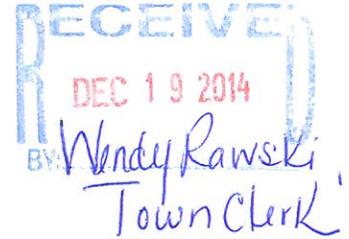


ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Jeff Duncan, Larry Bouchard, Greg Whalen, Dennis Lentz, Melissa Horner – Alternate.

Also present: Kate Pelletier, Planning Assistant.

Absent: Dutch Dunkelberger – Alternate (excused).



ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Duncan moved, second by Mr. Lentz, to approve the minutes of January 7, 2014, as written.

VOTE
4-0
Chair concurs

Mr. Lentz moved, second by Mr. Duncan, to approve the minutes of November 18, 2014, as written.

VOTE
4-0
Chair concurs

ITEM 5 – REVIEW “NOTICE OF DECISION” LETTERS, AS NEEDED

- **PB14-19: Zaremba Group – Site Plan Review**

This was not reviewed.

- **PB14-21: Pierson – Increase size of non-conforming structure in Shoreland zone**

This was not reviewed.

ITEM 6 – PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED

A. Growth Management Ordinance – next steps

Mr. Beckert read the Town Manager’s memo regarding the Growth Management Ordinance and said that they had the draft revision that Mr. Murphy had developed. He asked Ms. Pelletier to speak to this issue.

Mr. Beckert said that another thing that we saw at the polls, and why the quick change was not approved, was the fear of whether it would be corrected correctly; the fear of it being open-ended and the number not being limited to something.

Ms. Pelletier agreed, saying there is no reason why we can't make recommendations to the voters and just give them options; that that seems to be what she is hearing.

Mr. Bouchard said that we could have straightened this out with that vote and given relief to the people looking for permits. He added that what he thought the problem was right now was that we need to set, or figure out, a vehicle – an ordinance they can use but he doesn't think they can leave it up to the voters to set the number every year because what's going to happen is you are going to get all the people, the same as this one, "I got mine. I don't care about yours." He added that the majority of the people don't want growth, in his opinion; so if you have 6,300 people living in this Town and you only have 20 people who want a permit and you go to vote on it, who's going to win. He reiterated that we need to figure out an ordinance that people can live with; that voters can vote on that this is what they will use but he didn't think that they should be allowed, every couple of years, to vote on the numbers because the landowners that want to build are going to lose every time.

Ms. Horner said that it was also the arbitrary numbers on the page; that someone might think 32 is too many and someone might think 43 is too many; that she agreed with Mr. Bouchard.

Mr. Beckert said that he still contends that all the years it was left alone at 48 and only maxed out 7 times you never heard all this grumbling. He added that he thought it was the State getting involved that took Home Rule away from municipalities and having to go by the State formula. He said that that was why he asked the question at one of their previous meetings – did anyone have a problem with it being 48 – and he didn't get an answer. He said that 48 wasn't an issue until the one year we had one contractor who stirred up the Homebuilder's Association, taking the Town to court; that the Town took it to the State Supreme Court and the Justices unanimously upheld the Town of Eliot.

Mr. Lentz said that he would go along with Mr. Bouchard as far as throwing it out there to the public; that he thought we would get as many say that they wanted growth as those who don't want any at all. He added that the whole basis, for him, in this process is to figure out what the Town can support, as far as growth; that it isn't entirely what people like or don't like but what you can afford and what the Town is willing to do.

Ms. Pelletier said that, if that many people don't want growth, then you can't just not give them the option; that this is still a democracy and, if that's the majority, then that's the majority. She added that you have to hope that you can educate them enough in the process to know what they're voting for; that if we are ever going to change the ordinance we need those voters to vote in these amendments and, if you don't give them what they seem to be asking for then it will stay exactly as it is.

Mr. Whalen said that he understood that but to get beyond the issue of whether or not the public perceives the PB as functioning in a manner consistent with the way it's supposed to sounds to him like a public relations problem more than a legal problem. He said that he thought that simply changing the percentage and going back to the voters, or giving them three choices – keep it the same or go to 200% or 300% and let them choose.

Ms. Pelletier agreed. She added that it would never be below the 105% it is now.

There was discussion regarding whether voters would struggle in making that decision, the seeming lack of trust voters had with allowing the PB to make a recommendation that best supported the Town and whether anyone had offered solutions from the community.

Mr. Duncan said that he would think, and whether we codify it or not, just a quick first read of what Mr. Murphy has done, here, and having the PB discuss with the other boards and entities in Town to come up with a number and, then, that number be put forward to the populace for a vote each year, or every three years; that if we are going gang-busters maybe it's every year and maybe as we come out of recession it needs to be every year. He said that having a codified requirement that we review this ordinance at least every three years seems to make sense. He added that he can understand the concern and maybe, at this point in time, this ordinance needs to be revised to allow more than 105% but he doesn't think the ordinance, itself, needs major revision to be able to do that.

Ms. Pelletier agreed, saying that she works with this ordinance every day and there are very few problems with it other than what she mentioned at the beginning – the waiting list and lack of flexibility. She reiterated that she thought it was too drastic getting rid of the thing and trying to start all over with a whole new process.

Mr. Duncan said that the current ordinance says that next year is 18 so, if you had 200% in there you are up to around 36; a number somewhere will allow flexibility and within the next three-year period, if it's still not enough, then we come back and rethink it; that if it is drastically not enough we come back in a year and rethink it.

Mr. Whalen discussed his concern that they would always be adjusting in arrears.

Ms. Pelletier said that she thought it would eventually level out once we get back to the level it was at because we never had a problem and everybody seems to be okay with that 48 number.

Mr. Duncan said that the big issue right now is the fact that we've been in a period where there have been very few permits issued so the mean is starting to decrease; that it will eventually bottom out and start to come back up because of the 105% but it just may be too slow for people to be happy with. He added that even with a number of 300% or even 200% you're still going to possibly deny some people but that number is going to come back up to a sustainable value more quickly.

could have a say in that, using the example of Eliot's ordinance going all the way to the State Supreme Court, challenged by people who didn't think the 48 was acceptable; that if you put language out there that was open-ended that just opens the door for somebody to challenge whatever number you set it at. He added that he didn't think there was a problem, today, with your language at all; that where it fell part was where it was recommended it be reviewed periodically to see if it was meeting the current needs of the Town. He added that 105% would have been okay if you had reviewed it every three years, suggesting that it sat there, pretty much ignored, for several years.

Mr. Beckert clarified that they looked at it every year; that the problem was recent.

Mr. Pomerleau said that there was starting to be a demand and that called for a review. He added that it's not doing what the community needs anymore and the number has gone down probably lower than anybody really wanted; that it needed to be updated. He reiterated that he didn't think the language needed to be changed; that he thought the language worked fine but needed periodic review to see if it is currently meeting all the needs and, if not, suggest a number, say 200%, and put in a sunset clause that it will expire in a set number of years; that that would force the PB to review this again and even come up with a new number, which has to go to the voters or you would have no ordinance. He reiterated that he thought it was the periodic review that was the critical piece in anything you do here because no one knows for certain what the changes will be in the future, up or down; that he hoped many people would weigh in on the appropriate number to use for the next three years. He said he didn't know how you take the public out of it because the law doesn't allow you to do that; that if you are going to have an ordinance and make a change that has to go to the voters. He added that he didn't like the option of giving them multiple choices; that he thought the recommendation you put forward should be based on a very sound analysis of why you are proposing that number, with input from everybody that is involved. He said that, with that, he didn't see there would be much of a problem.

Mr. Lentz said that he thought there wasn't anything wrong with that formula and that the ordinance is fine; that the formula is a tool and what is missing is the evidence of the process to come up with the right numbers. He added that he was not in favor of changing the ordinance.

Ms. Horner said that if we don't change the ordinance then we always have to use that 105%; that it doesn't matter what the police or fire or school say.

There was clarification that the Town ordinance said 105% and the State language included 'or more'.

Mr. Duncan said that the State doesn't say that our ordinance should say 105% or more; that it says it wants us to derive a number, which is at least 105%.

needs to be fixed or a method to fix it. He added that it doesn't matter what it is now; that people have told us they don't like what it is now.

Mr. Duncan said that people also told us that they don't want it changed; that that was what the Town vote said.

Mr. Whalen added that, irrespective of whether or not it was explained with clarity, or the lack thereof, the flaw in the process, here, is not whether or not this PB, or any PB, reviewed it periodically or at all. He said that the fact is you are starting out with an imperfect piece of legislation to begin with and, as is the case with any foundation that is poured for any kind of a building, a crooked foundation will always result in a crooked house; that you have a house of cards, here, that is built upon a crooked foundation and we are trying to manipulate market forces the likes of which most people haven't got a clue about. He added that someone in their infinite wisdom decided they were going to play market guru, here, and came up with a formula that was supposed to "protect" us all. He said that we have a piece of legislation that doesn't work with a supply (good) and demand (bad) economy, so where is the balance. He added that, if we are stuck with the ordinance that we have and the only alternative, as opposed to putting an option out there – you talk about the democratic process – why not give the voters choices as opposed to only one. He asked if they thought for a minute that this PB, here, ought to sit as judge and jury as the final ombudsman for coming up with a justifiable and credible number.

Board members and the PA said yes.

Mr. Duncan said that he would go as far as saying the wording of the question on this past November ballot forbids us from this discussion; that it asked the people if they wanted the PB to review this ordinance and they said no; look at the wording of the question.

Mr. Pomerleau said that was the explanation, not the ordinance; that the ordinance proposed merely changed the language from 105% to 105% or more; that then the explanation given the voters was to give flexibility; that they weren't voting on the explanation, they were voting on the language in the ordinance, which wasn't reproduced in the ballot.

Mr. Beckert said that it sounded like we could sit here and debate this all night; that he was going to go back to something Mr. Whalen said earlier because he has a similar quote hanging on his wall, "If you come to me with a problem, be prepared to discuss your solution, or live with my decision." He urged the PB to read through the ordinance, look at Mr. Murphy's suggestions then come back to the next meeting ready to discuss what you think we need to do because we have been asked to look at the ordinance and come up with a solution. He added that you might not like the fact that we were asked that but that is our job – to look at this ordinance and bring a recommendation forward.

Mr. Whalen clarified that the recommendation goes to the Selectmen on whether or not to put it on the ballot.

ITEM 10 – ADJOURN

There was a motion and second to adjourn the meeting at 8:00 PM.



Steve Beckert, Chairman
Date approved: 12/16/14

Respectfully submitted,

Ellen Lemire, Recording Secretary