

**Town of Arrowsic
Minutes of Planning Board Meeting
March 6, 2023 at ~ 7:00 PM
Video Conference via Zoom**

Attending: Jennifer Geiger (PB Chair); Matt Caras (PB Secretary); Roger Heard (PB); Vicky Stoneman (PB); Jim Davis (PB); Joe Bonnett (PB alt); Chris Wilcoxson (CEO); Mike Kreindler (resident and former CEO); Karin Sadtler (resident); Eloise Vitelli (resident and Maine Senate, joining from 7:05 PM to 8:05 PM).

Approval of Minutes

The Board reviewed the draft Minutes of its December 12, 2022 Meeting. Some Planning Board members were confused by a reference to “more than 90 days” in the draft Minutes, and were unable to put the phrase in the context of the December 12 Meeting. Also, there was no reference to the phrase in that portion of the December 12 Meeting that was recorded. Therefore, it was decided to delete the phrase, and the paragraph of the draft Minutes in which it appeared. Upon motion made by Roger Heard, which was seconded by Vicky Stoneman, the Planning Board approved the draft Minutes of its December 12, 2022 Meeting, as amended by deleting the above-mentioned paragraph (all voted in favor, to wit: Geiger, Caras, Heard, Stoneman and Davis).

The Board reviewed the draft Minutes of its January 5, 2023 Meeting. Upon motion made by Roger Heard, which was seconded by Vicky Stoneman, the Planning Board approved the draft Minutes of its January 5, 2023 Meeting (all voted in favor, to wit: Geiger, Caras, Heard and Stoneman, with the exception that Davis abstained on the stated basis that he did not attend the January 5, 2023 Meeting).

There was no Planning Board meeting in February 2023. Therefore, consistent with recent past practice, it will be noted in the Town’s record that no meeting was held in February.

LD 2003

CEO Chris Wilcoxson reported that on March 1 there was a statewide public hearing on rulemaking related to LD 2003. Eloise Vitelli noted that the period for public comment on rulemaking related to LD 2003 expires on March 15. Chris Wilcoxson further reported that: (1) Allison Hepler (Maine State Representative (Woolwich)) has sponsored a bill, LD 665, proposing an extension of time for municipalities to comply with LD 2003 from July 1, 2023 to July 1, 2025; (2) another relevant bill, LD 214, proposes that LD 2003 apply only to municipalities with a population of greater than 10,000; and (3) neighboring Georgetown has taken the position, set forth in public comment, that LD 2003 should not be applicable to municipalities with a population of fewer than 4,000.

At the Planning Board’s January 5, 2023 Meeting, there was considerable discussion of a document with draft language prepared by Kristin Collins, Arrowsic’s legal counsel, for consideration by the Planning Board in connection with ongoing efforts to comply with LD 2003. That document was titled DRAFT Proposed Amendments to Arrowsic Zoning Ordinance re: ADU/short-term rental 12/30/22 (the “Collins 12/30 Document”). The Collins 12/30 Document was a second draft, prepared by Kristin Collins after an exchange between Kristin and the Planning Board Chair following the first draft. Following the January 5, 2023 Meeting, there was further discussion between Kristin Collins and the Planning Board Chair regarding the Collins 12/30 Document, including potential alternative amendment provisions for the Planning Board to consider. These alternative provisions were presented by the Planning Board Chair at this meeting (the “3/6 Document”).

There was considerable discussion of the 3/6 Document, including the following.

- All Planning Board members appear to be in agreement that permitting of accessory dwellings should be by the Planning Board, as opposed to the CEO.
- There was considerable discussion of the issue whether Arrowsic should apply its minimum lot size requirement for dwelling units to accessory dwellings (*i.e.*, equal to or greater than two times the applicable minimum lot size requirement as set forth in Table III of the Ordinance). The Planning Board Chair reported that Kristin Collins, since her presentation to the Planning Board on December 12, 2022,

has suggested that, notwithstanding certain language in LD 2003, Arrowsic's application of its current minimum lot size requirement to accessory dwellings might be challenged. For this reason, and because the intent of LD 2003 is to require municipalities to accommodate accessory dwellings, several Planning Board members expressed an interest in relaxing Arrowsic's minimum lot size requirement for accessory dwellings so as to accommodate, for example, the needs of residents and their families as they age. These members prefer an alternative provision, referred to as ALT #1, that accessory dwellings would not be permitted on non-conforming lots but that the minimum lot size requirement for dwellings would not apply to accessory dwellings. Others in attendance expressed reservations about abandoning Arrowsic's minimum lot size requirements in the case of accessory dwellings because, among other things, Arrowsic's minimum lot size requirement is critical in maintaining the rural character of the Town and because it remains unclear whether LD 2003 requires Arrowsic to disregard its minimum lot size requirement for accessory dwellings. Ultimately it was decided to take a formal vote on this issue, even though it is not binding on the Town in any fashion but rather intended to provide the basis to submit an LD 2003 amendment to the Select Board for its consideration. Upon motion made by Roger Heard for adoption of ALT #1, which motion was seconded by Vicky Stoneman, adoption of ALT #1 was approved (Heard, Stoneman and Davis voting in favor, and Caras opposed).

- LD 2003's requirement that accessory dwellings must comply with a municipality's shoreland zoning was discussed and acknowledged. All Planning Board members agree that, even though this is expressly provided for in LD 2003, Arrowsic should expressly include it in the LD 2003 amendment to its Ordinance.
- Short term rental of accessory dwellings has been a subject of considerable discussion at the State level, in large part because it is inconsistent with the purposes of LD 2003 to rent accessory dwellings on a short term basis. As a general matter, members of the Planning Board who favor relaxing Arrowsic's minimum lot size requirement for accessory dwellings to accommodate the personal needs of residents and their families, favor a prohibition on the short term rental of accessory dwellings. Others favor a prohibition on the short term rental of accessory dwellings because 190 SF dwelling units likely lend themselves to short term rentals, rather than the objective of providing more permanent housing. Some generally object to restrictions on the short term rental of any dwelling, including accessory dwellings. By the end of this discussion, it was the general view of all members of the Planning Board that the Town's LD 2003 amendment to its Ordinance should expressly prohibit the short term rental (*i.e.*, less than 90 days) of accessory dwellings.
- Finally, there was considerable discussion of the proposed new definition of Commercial Use as set forth in the 3/6 Document, which includes some restrictions on the short term rental of any dwelling unit (not just accessory dwellings). There was some discussion of whether the limitations are too restrictive, and some discussion whether they should be made more restrictive by adding a requirement that a short term rental of any dwelling unit is permitted only where the dwelling that is rented is in fact occupied by the owner of the principal dwelling at the time of the short term rental.

Next Steps on a Proposed LD 2003 Amendment

Following this meeting, the Planning Board Chair will circulate to Planning Board members a draft proposed LD 2003 amendment reflecting what appears to be the view of the majority of the Planning Board members and others in attendance at this meeting (the "Proposed Amendment"). It will be reviewed by Planning Board members prior to a special meeting of the Planning Board to be held at 7:00 PM on March 13. The purpose of the March 13 meeting is to determine whether the Planning Board wishes to submit the Proposed Amendment to the Select Board for its consideration.

Adjourned at a little after 9:30 PM