

Minutes of the meeting of the TOCI Planning Board, Thursday November 15, 2012 at 7:15 at the Hall

Present: Sam Birkett, Jane Frizzell. Charles Hall and Beth Howe (Chair)

Absent Louise Doughty and Mabel Doughty

Also Present: Ron Tozier, CEO

1. Revision of Zoning Ordinance Section 403.1: Chickens

Beth explained that the effect of the vote at the last meeting on this matter had been unclear. By voting to take out any wording of roosters in the section, the effect was to make having roosters a non-permitted use. Beth proposed a compromise provision that would allow roosters but if there were complaints about them the owner and the neighbors would try to work out a compromise. If no agreement could be reached, the roosters would not be allowed.. Ron said he thought this would be impractical. The one issue we have had about this involved a level of conflict that probably could not be resolved. Charles said that partly this is because there are other issues between the two people.

Several people said that anyone reading the ordinance would not know that roosters are now allowed. In fact, they might assume the opposite. It should be made explicit what is allowed. Charles said that since the language as is refers to "poultry" it would allow both hens and roosters, or tom and hen turkeys. Beth said that Louise had called her before the meeting to make the point that the other animals listed in the section are not differentiated by sex, so why should chickens be. Several people said it was because of the noise, and we have asked the Selectmen to develop a nuisance ordinance to deal with issues like this. Beth said she would communicate to the Selectmen that we have worked hard on this topic for three meetings and we really urge them to work on the nuisance ordinance.

The Board was conflicted about whether to allow roosters are not and was very uncertain what the Chebeague public would choose in this case. Sam asked who will actually decide on the ordinance wording and will they understand the implications. Beth said it has to go to Town Meeting and before that we would be required to have a public hearing. So people would have a chance to have their say. Ron said it would be a shame to get as far as Town Meeting and then have it turned down because no changes are allowed to be made in Town Meeting.

Ron said that whatever changes are made in the animal provisions, people who have chickens now and meet the current setback requirement would be grandfathered. If they are not legal on the setback now, they would not be legal.

Beth asked several times during the discussion if anyone had any motion to put forward. No one did, and it was agreed to leave the language that was voted for at the last meeting: to have no mention of roosters at all.

2. Proposed revision Zoning Ordinance section 206: site plan review.

Beth said that the draft proposed many changes, many of which are minor. It would make sense to discuss the major change that is recommended: to have three categories of site plan applications: 1. Minor ones that would be reviewed by the CEO; 2. Minor ones that would go to the Planning Board and 3. major ones. She had provided a list of commercial developments on

the island and how many square feet they had involved. She is suggesting that the line between major and minor be left at 5000 square feet, as it is now. This would mean that the Planning Board would get very few major projects, but the requirements for the necessary information for a large project would be in the ordinance in case there is a large project proposed.

Sam said she thought that projects between 3000 and 5000 square feet should be added to the major category. She said that the only project on the list of past projects that was over 5,000 square feet was the Rec Center. She thinks that projects like the Niblic and the Library should have major site plan review.

Several people asked what the real difference was between major and minor. Beth said that is laid out in the new table of submission requirements for each kind of project. She went through what a minor site plan requires. Except for the boundary survey and the septic system, the applicant can provide all the information required him or herself. But many of the additional requirements for a major project require hiring experts such as engineers or groundwater experts. This costs money. Charles said that some of the applicants who went through minor site plan review with Cumberland have complained about the cost of hiring consultants. Beth said that it was not inherent in the submission requirements for a minor site plan that outside engineering help is needed. It is important for the Town staff and Planning Board Chair to walk applicants through the process so that they understand what they must do. But she thinks that the process is overkill for small projects like additions to existing buildings.

The group went through the various projects. A number of them have required an application for a special exception from the BOAA as well as a site plan review. Beth said she thought this was too many reviews for small projects. Ron said that he would not be comfortable being the sole reviewer for projects that involve possible sources of pollution or could have major impacts on neighbors such as flooding. There was also discussion that even some projects with small square footage can produce quite a lot of traffic, so that adequate parking is necessary. Others agreed. Beth said she would work more on requiring non-staff review for projects posing such projects.

In the discussion of what kind of projects would pollute the groundwater, Charles asked whether the pile of woodchips at the brush dump is a hazard. Since it contains a lot of chips from evergreen trees, are there substances like turpentine leaching out? Ron said that he had gone over the brush dump with staff from DEP and they had not raised any red flags about this.

The discussion developed a consensus that there is no way to draw a sharp line between really small projects and larger but still minor projects. This means that the Planning Board should continue to have a hearing on every site plan. No figure for the separation between minor and major projects was arrived at this meeting.

Beth said that next time we will review the criteria for deciding whether a site plan is approved or not. Though the wording of Cumberland/Chebeague's original criteria follows the State model guidelines, she thinks that some of the existing criteria are not relevant to Chebeague.

Respectfully submitted,

Beth Howe