety is put back in every year just as it was taken out. Current docks are silently grandfathered; however, the dock cannot be out more than 24 months. At that point it cannot be put back in.

John Thompson stated there are many situations that do not conform with the current Shoreland Zoning rules, i.e. all picnic tables, umbrellas etc. within 100 feet of the water are technically not in compliance; however, the State will come and view “current” docks the same way.

Jacque Ossi asked how this coincides with the jurisdiction of the Portland Water District. John Thompson stated the DEP has the jurisdiction for docks. The PWD has control of septic tanks and water flow into the lakes.

As there were no more questions, the chairman asked for a show of hands of all attendees who were in favor of going along with the State Guidelines for the Dock Ordinance. All were in favor.

The chairman closed the Public Hearing and reopened the Planning Board Meeting at 9:10 am.

Steve asked for a motion from the board to accept the DEP Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances: Section C on Docks. Bob Sutherland moved to accept the proposed dock ordinance; seconded by Dave Treacy. The motion passed 3 to 1 with Ed Johnson opposed as he prefers to opt out.

Steve requested Wayne Fournier to forward the proposed Shoreland Zoning Dock Ordinance to the Executive Committee for presentation at the town meeting for Town approval.

The next meeting will be Saturday, July 18, 2009 at 8:30 am.

As there was no further discussion, Ed Johnson made a motion to adjourn; seconded by Dave Treacy with all in favor. The meeting adjourned at 9:30 am.

Respectfully Submitted,

Inez “Smitty” Kaplan, Recording Secretary