

PLANNING BOARD

APRIL 18, 2019

MEMORIAL BUILDING

7:00 P.M.

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

Members present: Kevin Lee, Chairman; Peter Keene, Bryan O'Day, Darrin Patten, Ken Jacques, and George McCusker, Ex-Officio. Absent: Michael Howard.

Others present: Selectman Dick Hendl and Tamara Butcher, Tim Fraser, Corey Swenson, Becky Newcomb, Whit Smith, Pete Lacaille, Mike Beaulieu.

This meeting was called to order at 7:00 p.m.

Minutes of March 21, 2019: There were several corrections made. The amended minutes will be amended and reposted on the web. Bryan O'Day moved to approve the minutes as edited, seconded by Ken and unanimously approved.

At 7:05 p.m. Kevin opened the continued hearing for Bryan O'Day regarding his request to turn a single-family dwelling into a two-family dwelling on property he owns at 15 Stryker Road. Map 08; Lot 365-357. The dwelling is not owner-occupied. Bryan stepped down. At their March 21, 2019 meeting, the Board, after reviewing the February 21, minutes, did not recall if they had officially closing the public hearing. They thought they had but since it was unclear in the February minutes. They agreed at the March meeting to continue the hearing tonight which has been re-noticed accordingly. The Board discussed unfinished items. Ken Jacques recalled one condition from the ZBA was the need to show that a survey agreed with town records for a 2.49-acre lot. The Special Exception was contingent on Planning Board approval. Bryan submitted a copy of his survey, showing the 2.49 acres consistent with the tax map. Mike Howard had approved the survey and the Board agreed it met ZBA conditions. A letter notifying the ZBA of the Planning Board's acceptance never got sent. An approved septic design for the two dwellings is also a Condition of Approval by the ZBA. Bryan stated he has not yet had a septic design done. The Board agreed Bryan has met conditions as set forth by the Zoning Board with the condition that a septic design needs to be done. Darrin made a motion to accept the survey and agree to the proposal as approved by the Zoning Board of Adjustment. The motion was seconded by Ken and unanimously passed. The Board voted unanimously to close the Public Hearing at 7:15 p.m. A letter will be written notifying the Zoning Board of the approval.

Corey Swenson/Becky Newcomb – Consultation: Whit explained Corey has an approved zoning permit application to place a manufactured home on an existing concrete pad on his property on Sanborn Hill Road. Mr. Swenson has heavy equipment on his property, so he was asked to come in. Corey stated he has several pieces of equipment, a dozer, and a large excavator he uses only on the property. He has a small excavator and a dump truck he sometimes uses off-site for business. He is mostly retired and spends his time working to improve the fields at the farm. That is usually where the equipment is used. Kevin explained the three levels of business defined in the Town Zoning; Home Occupation, Home Business, and Commercial use. The Board

encouraged Corey to proceed with Site Plan and Special Exception hearings. They told him having the approvals in place keeps him in compliance with town regulations while allowing him the opportunity to do business off-site if he wants and protects him if there were to be issues with business use in the future. Kevin stated the Planning Board and Zoning Board will try to facilitate applicants by holding joint hearings. Corey agreed to proceed and will work with Whit to complete the applications. Whit recommends scheduling hearings for June and July.

Tom Cunningham met with the Board to discuss a bill he received requesting reimbursement to the town for an engineering report. He says he never requested an engineer and should not have to pay the bill. Kevin Lee noted the subdivision regulations reference the requirement for reimbursement of consultant fees. At the Board meeting in October 2018, there was discussion whether their driveway would be good enough for a road. The Planning Board had recommended Lou Caron look at it. Tom stated he came in for a consultation to find out what was and wasn't viable for a subdivision. He believes it is unreasonable to have an engineer involved when he wasn't sure what was going to take place and was only there for consultation, and not subdivision approval. Ken recalled suggesting the use of the town engineer since Tom had reached out to the Board to see what the requirements for subdivision would be. Tom stated he never hired Mr. Caron to do anything and was not aware he was making a site visit until he showed up at the property. Janet noted sometime in October, after the Planning Consultation, a phone call was received at the office from Mrs. Cunningham, stating she had placed a call with Mr. Caron and Mr. Caron had responded that he would not proceed further until the town confirmed. Kevin Lee the Planning Board recommended Lou Caron's services and that information was forwarded to Mr. Caron. From there, coordination was to be between Mr. Caron and the Cunninghams. Tom noted bad communication between the owner and engineer. He was caught off guard by the way things happened. He stated he would never have approved engineering services unless he knew what the fees would be first. He was shocked at the amount of the bill. Ken stated an engineer will be necessary if the subdivision goes forward. He felt the conversation with the Board reviewed a road design, it made sense to start with the Town Engineer. If Tom were to hire his own engineer, the Board would require the services of the Town Engineer as well, and the regulations do state that consultant's services are required to be reimbursed. Kevin stated the Planning Board cannot do anything about the bill. He apologized for any miscommunication or misunderstanding and suggested Tom appeal to the Selectboard. Tamara Butcher, Selectwoman, suggested the Selectboard might consider this at their next meeting. Dick stated he would like some time to gather facts about what took place before he decides.

Pete Lacaillade – Consultation: Pete discussed Site Plan Review for his property on Johnson Farm Road. Currently there is no building, just a storage yard. His abutters are aware of what he does. There is no building, and his office is not at his property. He does plan on building at some point. Kevin stated the easiest thing for him to do is to apply for a Site Plan and Special Exception and include what it is he proposes for business use from his property. The Planning Board is trying to facilitate some joint meetings with the ZBA to facilitate the process since there will be a lot of similar applications coming forward. Whit is willing to assist applicants in completing applications and the filing process.

Tim Fraser – Consultation: Tim stated he is developing a small brewery business at his property on Cemetery Road, “Protectworth Brewery”. He is currently set up in part of his garage. He has submitted to the State and Federal Government for permits and the State says he needs to work with the town. This will be a part-time side business. He is not giving up his job Tim states he is only set up to brew 30 gallons at once. This would be a home business with perhaps 12 customers per day during open hours of every other Saturday, most likely from 12 to 5. He will have a license for sale and consumption of 4 ounces of what he has on tap. The Board recommended Tim figure out how much of the garage he might wish to use if the business were to grow and plan for that. Whit will assist in filing the required applications.

Darrin and Ken reported they met with the Board of Selectmen recently to discuss the process of approving zoning permits and their concern with what didn’t appear to be happening with business compliance. They talked about their understanding of the process presented to the Planning Board and Budget Committee a few years back when the position of a zoning coordinator was budgeted. Since then, the Selectboard changed and the direction of the process changed. Since the membership on the Planning Board rarely changes, but the Selectboard could potentially have a new member each year, the Planning Board is willing to assist the Selectboard as needed. Darrin and Ken felt their concerns were addressed and resolved.

Dick reported the Selectboard is in the process of redesigning the Zoning Permit Application. Applications will be treated “in parallel”. If Whit observes nothing directly related to business use, the application is approved just like the current process, per the approval authority granted to Whit. If Whit suspects business use, the application is referred to the Board of Selectmen and referred to the Planning Board. Selectman McCusker has offered to go on site visits with Whit if Whit would like. As a result of recent meetings, three letters have gone out, two people appear to be running a business, and the other one is based on a complaint received regarding the junk yard at the end of George Hill Road.

Dick reported the Selectmen will hold a meeting on Wednesday April 24, at 1:00 to hear from George Evarts and Dennis Carrier about the Kennebec Mill noise issues. During the second half of the meeting the Board will be discussing merits of an education campaign for a letter or brochure to get the word out about compliance with zoning.

Ken stated he has a better understanding of what has taken place since meeting with the Selectboard. Before Whit was hired, anyone building or making some other change with an unpermitted business would be required to comply before approval for any building would be granted. The process kind of fell away with changing Select Board members. Whit is uncomfortable with that approach. He and the Selectboard are working out an enforcement process to address this issue and are working on drafting a letter to the public, and other public awareness. Kevin Lee noted the Planning Board has been frustrated enforcement has not been happening. With the approach the Select Board is now taking, the traction is there for people to begin to come forward. Darrin started he thinks prior zoning permits should be reviewed and a

letter sent to those people not in compliance. Whit stated he has records of all the permits that he has issued since he was hired. He would like to see a letter to the general public at this time.

Tamara stated she and her husband are thinking of purchasing two travel trailers for rentals. They would not be setting these up at their property but would put on a seasonal site or haul them to a campground of the renter's choice. They could be rented by the night, the week, or the month. She asked what kind of permits would be required. They would probably be stored at the storage units on George Hill Road when they were not in use. The Board suggested she check what is approved for outside storage of vehicles at the storage units.

There was a brief discussion of how to handle Air BnB's and the like. Dick stated he feels this fall through the cracks of the Zoning Ordinance. There was also discussion regarding the collection of Rooms and Meals taxes by the State for these rentals. The Planning Board might want to visit what other towns do.

Kevin thanked the Selectboard for attending the meeting and pursuing compliance with the Zoning Ordinance. Word of mouth will most likely be key. Darrin extended appreciation to the Selectmen for everything they do. An appreciation shared by all in attendance.

The meeting adjourned at 8:35 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant