

BOARD OF SELECTMEN

WORK SESSION

APRIL 4, 2019

MEMORIAL BUILDING

1:00 P.M.

The following are to be considered draft minutes until approved by the Board.

Dick called the work session to order at 1:00 p.m.

Selectmen present: Dick Hendl Chairman; Tamara Butcher and George McCusker.

Others present: Whit Smith, Bryan O'Day, Jill Hastings, Mike Howard, Ken Jacques, and Darrin Patten.

This work session was scheduled to continue the discussion from the March 25, 2019 Selectmen's meeting, regarding Zoning Permits and concerns raised regarding permitting of Home and Commercial Businesses.

Dick began by asking Whit the current process he follows when a Zoning Permit Application is filed.

1. Inquiry is usually made first at the Town Office regarding whether a permit is required. Applicants are referred to Whit if they have questions, or a completed application is handed off at the front desk, scanned and e-mailed to Whit.
2. The application is reviewed for reasonable completeness and determination of what is being requested.
3. Contact is made with the Applicant or their Agent via phone about the plan.
4. An appointment is made to meet the applicant and look at the property. The location of the proposed structure is staked out. Whit also looks at the ARC GIS mapping to get a rough idea as to the presence of wetlands. He visits every case to get a "lay of the land", including obvious business activity.
5. If everything looks in order regarding setbacks and wetlands issues, the process is straightforward. He uses the property lines in the ARC GIS system as a tool only and not an exact location, as most often the ARG GIS is not accurate. If property lines are very close, the property setbacks are measured with the applicant present. In most cases there are no issues with setbacks.
6. Files are then reviewed for completeness, scanned and sent to the Board of Selectmen for their information. If there is nothing outstanding and the Board has no comments, then typically after 48 hours the permits are signed by Whit, under the authority he has been given. If the Selectmen raise any questions, the process stops. If not, the permit is signed, the hard copy is returned to the office, and the applicant is notified accordingly.

7. In cases where further investigation is necessary, the Selectmen get involved. A referral is made as necessary to the Planning Board.

The current application has a line for proposed use and asks “BUSINESS YES NO”
“If yes, please ask Town Office Staff for Assistance”
“You may be referred to the Planning Board.”

When an application is made, Whit looks at the form. He does not take the question of business “at face value”. If they check yes, they are referred on accordingly. He estimates 30 to 35% of the time he asks the applicants if they are operating a business. He noted he has reviewed the applications he has been involved with. Of the 123 applications processed, less than 5 indicated a business. Half a dozen applicants checked no, and they may be conducting a business, but that has not been pursued.

Lengthy discussion followed. Mike Howard stated he has no problem with what Whit has been doing. He is concerned about site-plan non-compliance holding up the building process. “Where do we draw the line?” Ken Jacques stated the problem is there is no line. He suggested all business owners, including those with home occupations come before the Planning Board to get their business on file. Home Occupations, while not needing site plan, tend to grow and change. A baseline should be on file if changes occur. A zoning permit application, where it is obvious a business is taking place; raises awareness the property needs to be brought into compliance. Other comments: Since 1987 anyone operating a business is in violation. It is unfair to apply the law only to those who are applying to build something new. More public awareness is needed. The Planning Board has always worked as a “business friendly” board, assisting applicants through the process to forestall a business from outgrowing their location, and to minimize complaints from neighbors or the public, especially as neighbors have a tendency to change. There was discussion regarding compliance, and what would take place if businesses didn’t comply. A process needs to be developed and followed with a good paper trail. A Cease & Desist Order can be filed if it became necessary. Most in attendance agreed public awareness though an informal and educational process is key to making this successful. A lot of discussion took place how best to proceed with that. A letter of general circulation, advertising, public meetings and round-table discussions were some of the suggestions.

The Zoning Permit Application was reviewed, and suggestions were discussed as to how to improve the application form to gather the most useful information available at the time of application. In the meantime, the Board of Selectmen, upon creditable information that non-compliance may exist, will investigate further, and send a notice of violation to the property owner; corrective action to begin within 30 days. Tamara and Dick are in favor of this proposal. George stated he does not agree with the “pick and choose” that only those properties with complaints are the ones that have action taken.

Moving forward it was agreed:

1. Dick will check with Town Counsel for any legal recommendations
2. The zoning permit application will be revised
3. Inquiry will be made as to what other towns do
4. Continue work to develop a compliance process

Whit briefly touched on fees. The Board of Selectmen has the authority to set fees here in town. He recommends the fees be more standardized. Currently, fees are widely variable depending on the application being requested.

Dick will work on the application and contact the attorney. He will share what his findings are. Further discussion for a public awareness campaign will take place. Evidence of businesses use will be handled on a case by case basis until a more formal process is developed.

Other business:

Whit stated he forwarded an e-mail and a text message to the Board of Selectmen from Olivia Weathers about the impact the frequency and level of noise coming from Kennebec Lumber is having on her health. It seems the situation is worse instead of better. The Selectboard all stated they plan to take time to go to the site to listen. Dick would like to share this latest information with Scott Piper.

At 3:37 p.m. the meeting adjourned.

Submitted by,

Janet Roberts,
Administrative Assistant