

Town of Arrowsic, Maine

Planning Board Meeting

February 3, 2014

(as approved 3/3/14)

Board Members Present: Chairman Will Neilson; Roger Heard; Matt Caras; Jennifer Geiger; and Geoffrey Cartmell. Also present, an interested member of the public: Miss Layla.

7:05 pm Chairman Neilson called the meeting to order.

Copies of the January 2014 meeting minutes were handed out & reviewed by the group. Matt suggested the deletion of one line of text which was agreeable to all. Roger moved to accept the minutes as amended, Geoffrey seconded, and all voted in favor.

Consideration was given to submissions from three members of the Board. Matt Caras provided some clarity on the definition of a "residential dwelling unit" vs. a "dwelling", specifically as defined by the State of Maine (memorandum attached), and in the Town of Arrowsic ordinance booklet. Mike Kreindler, CEO (not present for the meeting) provided some discussion which originated with the Maine Building Officials as well as the Maine Uniform Building Code, in relation to our discussion of "dwellings". Don Kornrumpf (also unable to attend the meeting) provided some excerpts from the Town of Shelter Island Town Code as an additional example of discussion of the term "dwelling" in another municipality.

Essentially, the group decided that the Town of Arrowsic has the same definition of a "dwelling unit" as the State of Maine, and that there is no sense in deviating from that. The best approach for us therefore seems to be Matt's "Alternative #2", that wherever the term "dwelling" is used, reference and include the definition of a "residential dwelling unit", plus a cross reference in our ordinance booklet to refer to the definition of a "dwelling".

Chairman Neilson said he would entertain a motion to adjourn the meeting. Roger so moved, Jennifer seconded, Layla woofed, and all voted in favor. 7:40 pm the meeting adjourned.

GC

TO: Planning Board Members
FR: Matt Caras
DA: January 31, 2014
RE: Dwelling Unit

Issue Presented: In our Zoning Ordinance, the definition of “residential dwelling unit” is important. Our definition is identical to the State’s definition in its Guidelines for Municipal Shoreland Ordinances (the “Model Ordinance”). Unlike the Model Ordinance, however, our Ordinance also provides a definition of “dwelling.” Our definition of “dwelling” contains less detail than our definition of “residential dwelling unit.” When reading the text of our Ordinance and coming upon the term “dwelling,” or “dwelling unit,” one might naturally refer to the definition of “dwelling” but not the definition of “residential dwelling unit.”

Discussion: Like the Model Ordinance, our Ordinance distinguishes between a “dwelling” and a “dwelling unit.”¹ The difference is that a “dwelling” can be single-family or multi-family, whereas a “dwelling unit” refers only to a single-family dwelling, *i.e.*, one dwelling unit.² I don’t find ambiguity in our Ordinance with regard to the distinction between a “dwelling” and “dwelling unit.” And in Arrowsic, a “dwelling unit” and a “residential dwelling unit” are, for all intents and purposes, the same.

That said, it is important that the reader of our Ordinance understand what constitutes a “dwelling unit,” because in many instances requirements under our Ordinance are on a per-“dwelling unit” basis. This objective should be balanced by a policy mandating that revisions to our Ordinance be made only if necessary. In this instance, the need for revision arises not from an ambiguity or a substantive deficiency; rather, the need arises from a desire to enhance one’s ability to access and use our Ordinance’s defined terms.

Recommendation: The defined terms in our Ordinance are in alphabetical order. Because our Ordinance uses the term “dwelling unit” to mean “residential dwelling unit,” and because most people assume a “dwelling” is “residential,” one is likely to look for the word “dwelling” in our definitions. It strikes me that the way we can best enhance our Ordinance with as little disruption as possible is to do one of the following.

Alternative 1. On page 46 of our Ordinance, where “dwelling” is defined, reference the definition of “residential dwelling unit.”

Dwelling: A place of abode, a structure occupied as a residence as distinct from a store, office, or other building. **[NOTE: Refer to the definition of “Residential Dwelling Unit.”]**

Single Dwelling: A place of abode for a single family in one principal structure.

Multiple Dwelling: A place of abode for two or more families in one or more principal structures.

¹ The terms, “unit” and “structure,” are broader than the term “dwelling unit.”

² The Model Ordinance, while using the term “single family” several times, refers in its definitions to “multi-unit” (“a residential structure containing ... residential dwelling units”). Our Ordinance, on the other hand, defines “single dwelling” and “multiple dwelling,” with the difference between the two terms being that a “single dwelling” is a “place of abode for a single family in one principal structure.” Under our Ordinance, a “single dwelling” appears to be

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Alternative 2. On page 46 of our Ordinance, where "dwelling" is defined, reference and include the definition of "residential dwelling unit."

Dwelling: A place of abode, a structure occupied as a residence as distinct from a store, office, or other building.

Single Dwelling: A place of abode for a single family in one principal structure.

Multiple Dwelling: A place of abode for two or more families in one or more principal structures.

NOTE: Refer to the definition of "Residential Dwelling Unit," which provides that a "residential dwelling unit" is "a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units."
