

Town of Arrowsic
Minutes of Planning Board Meeting
March 1, 2021 at ~ 7:05 PM | Video Conference via Zoom

Attending: Jennifer Geiger (PB Chair); Matt Caras (PB Secretary); Roger Heard (PB); Vicky Stoneman (PB); Stan Lane (PB); Chris Wilcoxson (CEO); Mike Kreindler (former CEO); Phine Ewing (Town resident).

Approval of Minutes

The Board reviewed the Minutes of its February 1, 2021 Meeting. Subject to a revision noting that the Planning Board Chair would seek advice from the Town's attorney regarding Zoning Ordinance Section 1.3.3.2, upon motion to approve by Roger Heard, which was seconded by Vicky Stoneman, the Board approved the Minutes of its February 1, 2021 Meeting (all voted in favor).

Status of Final Version of Zoning Ordinance, as Amended June 13, 2019

Jennifer Geiger reported that the final version of the Zoning Ordinance, as amended June 13, 2019, is complete; it will go to printing and be posted on the Town's website. Mike Kreindler noted that he would provide select annotations to this final version for use by Chris Wilcoxson.

Maine Municipal Association Workshop

Jennifer Geiger reported that she and Vicky Stoneman attended a recent Maine Municipal Association Workshop for Local Planning Boards and Boards of Appeal. Jennifer and Vicky discussed various issues covered during the Workshop, and noted that the Workshop was worthwhile and informative.

A recommendation made at the Workshop is that Planning Board members, where it is available, use Town email addresses for Planning Board purposes and communications, as opposed to personal or business email addresses. After Planning Board members in attendance stated that they favor this approach, Jennifer stated that she will talk with Walter Briggs, Select Board Chair, about establishing a Town email address for each Planning Board member.

Zoning Ordinance Section 1.3.3.2

At the Planning Board's regularly scheduled meeting on February 1, 2021, Chris Wilcoxson, CEO, requested input from the Planning Board regarding the interpretation of Section 1.3.3.2 of the Zoning Ordinance. There was discussion regarding the distinction, if any, between a non-conforming use and a non-conforming structure within the context of Section 1.3.3.2's prohibition on the "resumption of use of a residential structure" where the "structure has [not] been used ... for residential purposes during the preceding five-year period." Some confusion naturally exists because, in the Zoning Ordinance's definitions, there is a definition of "Non-conforming Buildings and Uses" which does not distinguish between non-conforming structures and non-conforming uses. At the conclusion of the discussion of this issue at the February 1 meeting, it was decided that the Planning Board Chair would seek advice from the Town's attorney regarding this Section 1.3.3.2 issue.

The Planning Chair did consult with the Town's attorney. In summary, the Town's attorney advised the Planning Board as follows: (a) Notwithstanding the Zoning Ordinance's definition of "Non-conforming Buildings and Uses," the Board should distinguish between non-conforming structures and non-conforming uses; (b) Section 1.3.3.2 addresses non-conforming uses, as opposed to non-conforming structures; and (c) Section 1.3.3.2's prohibition on the "resumption of use of a residential structure" where the "structure has [not] been used ... for residential purposes in the preceding five-year period" is not applicable where there exists a non-conforming structure but not a non-conforming use.

CEO Discussion

Chris Wilcoxson, CEO, reported that permitting activity has been brisk. He also raised a question related to the Planning Board's role in reviewing proposed revisions to approved subdivisions. In late 2017, the Planning Board addressed this question. At that time, the Chair of the Planning Board consulted with the Town's attorney, who advised the Board that: (a) the Board has jurisdiction with respect to a proposed revision to an approved subdivision plan; and (b) the Board should *review* a proposed revision to an approved subdivision plan. Counsel advised the Board to do so notwithstanding that, in many instances, there may be no formal application before the Board with respect to the proposed revision to the approved subdivision. Furthermore, counsel advised that the Board limit its review to the review criteria set forth in Section 2 of the Arrowsic Subdivision Ordinance, and make no determination as to whether: (a) the Subdivision Ordinance requires review pursuant to Section 8.4; or (b) the Subdivision Ordinance requires compliance with Section 8.4. Counsel confirmed that this approach is consistent with the "majority view" in the State of Maine. For reference, see Minutes of November 6, 2017 Planning Board Meeting. Since 2017, this is the approach that has been taken by the Planning Board when addressing proposed revisions to approved subdivisions.

It was decided that the Planning Board Chair will follow up with the Maine Municipal Association or the Town's attorney to confirm that the approach articulated in the immediately preceding paragraph is still the "majority view" in the State of Maine.

Adjourned at about 9:00 PM.