

Town of Arrowsic
Minutes of Planning Board Meeting
November 1, 2021 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); Chris Wilcoxson (CEO); Mike Kreindler (Deputy CEO).

Approval of Minutes

The Board reviewed the draft Minutes of its October 4, 2021 Meeting. Two revisions were proposed. Upon motion by Roger Heard, which was seconded by Vicky Stoneman, the Board approved the Minutes of its October 4, 2021 Meeting as revised (all voted in favor).

Discussion Regarding Short Term Rentals

The Planning Board has discussed short term rentals in the past, most recently at its September 9, 2021 and its October 4, 2021 meetings. At these meetings, there has been considerable discussion about the developing need to implement a regulatory framework to define, address and manage short term rentals in Arrowsic. CEO Chris Wilcoxson has received questions from potential buyers of real estate in Arrowsic regarding short term rentals, including whether they are subject to provisions in Arrowsic's Ordinances. There has been uncertainty in Chris' mind as to whether, for example, Arrowsic's provisions regulating home businesses are applicable to short term rentals. Subsequent to the Planning Board's September 9, 2021 meeting, Chris had a discussion with the Town's legal counsel about whether short term rentals are a residential use of property or a commercial use of property. Counsel said that they are typically considered a residential use of property, but that in some instances they may be a commercial use of property. There is the related question whether the activity of renting real estate on a short term basis constitutes a business activity. Chris also expressed concerns with plumbing and septic as they relate to short term rentals.

The sentiment of the Planning Board, the CEO and the Deputy CEO is that Arrowsic's Ordinance should be revised to include provisions defining short term rental, and provisions regulating them. There was discussion about proposing such revisions for approval at Arrowsic's 2022 town meeting. Initially, however, the Planning Board Chair will seek advice from the Town's legal counsel about the legal, and most appropriate and effective, way for Arrowsic to define and regulate (including through restrictions) short term rentals, and how such regulation can be achieved in a way that doesn't impose an undue burden on the CEO.

Discussion Regarding Timber Harvesting

As was the case at its October 4, 2021 meeting, the Planning Board discussed Arrowsic's approach to timber harvesting, which appears to be frowned upon as too restrictive by those involved in the timber harvesting industry in Maine. In particular, the Planning Board discussed L.D. 1407, which requires "the Director of the Maine Forest Service within the Department of Agriculture, Conservation and Forestry [to] convene a group of stakeholders, including, but not limited to, organizations representing municipalities, family woodland owners, logging contractors, farmers, outdoor recreation and environmental interests and consulting foresters who work in multiple municipalities, to review and assess the law in the Maine Revised Statutes, Title 12, section 8869, subsection 8 and the corresponding process relating to a municipal proposal to adopt or amend a timber harvesting ordinance." Deputy CEO Mike Kreindler provided background on Arrowsic's historical approach to timber harvesting, which approach is incorporated into Arrowsic's Ordinances. In the past, Maine Tree has criticized Arrowsic's restrictions on timber harvesting as they apply to the Holt Research Forest. Mike attended a meeting of stakeholders, and described to the Planning Board the strong objection by the timber harvesting industry generally to the approach of Arrowsic, which doesn't distinguish between the removal of vegetation and timber harvesting. The timber harvesting industry, and some other stakeholders, are advocating for towns to

adopt the “Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas,” so called, as those standards are set forth in Chapter 21; and they are advocating for towns to turn over enforcement of the Standards in part or entirely to the Maine Forest Service.

There may be legislation proposed in 2022 that may require Arrowsic to consider, or reconsider, its approach to timber harvesting. Mike suggested that the Planning Board may want to have a conversation with Rebecca Graham, a legislative advocate for MMA who has been involved with L.D. 1407’s stakeholder group.

Expansions of Non-Conforming Structures

Mike Kreindler described the State’s current position that towns such as Arrowsic that have not adopted the 2015 footprint standards of the Mandatory Shoreland Zoning Act, but rather are using area and volume standards for expansions of non-conforming structures, must review a proposed expansion under the town’s ordinance and the 2015 footprint standard, and apply the more restrictive standard to the proposed expansion. This issue will be discussed at the Planning Board’s December 6, 2021 meeting.

Finally, Planning Board members expressed sadness over Dick Elwell’s recent passing, and acknowledged the monumental contribution that Dick has made to Arrowsic over the years.

Adjourned at about 9:00 PM