

**Town of Arrowsic**  
**Minutes of Planning Board Meeting**  
**December 12, 2022 at ~ 7:00 PM**  
**Video Conference via Zoom**

Attending: Jennifer Geiger (PB Chair); Matt Caras (PB Secretary); Roger Heard (PB); Vicky Stoneman (PB); Joe Bonnett (PB alt); Mike Kreindler (resident and former CEO); Walter Briggs (First Selectperson); Kristin Collins of PretiFlaherty (Town's Legal Counsel); Karin Stadtler (resident); John Biehler (resident).

Recording: While the entire Meeting was not recorded, the latter majority of the Meeting was recorded. No person in attendance objected to being recorded.

Approval of Minutes

The Board reviewed the draft Minutes of its November 7, 2022 Meeting. It was noted that, at the November 7 meeting, there was a threshold discussion about whether discussion of short term rentals should, at the November 7 meeting, be limited to short terms rentals in the context of LD 2003 or be discussed in the broader context of the regulation of short term rentals as applicable to any dwelling unit in Arrowsic. This threshold discussion was not referenced in the draft Minutes of the November 7 meeting, and all agreed that the Minutes should be revised to include reference to this threshold discussion. Upon motion made by Roger Heard, which was seconded by Joe Bonnett, the Planning Board approved the Minutes of its November 7, 2022 Meeting (all voted in favor), as amended as set forth above and with the correction of two typographical errors.

LD 2003

As noted above, Kristin Collins of PretiFlaherty, Arrowsic's legal counsel, was in attendance to provide the Planning Board with guidance with respect to the way in which the Town should approach its efforts to comply with LD 2003 (which legislation is found in Title 30-A of the Maine Statutes).

Initially, Kristin provided a general overview on select topics.

- If any town takes action under its ordinance and such action is in conflict with LD 2003, the town's ordinance is invalid.
- If any town is not in compliance with LD 2003, and a person wants to create an accessory dwelling unit that is not permitted by the Town's ordinance, the Town must review the matter under the provisions of LD 2003 (as opposed to its ordinance).
- Arrowsic's ordinance requires a minimum lot size to create an accessory dwelling unit. This requirement is not in conflict with the provisions of LD 2003. In other words, Arrowsic can, notwithstanding LD 2003, continue to require a minimum lot size for accessory dwelling units, provided Arrowsic requires the same minimum lot size for any dwelling unit, *i.e.*, provided the ordinance does not discriminate against accessory dwelling units with respect to its minimum lot size requirement.
- Arrowsic's general approach to compliance with LD 2003 can consist of the following: (a) define accessory dwelling unit; require planning board approval of accessory dwelling units as defined; prohibit short term rentals of accessory dwelling units as defined (and Kristin recommends defining a short term rental in the context of accessory dwelling units as a rental for less than 90 days); and require compliance with regulation related to, among other things, wastewater, septic, plumbing, electrical, potable water.
- A town may create a maximum size for accessory dwelling units, even if that same maximum size does not apply to other dwelling units.

There was discussion of maximum and minimum sizes for accessory dwelling units. No general conclusion was reached, but it appears that Planning Board members favor a maximum size for accessory dwelling units. It also appears that Planning Board members favor a minimum size for accessory dwelling units, and favor a minimum size that is not less than the ordinance's minimum size currently applicable to all dwelling units. It was noted, however, and confirmed by Kristin, that the ordinance will likely need to address new state provisions for "tiny homes."

There was some discussion related to enforcement, *e.g.*, where an accessory dwelling unit is approved but the owner uses it as a short term rental in violation of the approval and/or the ordinance. It was the general view of the Planning Board that enforcement should not be a concern. Rather, the Planning Board should state the policy to which it on behalf of the Town aspires regarding accessory dwelling units, hold one or more workshops open to residents, and then present its recommendations at Town Meeting for approval by the Town.

Kristin was asked whether, with respect to the issue of short term rentals, the Planning Board's actions are vulnerable to criticism where such actions may be influenced by a member of the Planning Board who may have a proprietary interest in the outcome of the Planning Board's actions with respect to the issue. Kristin stated that it is well established that a planning board member may participate in the discussion of and the voting on any issue notwithstanding a potential conflict of interest, but that the potential conflict of interest should be disclosed.

Next steps were discussed with Kristin. Kristen will provide the Planning Board with sample ordinance language that she recommends and that would: (a) satisfy the objectives discussed by the Planning Board at the Meeting; and (b) put Arrowsic in compliance with the requirements and provisions of LD 2003. Kristin will provide this sample ordinance language prior to January 5, 2023, which is the next scheduled meeting of the Planning Board.

Adjourned at about 8:53 PM.