



PLANNING BOARD MINUTES DECEMBER 13, 2012

Don Fellows - Regular 2013
Jeffrey Ganong - Regular 2013
Dan Nezol - Regular 2014
Joshua Holmes - Regular 2015
James Lemieux - Regular 2015
Curtis Lunt - Associate 2013
Karin Paradis - Associate 2014

CALL TO ORDER: The Chairman, Donald Fellows called the meeting to order at 7:00 PM.

ROLL CALL: Regular members present were Jeff Ganong, Dan Nezol, and Don Fellows. Associate members present were Curtis Lunt and Karin Paradis. Also, present Amanda Bunker, Contracted Town Planner; Stephen G. Eldridge, Town Manager; Mike Cote, Codes Enforcement Officer; and approximately three citizens in the audience.

CHAIR'S REVIEW OF MEETING RULES: Mr. Fellows said although there is no new information to present here, Mr. Ganong asked to address something. Mr. Ganong requested board members and the audience to remember to address the chair first when speaking to maintain a better flow of communication.

Voting privileges were given to Mr. Lunt and Mrs. Paradis.

WRITTEN COMMUNICATIONS

VOTE (2012-21) Mr. Ganong, seconded by Mr. Lunt moved to approve the minutes of November 15, 2012. **Order passed - Vote 5-0.**

PUBLIC HEARING - NONE

UNFINISHED BUSINESS

ROUTE 9 COUNCIL PRESENTATION

Mr. Fellows said he presented to the Council the Route 9 information at their November 20 meeting. He mentioned he summarized the recommendations and findings for them. He said there were only two questions; from Councilor Larochelle, are we on track and from Councilor Ward, how will businesses fair when this is done. Mr. Fellows indicated they were on track. He mentioned the Planning Board would need to hold a public hearing and send the document to the Town Attorney for review.

DISCUSSION/ACCEPTANCE OF HOME OCCUPATIONS CHANGE RECOMMENDATIONS WITH REVISIONS FOR ZONING ORDINANCE & SET PUBLIC HEARING

Mr. Fellows indicated that today they received the Town Attorney's input. He said there was not much to be awfully concerned about. After much discussion the Planning Board members agreed to the following section amendments:

1. Section 70-66 (a) (2) The home occupation shall not occupy more than 50% of the total combined floor area of the dwelling and all accessory structures. Additions to the residence or accessory structure for the express purpose of a home occupation shall not be allowed. No goods, merchandise, or products shall be sold upon the premises other than those produced on the premises.

Discussion included the following:

- a. Mrs. Bunker said if it looks on the outside and acts like a residence then it's a residence; however, when the garage suddenly becomes used for something else then it applies. She mentioned this is more likely to become an issue with accessory building. She cautioned against too much complexity if in the end it is not a good enough benefit.
 - b. Mr. Ganong suggested no limits as long as the structure and look had no effect on the neighborhood and indicated he was concerned about Section (a) (3).
 - c. Ms. Paradis encourage the members to keep the percentage and add not less than a certain square footage or more than a certain square footage. She said the biggest thing here is that we need to protect the residences in the neighborhood.
 - d. Mr. Ganong indicated he was willing to go with 50% for combined dwelling and accessory structures.
 - e. Mrs. Bunker suggested no new additions for the purpose of a home occupation.
 - f. Mr. Cote pointed out that originally it was 25%.
 - g. Mrs. Bunker said the Town Attorney would like the last sentence regarding goods and services moved to its own paragraph and amended. No opposition noted.
2. Section 70-66 (5) There shall be no readily observable increase in commercial vehicle traffic over that traffic normal for the neighborhood. A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than twenty vehicle trips per day. Any vehicles used for the regular delivery of goods to a home shall be limited between the hours of 8 a.m. and 6 p.m.

Discussion included the following:

- a. Mrs. Bunker talked about the definition normal in this section which addresses any nuisance not typical for the neighborhood or residential area; taking into consideration what's normal for that area now. Are there trucks delivering hay or moving trucks and vans coming and going? She indicated that a nuisance would be anything which is not expected or a typical activity for the neighborhood.
 - b. Mr. Ganong agreed this would include over and above what is expected in the neighborhood.
3. Section 70-66 (c) (2) a. No more than one exterior sign not to exceed eight square feet shall be allowed...

Discussion included the following:

- a. Mrs. Paradis asked 12 square feet was too big and mentioned 4 square feet.
 - b. Mr. Lunt agreed with a sign smaller than 12 square feet.
 - c. Mr. Ganong suggested not smaller than 8 square feet.
 - d. Mr. Fellows suggested 8 square feet, which is somewhere in the middle for a compromise.
4. Section 70-66 (d) (a) Auto body shops, auto repair facilities, and repair facilities for recreational vehicles that require registration, and that otherwise meet the definition and requirements of home occupations...

Discussion included the following:

- a. Mrs. Paradis asked about other vehicles not on the road, like lawnmowers.
 - b. Mr. Ganong suggested repair facilities for recreational vehicles since they are registered so what's left are only small engine stuff. He suggested this phrase be used throughout the document wherever needed.
5. Section 70-66 (d) (2) c. There shall be no vehicle, equipment or parts of any nature stored outside overnight.

Discussion included the following:

- a. After much discussion, Mr. Fellows suggested no overnight temporary storage outside.
 - b. Mrs. Bunker clarified the board's direction included parts as well. No objections noted.
6. Section 70-66 (d) (2) g. Auto body shops, auto repair facilities, and repair facilities for recreational vehicles that require registration ...Operations that are not in compliance with subsections a through f above shall be grandfathered for a period of 3 years from the effective date of this ordinance, at which point they shall be required to come into compliance with the criteria for home occupations as established in this ordinance, or else discontinue use or come into compliance with the regulations for the specific zoning district...

Discussion included the following:

- a. Mrs. Bunker asked the board whether they wanted to handle this as grandfathering only or requiring compliance after a certain period. She indicated Topsham had moved towards compliance. The number of years can range from 10 years to 2 years from the effective date. This would be the window you have to make existing businesses comply.
 - b. Mrs. Paradis suggested four years, indicating that 10 years would be too long. She said if you can't comply then you need time to move your business into a commercial property, whether that be rented or purchased.
 - c. Mr. Lunt asked for a list of businesses that this would effect. He asked who will have to get into compliance.
 - d. Mr. Fellows pointed out that this section in the ordinance will be the backing needed for compliance. He said you can get a permit for existing business that comply since those will not need to be reviewed. He suggested the board compromise and go with three (3) years. No objections noted. Mr. Fellows pointed out the waiver in Section 4 on page 4 indicating there needs to be good criteria here.
 - e. Mrs. Bunker pointed out that any condition is reviewable for a conditional use permit.
 - f. Mr. Ganong suggested eliminating Section 4 on page 4. He said the board could always add it at a later date. He said he could not see how not having it in there would create an undue burden.
 - g. Mrs. Bunker said she would lean towards eliminating this section at this point as well. No objections were noted.
7. Section (e). Permits for home occupations shall expire if there is a change in ownership of the property, at the time of change of ownership [moved paragraph to top of this section]. Permits for home occupations under part (c) above shall not expire, unless there is a change in property ownership, but are subject to review by the Code Enforcement Officer...

Discussion included the following:

- a. Mrs. Bunker said the Town Attorney suggested adding in who is reviewing the permit and that if there is a change in ownership and appearance that the CEO recognizes then the CEO can refer it to the Planning Board.
 - b. Mr. Fellows said the permit should expire if there is a change in ownership of the property.
8. Section 70-1 Definitions. Home Occupation means ... 2) Carried on by an individual residing in the dwelling unit; ...

Discussion included the following:

- a. Mrs. Bunker said carried on by a member of the family may not work here.
- b. After much discussion, Mr. Fellows suggested changing it to resident of the dwelling. No objections noted.

Seeing no further comments, Mr. Fellow suggested a main motion would be in order and then the board could set a tentative date for the public hearing.

VOTE (2012-24) Mr. Ganong, seconded by Mr. Lunt moved to accept the above revisions to Home Occupations as revised tonight.

PUBLIC COMMENTS: Steve Warren asked about goods and services sold in Section (a) (2) that was moved to (3) now. He suggested it be for incidental products instead of those produced on site.

Mr. Fellows suggested eliminating that section. Mr. Ganong agreed to change the language to limit those produced on the premises or to those directly related to or incidental to the home occupation.

VOTE (2012-25) Mrs. Paradis, seconded by Mr. Lunt moved **Amendment #1** to make Section (2) now (3) read: The sale of goods, merchandize or products shall be limited to those produced on the premises or those directly related to and incidental to the home occupation. **Amendment passed - Vote 3-2 (Opposed: Ganong, Nezol)**

Main Motion as Amended #1 passed - Vote 4-0-1. (Abstained: Nezol)

NEW BUSINESS

(Item moved to the end of the meeting)

CODE ENFORCEMENT OFFICIAL BUSINESS

Mr. Cote said he expected a couple of conditional use permit application for the next meeting. He indicated there may be a third as well.

PLANNING ASSOCIATE OFFICIAL BUSINESS

UPDATE ON COUNCIL/PLANNING BOARD MASTER PLANNING WORKSHOP WITH TOWN COUNCIL

Mr. Fellows indicated that Mrs. Bunker, Mr. Benson, Mr. Eldridge and he met today to go over the results from the Town Council workshop discussion. He mentioned that after the Town Council workshop there seemed to be some confusion about what we are attempting to accomplish. He said that workshop addressed mostly the procedural steps to get where we are going; however, we need to get more of an indication about where we are going and how we are we going to get there.

Mrs. Bunker said it is unclear as to why we are doing this process and what the end result will be. This is not a repeat of what's been done already, because the previous visioning sessions will be incorporated; however, it is the process of taking the next step. What's missing is after you get the good idea; there is nothing saying this is how you do it and who will do it.

Mr. Lunt said Monmouth finished their Master Plan a few years ago, but there's no money to implement it. It's a blue print, a guide to show you where you are going and what it will look like. Mr. Fellows said the Comprehensive Plan contains only the ideas.

Mr. Ganong said he got the impression from the Council that they value achieving a united entity, eliminating the Lisbon/Lisbon Falls distinctions and prefer to see us somehow connect these two areas visually into one entity. He mentioned the biggest goal was to improve the overall way our town looks.

Mrs. Bunker pointed out that even though our economy is not doing well that there are many things that can still be done that should not take a lot of money. Even if we identify a handful of these things along the way, we will see a benefit. There are a lot of things to do that are relatively quick and easy. There is a benefit from having a plan in place when businesses are looking for space so you can say, yes we have a spot that's perfect for you, you will fit in very nicely, and that will complement our plan. Maybe you are asking MDOT for money to improve a road and you can say, yes we have a plan and it's reasonable so they become more willing to participate. She said grants are easier to obtain when you can demonstrate the community support through its Master Plan. It provides evidence and makes the case about whether something fits into the community's vision. It demonstrates that we know what we want and its going to cost this much money and we want some of your to help us do it.

Mr. Fellows thanked Mrs. Bunker for the update.

OTHER BUSINESS

ATRC UPDATE

Mr. Fellows briefly mentioned he attended the last meeting. He mentioned they talked about the bike trail. Mr. Ganong said connecting the bike trail to Lewiston will take more than just paint, but can be considered low hanging fruit in our Master Plan. Mrs. Bunker said we need to get this stuff down on paper and have it ready when the right opportunities come along.

NEW BUSINESS

PLANNING BOARD STEERING COMMITTEE MEMBERS

Mr. Fellows said the first new item is to designate two members to serve on the Steering Committee. He asked for volunteers to make a commitment to attend every meeting. Mr. Ganong and Mr. Lunt volunteered. Mrs. Bunker said other Planning Board members are welcome and should come, but when Mr. Ganong or Mr. Lunt cannot make a meeting another board member should fill in.

TENTATIVE MEETING SCHEDULE

Thursday, December 27, 2012 - No Meeting

Thursday, January 10, 2013 - Steering Committee 6:00 p.m.

Thursday, January 10, 2013 - Regular Meeting 7:00 p.m. [Potential Public Hearing for Ordinance]

EXECUTIVE SESSION - NONE

ADJOURNMENT

VOTE (2012-26) Mr. Ganong, seconded by Mrs. Paradis moved to adjourn [workshop postponed] at 9:20 p.m. **Order Passed 5-0.**

Twila Lycette, Town Clerk/Recorder

Date Approved: January 10, 2013

These minutes are not verbatim. A recording of the meeting is on file.