

Minutes of Planning Board Meeting
Aug 25, 2007
Frye Island Community Center

The meeting was called to order by Chairman Dave Treacy at 8:30 a.m.

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

Ed Johnson moved to accept the minutes of the 8/18/07 meeting, seconded by Steve Kaplan.

OLD BUSINESS

Shoreland zoning

Definition of the Normal High Water Line.

As requested at our 8/18/07 meeting, Paul White presented supporting documentation from DEP and a hand out showing the new language proposed for the Town of Frye Island ordinance (article III ; Section 101-III -17 under definitions) to justify changing the language defining the high water elevation to 266.5 ft in the Frye Island ordinance. Marge Hommel made a motion that the change be accepted and used after the public hearing. Motion was seconded by Ed Johnson – all in favor.

On 8/18/07 the Planning Board discussed and enhanced an ordinance recommended by the Appeals Board to reduce the number of appeals due to inappropriate property line set backs. Sam Donio proposed restructuring the format for greater clarity as follows:

Any new construction or change to an existing footprint which will require a building permit will require a certified property boundary survey before construction commences unless based upon the Code Enforcement officer's assessment, there is sufficient space and accuracy of the monuments. Any lot/construction not requiring a survey will be confirmed in writing by the CEO.

A motion was made by Steve Kaplan to present the ordinance at the public hearing as presented. Motion was seconded by Sam Donio – All in favor.

Amendments Guidelines for Municipal Shoreland Zoning

Paul White distributed the State of Maine shoreland guidelines which mandate that we must update our shoreland zoning as of 5/01/08. Any changes will have to be approved by DEP. The discussion of the Board is as follows:

Non - Conforming Structures 101 – III – 12

There was a question regarding expansion of a structure as of 1989.

It was proposed to change the language in C1-B to make it clear that if there had been an expansion of 30% since 1989 then no further expansion would be allowed.

Reconstruction or Replacement

Marge Hommel proposed that Section 101-III-12C-3c be amended to allow 18 months to obtain a building permit if a structure is damaged 50% or less.

Ed Johnson seconded the proposal- All in favor.

Table of Land Uses

Steve Kaplan proposed that that Section 101-III-14 Table of Land Uses be amended by removing #24 which requires a permit for temporary structures.

Table Notes 101-III-14

Re: Note 4- Marge Hommel voiced her concern that removing the current language would limit access to the water's edge. Paul White responded that under section 15 (G) (3) access would be allowed with Planning Board approval.

Section 101-III-15N- Clearing of Vegetation

Paul Peterson suggested that the regulation for cutting of trees needs to have more "teeth" to make cuttings more restrictive and to prevent violations of cuttings in the buffer strip (100' from the NHWL)

Reconsiderations

Marge Hommel questioned whether or not that under 101- III – 16 I , 5 reconsiderations the 10 day requirement to make application for the appeals process for shoreland zoning should also apply to article one (inland) 101- I-14- F4. She also wanted to know if the 45 day requirement was per state statute? Paul White agreed to verify.

Definitions

Ed Johnson proposed the definition of driveway read as follows: A vehicular access way less than 500 ft. in length serving one (1) or two (2) dwellings and / or one (1) or two (2) lots or combination thereof (deleting the phrase of one (1) two family dwelling).

Marge Hommel proposed removing two definitions: Residential Basal Area and Residual Stand as they relate to timber harvesting which is prohibited on Frye Island.

Ed Johnson made a motion that the definition of “Structure” remain unchanged to allow for dog houses, tree houses etc. The motion was seconded by Marge Hommel. The motion was defeated with a vote of two in favor and three opposed.

Permits for Temporary Structures, especially Docks

As requested at the 8/18/07 meeting Paul White submitted documentation verifying that the Town does have the option not to regulate temporary docks. Following a discussion of the pros and cons Ed Johnson made a motion that the Town choose not to regulate temporary structures by “opting out” per DEP guidelines Note 17 which allows for non regulation of temporary structures, thus allowing temporary docks without permitting. Motion seconded by Steve Kaplan. The motion was defeated with a vote of two in favor and three opposed.

New Business

Ordinance for all Town Fees

Wayne Fournier suggested that the Town adopt a fee ordinance. He reviewed several surrounding Town ordinances regarding fees and felt that Raymond’s language and format best met our needs.

The Planning Board felt that the Board of Selectmen should have the authority to set the fees and suggested Raymond’s language be used.

Dog Control Ordinance

Wayne Fournier presented a proposed Dog Control ordinance hand out followed by a discussion of its contents.

Ed Johnson made a motion that the Dog Control ordinance be scheduled for the Public Hearing. Sam Donio seconded the motion. Unanimously approved.

Discussion Related to Public Hearing.

A discussion took place as to the Public Hearing. It was motioned by Sam Donio and seconded by Dave Treacy that the Planning Board present the Shoreland Zoning Amendments at the 9/08/07 Public Hearing. The motion passed with three in favor and two opposed.

Future Meetings

Saturday, September 8, 2007 at 8:30 a.m. at the Community Center: The Public Hearing followed by a regular meeting of the Planning Board.

Ed Johnson made a motion to adjourn the meeting. Motion seconded by Steve Kaplan – All in favor.

Meeting adjourned at 11:30 a.m.

ATTENDEES

NAME	LOT #
Wayne Fournier (Town Manager)	1113
John Nun (Chair of the Board of Selectmen)	269
Bob Sutherland (Chair of the Comp. Plan Committee)	31
Mike Ossi	1680
Ron Cedrone	85
Nancy Donio	859

Respectfully submitted,

Inez (Smitty) Kaplan
Recording Secretary