

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Christine Bennett, Larry Bouchard, Ed Cieleszko, and Casey Snyder - Alternate.

Also Present: Emily Cole-Prescott, Town Planner.

Absent: Melissa Horner (excused).

Voting members: Dennis Lentz, Christine Bennett, Larry Bouchard, Ed Cieleszko, and Casey Snyder - Alternate.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

There was no public input.

ITEM 5 – REVIEW AND APPROVE MINUTES

Ms. Bennett moved, second by Mr. Cieleszko, to approve the minutes of July 17, 2018, as amended.

VOTE

4-0-1 (Bouchard abstained)

Motion approved

ITEM 6 – REVIEW NOTICE OF DECISION LETTERS

A. 61 Julie Lane, PB18-10

Ms. Bennett said that, in reviewing the minutes, we talked about that there was some confusion about the interim approval and she thinks there was some discussion about us getting a copy of it. She added that this isn't germane to this Decision letter but she would like a copy of the Decision letter or approved plan for PB06-21. She added that the only other thing was, on the Findings of Fact #8, we have the Fire Chief replying on 7/16 with comments and, then, we have the date of our decision as 7/10 and she thinks the date of decision is incorrect.

The Town Planner said yes, that is incorrect; that that is a good catch.

Mr. Lentz asked what the date of decision was.

Ms. Bennet said that it was 7/17.

The Town Planner said that the letter from the Fire Chief was the question on the date or do you need a copy of that.

Ms. Bennett said that it was a question of the date; is that in conformance with the notice date.

The Town Planner said that she does have one thing, too, that she added here, just a note for the Board so it doesn't look like she is adding words to anyone's mouth. She explained that, on 4. A. iv., she added a note about erosion and sediment control to the plan; that that is a note that comes directly from the letter from Altus Engineering agreeing to add the erosion and sediment control. She added that you didn't specify it in the conditions; that she added it per State law requirements. She said that she just thought it would be good to note on the Notice of Decision, for the record. She added that there was discussion about that

The PB thanked her.

Mr. Cieleuszko moved, second by Mr. Bouchard, that the Planning Board accept the amended Planning Board Notice of Decision of Case # PB18-10, amended site plan, decided on 7/17/2018.

VOTE

5-0

Motion approved

ITEM 7- PUBLIC HEARINGS ON ORDINANCE REVISIONS

A. Ordinance Revisions

Mr. Lentz said that we have four separate Public Hearings and explained the rules to the attending audience.

1. Public Hearing: Shoreland Zoning, §1-2 and §44 (purpose: update standards to be consistent with 2015 ME DEP Chapter 1000 Guidelines)

7:12 PM Public Hearing was opened.

Mr. (Eric) Brox, Old Cottage Lane, said his intent tonight was just to listen and see what changes are going on with the zoning.

Mr. Lentz offered to supply him with a copy of all those changes; that they are online.

Mr. Box said that he did get them online but his printer wasn't working as it should.

The Town Planner said that she would make him a copy so he could follow along.

Mr. Lentz said that, while we wait for the Town Planner, this did go through our lawyers, with approval from them, and it did go through MEDEP and we got their approval. He added that we did get some information back from the Conservation Commission.

7:14 PM Public Hearing closed.

Mr. Lentz said that, hopefully, we're not going to make a lot of changes; that we've had plenty of opportunity to. He added that the goal, at this point, is to follow the protocol and we will give our approval to the SB; that the SB will make their decision and, hopefully, put it on the November ballot. He said that he thought the Town Planner did a wonderful job on this and he loves the detail.

Mr. Cieleszko said that, regarding Chapter 44 and the definitions in 2-1, he is totally comfortable, as it stands. He added that she has already answered all my concerns; especially with the approval of Mike Morse, even if there is a mistake or two in it, we'll address it down the road. He said that it's a fine piece of work and he thinks it will stand; that he can't say it's 100% right on the money but that's what revisions are for down the road.

Mr. Bouchard said that it was a great job, as Mr. Cieleszko said, and we might find little problems here-or-there but only when we exercise it; that other than that, it's a lot of work and it's moving forward.

Ms. Bennett said that she just had two follow-up questions for the Town Planner that pertain to the memos from the attorney.

Mr. Lentz said that he thought we also got comment back from the Harbor Master, also.

The Town Planner returned to the meeting.

Mr. Lentz thanked her and said that we are all pleased with her work and all think that we should move forward; that we do have a few questions.

Ms. Bennett said that her two questions pertain to the memo from Attorney Saucier; that one was that he questioned whether this change to the ordinance would change the configuration of the Shoreland Zone, as far as what properties would be within and without the zone. She asked if the Town Planner knew if that was actually the case and we would have to change the zoning map.

The Town Planner said that, relative to his question on #2, he discussed the Stream Protection Zone and there will be two definitions for 'stream' that will need to be updated with this revision. She added that they are relatively minor and it has to do with the layer of data being used and being referenced, and the definition, itself. She said that, relative to whether or not we would have to change the classification of some areas that would now qualify as a stream, she did speak with the Shoreland Coordinator, Mike Morse, about this a few times; and she also went onto the USGS – the new referenced layers. She

added that, #1, her answer and question with Mr. Morse was that, 29 out of 30 times, it doesn't change the streams or the map in the Town; that, then, she went on and did her own research and didn't see much change, at all. She said, however, to be completely accurate what we really should be doing is to overlay the two layers, which she doesn't have access to do in the office, on GIS and compare them, which is what the DEP would do when you send in any map amendments. She added that she reached out to our GIS consultant to get a price on how much it would cost to do that layer; so, that is the reference to the Stream Protection Zone. She explained that, if we found a couple of minor areas in Town that needed to be updated based on this definition, she's also talked about that scenario with Mr. Morse about looking at possibly making those map revisions, if needed, not until June 2019; that we would still be in compliance with the ordinance until that time. She clarified that there were a couple of ways to move forward with this, and she wished she had had the layers for the PB in advance; that, to be honest, the office has been quite overloaded because we've only been two staff members where we are normally 3½ or 4 for about 2+ weeks. She explained that we could find out the pricing on that, get the layers done, and have a tentative meeting next week to see if there are any changes come out of that change to the layer. She said that another option is to retain the definition knowing that, in many minor cases, it might have a small change to the map that could be picked up in June; that it would still put us consistent with the standards until June but we might have one area of the map that we know would need to be looked at. She said that another option would be to retain the current definitions in the ordinances of 'stream', not update those in this proposal and, then, do the full research on that and review for the June 2019 timeline. She added that that would not put us in full consistency with DEP but would get us in the correct step. She said that, relative to #3 additional notice required when changing the Resource Protection Zone, she hasn't found anything in these changes that would change that zone; that we've just made it consistent with the table for DEP; that we haven't done any significant changes on the use type that is allowed in what areas.

Mr. Lentz asked the Town Planner which option she recommended.

The Town Planner said that she would love to see what our GIS consultant comes back with because she thinks it's always better to have the full research in front of you; that that would mean that the PB is meeting another night and could possibly put this back a little farther. She added that she understands if the PB did not want to do that.

Ms. Bennett asked if the DEP would do this pro forma if we put this before the voters in November and, then, ship this to DEP once it's ratified; that then they would do that GIS analysis.

The Town Planner said that they could do that if you provided them with a map; that we could provide them with an approved map and they could then overlay it with the new. She added that she doesn't know how much they will be able to provide.

Mr. Cieleuszko said that to lose our compliance by maintaining the old definitions doesn't seem like a good option; that he would rather move ahead with the new definitions and,

then, if any questions arise in terms of gray areas for individual owners, we have the Board of Appeals; that we have ways to address them that are already in the Charter and in our ordinance. He added that it's a fluid thing, anyhow, because those maps change every time they're updated, and this would be another change by definition instead of by environmental concerns.

The PB agreed that they wanted to move ahead with this.

The Town Planner asked if the PB wanted her to point out a couple of other things that had come up other than non-conformance.

The PB said yes.

The Town Planner said that we had already spoken about how the non-conformance was to be calculated versus now; that she thinks that that will be much easier to use for our applicants using 30% of the footprint versus 30% of floor area and volume, which gets more difficult for a resident to calculate, and the PB has previously had discussion about not burdening someone to get an engineer.

Mr. Lentz said that he likes the 25% set-back from the water, where no expansion is allowed.

The Town Planner said that there's some new information on hazard trees and storm damaged-trees that got put in; that those are the State's standard language. She added that the other thing that came up from the State was regarding excavation contractors; that there is a certified erosion control practice class that contractors go to so a lot of contractors already have that; that there is an exemption but it basically requires that the person doing the work is certified in best management practices for erosion and sediment control. She said that the Town had already accepted, in previous ordinance revisions, the definition of 'accessory use and structure'; that those have now been codified so, now, you can actually look them up online. She added that we did not receive comment from staff members other than the Harbor Master, who suggested the PB might want to look into annual tides because, relative to when the tide is used can change the tide line; that that is something that she asked if we could work on that to present something to the PB to look at for the future. She added that, for now, he is comfortable with leaving it as the State guidelines and moving forward this way; that he's also happy to collaborate with her on a presentation or, maybe, come to the PB meeting to talk about the difference in tides and how the PB could look at that for the future; that she thought that was a good comment and didn't want to lose it. She said that the comment she received from the Conservation Commission was that they were happy with the draft ordinance that was presented to them and they recognized the efforts moving forward. She added that the staff did receive notice of this; that she did not receive any updates from staff but did send them a friendly reminder to send any comments; that she would be happy to answer any questions.

Mr. Lentz said that he struggled to understand if there was a link between this and stormwater.

The Town Planner said that there is a link in certain situations but the stormwater ordinance is separate.

Ms. Bennett said that she believed that all the additional section on vegetation and vegetation management is directly related to stormwater and is a result of increased interest at the State level on stormwater. She added that our ordinance was silent on vegetation and vegetation management and, now, there are pages of discussion about how much can be removed, whether you can take down the stumps, all of that.

The Town Planner said that you want to reduce the speed by which the water is flowing towards where it is discharged into water bodies, which purifies the water along the way or is absorbed into the surface layers.

Mr. Lentz said that he likes the definitions; that he was comparing them to our ordinances definitions and there are several occasions where he saw the same word with a different definition; that he likes the States' better than he likes ours.

The Town Planner said that one of the things she is seeing in our definitions is that they are not pointing us back to the ordinances they belong to; that they should be standardized throughout the ordinances where they apply to all sections throughout the Town but, in some cases, that may not make sense because it may be more restrictive in Shoreland Zoning versus regular zoning; that that is a broader discussion for Planning and, maybe, the SB.

Mr. Bouchard agreed that that has been an issue for years; you could go one way or the other.

The Town Planner said that what applies when to where is another concern from definitions to the ordinance standard that you're reviewing.

Mr. Bouchard asked, going back to the certification, if the MEDEP certified people in erosion control.

The Town Planner said yes; that there is a separate program and the people who hold the certification are put on a list online by their name. She added that she has attended a class for the contractors learning erosion and sediment control standards and it's a good class; that it clearly shows what the State expects and, although it's a State class, a lot of the standards are handed down through the federal agencies.

Mr. Bouchard said that the person certified that oversees the workers is responsible, asking if they have a certification number attached to the application or the job.

The Town Planner said that, in other towns, they have a certification number and they'll just write it on the permit, just like they would a plumbing permit, anything you need a license for.

Mr. Cieleuszko moved, second by Mr. Bouchard, that the Planning Board forward this ordinance revision for Shoreland Zoning, Section 1-2 and Section 44, to the Select Board for comment and on to a vote.

VOTE

5-0

Motion approved

2. Public Hearing: Dimensional Standards, §45-405 purpose: clarification of table and notes, per proposal)

7:36 PM Public Hearing opened.

The Town Planner said that these are changes we discussed previously; that, again, we've gone through codification so some of these might have been updated but what we are proposing hasn't been affected by that. She explained that, in this proposal, we delete reference to §33-174 Note d. because it's been repealed; to delete Note e. because it's not clear and it's been a recommendation, clarifying that she had to reach out to our Town attorney because there was an applicant who came in and wanted to know if they could cover 50% and she saw this note; that she went to multiple people who all thought it was unclear. She noted that, with that deletion, the PB may want to look at the definition of maximum lot coverage down the road, especially with concerns with stormwater. She added that Note f. is added to make it clear that, in most cases, the setback to the high watermark will be 75 feet; however, that will vary depending on Shoreland Zoning standards; that if you're near a great pond with a certain classification, it will go up to 100 feet and we just wanted to make that clear. She said that reference to Note e. in Note v. is deleted.

There was no public comment.

7:39 PM Public Hearing was closed.

Mr. Cieleuszko said that he thinks we've gone over everything in here and he is comfortable with it as it stands now.

The PB agreed.

Mr. Cieleuszko moved, second by Ms. Bennett, that the Planning Board move the dimensional standards of §45-405 to the Select Board for their input and to have it go to a vote.

VOTE

5-0

Motion approved

3. Public Hearing: Growth Permit Process, §29-42 (purpose: change ‘application fee’ to ‘permit fee’ only; no change proposed to fees or procedure)

7:40 PM Public Hearing opened.

Mr. Lentz said that this was a wording change from ‘application fee’ to ‘permit fee’ and that is the only change in this ordinance.

There was no public comment.

7:41 PM Public Hearing closed.

Ms. Bennett moved, second by Mr. Bouchard, that the Planning Board move the proposed revision for the Growth Permit Process §29-42 to the Select Board for their review and acceptance.

VOTE

5-0

Motion approved

4. Public Hearing: Job Title (purpose: change ‘Planning Assistant’ to ‘Planner’ throughout ordinances, where applicable)

7:42 PM Public Hearing opened.

Mr. Lentz said that this is a job title change; that at one time we had a Planning Assistant, which term was used throughout the ordinances; that the Town Planner has changed that to say ‘Planner’.

The Town Planner said that this is very minor but will clarify our records. She added that she missed the third ‘planning assistant’ reference in §1-2 so, if you do approve it, she asked that they include that amendment in their approval.

There was no public comment.

7:43 PM Public Hearing was closed.

Ms. Bennett moved, second by Mr. Bouchard, that the Planning Board move the proposed amendments for all sections that contain the name ‘Assistant Planner’ to the name ‘Planner’ to the Select Board for their review and vote, as amended in §1-2.

VOTE

5-0

Motion approved

The Town Planner asked for the PB to approve the proposed ballot questions to be sent to the SB and go on the November warrant.

The **PB** agreed by **consensus** to forward the four questions to the SB, as written.

ITEM 8 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

This was not discussed.

ITEM 9 – CORRESPONDENCE

There was no correspondence.

ITEM 10 – UPDATES FROM TOWN PLANNER & PLANNING OFFICE

A. Discussion Topics

1. Agenda Format

The Town Planner said that this is a way, when going backwards referencing agendas and documentation, to follow a little more of a standard format for the layout; that this is just an idea she has been thinking about since she started. She added that it still follows a lot of the requirements that the Town has for agenda formats; that it just makes it very clear what's Old Business – what's previously been so you don't have applications for review that say 'Continued Review' where you have to see – and it would help down the road if we do decided to follow, more closely, the timelines in our ordinances. She added that this would help you to say this is under Old Business, meaning the PB's heard this before and, anything new, you would know that, when you come in, it's brand new. She clarified that the PB is normally going to know that, on a day-to-day basis, when they come in but when you look at the records, historically, it would help you track what's new and what's older. She said that she was also suggesting Review and Approval of Minutes to after application review because applicants come here and they're already missing their family dinner, etc.; that it would be nice if they not have to sit through administrative business but just come in right away to application.

Mr. Cielezsko said that the review/approval of minutes has been a pet peeve and, then, he was just in discussions and realized how important it is to go over the minutes of a former meeting to get everybody on the same page at the beginning of the meeting. He added that he isn't sure, although he's always been dead-set against minutes at the beginning of the meeting, he could go either way on that. He said that the other thing he has trouble with is the 'Please Note'; that he knows it's in the old policy and now – "It is the policy of the Planning Board that the applicant or an agent of the applicant must be present in order for review of the application to take place."; that there are only two circumstances where an applicant has to be at a meeting – at the site walk and site plan approval. He added that if it isn't backed up by ordinance, then it shouldn't be there.

The Town Planner agreed it was a policy of the PB from previous years, she thinks from 1998, and she could dig it up if the PB wanted to look at that policy to see if it needed to

be updated along with that; that one of the policies the PB is currently using is the submission deadlines and we follow that pretty strictly.

Mr. Cieleuszko said that an administrative policy is fine that we need a date certain to get things but when you have to tell someone they have to be there for every occurrence of their meetings, which isn't the case, it can be used against us if they don't show up; that it isn't backed up by ordinance, at all, and that's not an administrative thing when you're forcing someone else to show; that that's up to them.

Mr. Bouchard asked what the benefit was of not having the applicant there and not having to have the applicant there over having the applicant present and seeing every aspect of their application so there are no questions later.

Mr. Cieleuszko said that he has seen where the applicant doesn't show, expecting a continuance, and it was a benefit for that person not to show; that it's not a benefit to us, it's only what we can force somebody to do. He added that he's only going by what our ordinance calls for; that there are pluses and minuses no matter how you go about it but we still go by the ordinance and the ordinance doesn't call them to be present for discussion; that as long as we are in open meeting they don't have to be there, other than for the codified aspects of their application that they need to be there.

Mr. Bouchard asked what happened to deadlines on an application if the applicant doesn't show and we don't take any action on the application.

The Town Planner said that, depending on the ordinance, the application is usually determined disapproved.

Mr. Bouchard said that he guessed his question is, "What's more stringent?" So, the applicant knows they're going to get disapproved if they don't show; do we have it, if they don't show, we're going to take action on their application, anyway. He added that he's just trying to figure it out; that he understands Mr. Cieleuszko's point and agrees with it but he's just trying to figure out which is...

Mr. Cieleuszko said that he sees it that we could, as a Board, offer a continuance under unique circumstances; that maybe there's something going on, or, maybe for another day, like we're going to have another meeting next Tuesday to make sure the applicant meets the deadline. He clarified that his full explanation was that it's codified that the applicant has to be there at certain times for certain aspects of their application, the rest of it is not, and that is where this note is misleading.

Mr. Lentz gave an example. He said that, if we had somebody on the agenda and they don't show up, what do we do with the meeting in your proposal.

Mr. Cieleuszko said that, if it's an initial proceeding, there is no timeline until the site plan is approved; that an approved site plan is when the clock starts ticking; that it's not when an application arrived at the Town Planner's desk.

The Town Planner agreed.

Mr. Cieleuszko said that anything before that...maybe they were tied up or maybe they want to wait awhile; that there's a million reasons why. He added that we have a case right now that they're going back to re-group, and that's fine, because there's no clock against them; that the ramifications come from the site plan, on.

Mr. Lentz asked why there must be two sets of rules, before or after the site plan.

Mr. Cieleuszko said that the clock is ticking after the site plan approval. He added that he didn't think people would be missing meetings, they have too much on the table.

Mr. Lentz said, so, it's site plan and they're on the agenda and they don't show up, then what; do we address the application and not the applicant.

Mr. Cieleuszko said that he thinks it's unique to each situation and he thinks we need to address each thing as we run into it; that he's only looking at it as this note is misleading. He added that this note says we will not discuss business and we have, and we have every right to. He said that that is his only concern, that this is a misleading note that we will not discuss business and that is actually to our detriment, if we do; that that note does not follow ordinance.

The Town Planner said that, in our site plan review section, the timelines are specified based on what action the PB takes; that the timeline within thirty days of preliminary site inspection, the PB notifies the developer, in writing, about any requirements the PB can put in; then, as the application moves forward, within 30 days following a finding that the site plan is complete, the PB shall hold a public hearing; that, then, within "30 days of the public hearing but no more than 75 days of its acceptance of a completed application and site plan, the planning board shall approve, modify and approve, or disapprove the site plan." She added that what she thinks Mr. Cieleuszko is saying is that once the application is received, it goes in steps; that there is no State law requirement that the applicant be present at the meetings but it is the applicant's burden to show how the application meets the standards of the ordinance; that the timelines you have in the ordinance are really there to protect the applicant and not really so much to protect the Board. She said that, sometimes, the applicant will come back and ask for a continuation because, maybe, they don't have a section of their plan ready and they're going to waste the PB's time and their time. She added that, if you've gotten past the public hearing phase and all the questions have been answered and all the information submitted, then it depends on whether the applicant has submitted enough information to show burden of proof.

Mr. Lentz asked if she was saying that each situation was unique.

The Town Planner said that you apply the ordinance standards and this kind of gets back to the discussion; that it's not necessarily that it's unique each time, because you have the same standards for each application, but where it becomes a question of burden of proof and you need more information or you need the applicant to attend, that becomes a

question; that this gets into a much more detailed process concern that she has for site plan review, application and the ordinance, the way it's worded, in general. She explained that this is not the process that the PB has been following; that it's a very outdated process, to some degree; that we don't give comment back to the developer, in writing, after the site inspection; that we're just not doing all of the steps the way they are called out so, maybe, it's something we should be workshopping and looking to revise. She said that she thinks that's part of a larger conversation.

Mr. Bouchard said that, after we do a site walk, we give feedback at the meeting, asking is she was saying that we are supposed to give a report back.

The Town Planner said yes; that it's for an older process where, maybe, you didn't have a staff member; that that's how the whole section is written, "Within 30 days of its preliminary site inspection, the planning board shall notify the developer in writing of the contour interval, street classification and other comments on the sketch plan."; that the steps are very segmented and highly recommends that the PB review this because this is where some of our concerns from applicants have been coming from.

Mr. Lentz said that it's almost a dead-end, too; they don't tie together.

Mr. Bouchard agreed that we're getting too far in but this is changes that we've known about for years _____.

Mr. Lentz said that he doesn't know why we don't just use the site plan; that he doesn't know why there's a sketch plan. He asked the PB members what they thought about that note, do we leave it on there, do we take it off.

Ms. Bennett said that she generally agrees with Mr. Cieleuszko wanting to conform with the ordinance but, at the same time, it is the existing standing policy that we have; that she hesitates, without actually bringing that up, to remove it from the agenda at this time. She added that these are just comments for a future discussion.

Mr. Bouchard agreed we could beat this to death all night.

Mr. Lentz said that he knows what the ordinance says but he can't believe, if you have an application here and you're scheduled for a meeting, that you wouldn't show up; that it's not only a loss for the PB but for the applicant, too.

Ms. Bennett said that, frankly, we could be hung by that policy; that it sort of puts us in a bind by holding that standard if it's not something required in the ordinance.

Mr. Bouchard asked how you move or take action on an application if you have nobody here to answer a question; that you're just going to come to a dead-end, anyway, as he wouldn't vote on anything.

Ms. Bennett said exactly; that you'd vote to disapprove it.

Mr. Snyder had no comment.

Mr. Lentz asked if we were going to leave it as it is, now, or are we going to remove it.

Mr. Bouchard said that his opinion was to leave it for now.

Ms. Bennett agreed, saying that she would like to keep it there until we address the policy.

Mr. Cieleuszko agreed.

The PB agreed to leave it, as is, for the time being.

The Town Planner said that she could leave the agenda as it is, now, and we can talk about this later, or did the PB want her to use the 'Old Business' 'New Business' thing.

Mr. Lentz said that he's okay with the new agenda.

Mr. Bouchard asked if 'Old Business' was ongoing applications.

The Town Planner said yes, any Old Business that came before, unless it's an update or report; anything to act on that's old.

Mr. Bouchard said that 'New Business' is a brand-new something we haven't seen yet.

The Town Planner said yes.

Ms. Bennett and Mr. Cieleuszko said that they liked that.

Mr. Cieleuszko asked about the minutes.

Mr. Bouchard asked if it was a redo with the minutes being down there or do we want them back up top.

Mr. Lentz said that, as it's been said, there are times when it is advantageous to have the minutes read before you continue on to the old business, and they're relevant; that there are other times when they are very long minutes or we have several meetings' worth of minutes, then we watch the applicant sit here for 45 minutes while we go through them.

Mr. Bouchard asked if letters from 'Correspondence' would be relevant to something happening in the meeting so that we should have that before, or after, 'Business'.

Mr. Cieleuszko said that correspondence to the case should be with the case at the public hearing.

Mr. Lentz said that that would be correspondence directly related to an application.

Mr. Snyder said that he liked the new format.

Mr. Lentz said that he has no problem with it.

Ms. Bennet said that she does like, in our current agenda, that we have a point where we can set agenda and date for the next meeting. She suggested moving this to just above 'Tabled Items'.

Mr. Lentz asked, with these changes, are we okay with the new agenda format.

The PB agreed that they were.

Ms. Lemire confirmed that the PB agreed that the minutes will stay where the Town Planner suggested they would be.

The PB said yes.

Mr. (Robert) Pomerleau said that Robert's Rules of Order typically advocates for meeting minutes, because they may well be pertinent to further business on the agenda or relevant to old business on the agenda, to be done in the beginning as opposed to later. He added that, as PB cases can drag out, you may well have meeting minutes that are directly relevant or pertinent to something you have on that night's agenda that could be beneficial or may be something that's coming up new on the agenda and the meeting minutes have addressed this subject somehow.

There was discussion regarding the flexibility of the PB to change the agenda, if it is found necessary.

Mr. Ciesleszko said that, with all respect to the comments, he still likes them toward the end.

The Town Planner said that she has seen towns do it both ways; that she didn't have a preference; that it's just something to talk about.

Mr. Lentz suggested we leave it near the end for now and try it.

The PB agreed.

2. Site Plan Review Process – Discussion & Overview of Other Towns

The Town Planner said that she has been doing a lot of research on what other towns are doing so she can bring a formal presentation forward; that this is just a draft of the process as it kind of looks at our ordinances and, then, the process she thinks would be more beneficial. She added that she's not married to anything; that this is just taking a look at how it lays out; that the draft shows current to the left and a possible option to the

right. She said that different towns are doing different things, so, putting together more of a proposal in the direction she would like to go.

Mr. Lentz asked, on the proposed side in the third block, what would we do there.

The Town Planner said that that might be better labeled but the idea is that the applicant comes to her office, gets everything done in one shot, which is what she thinks we would really like, sends it as a nice package to Planning and, then, Planning schedules a site walk and public hearing, makes a decision on whether or not the application is complete; that the goal would be to have all of the standards, processes, and policies lined up really well so we're all on the same page. She added that, when it goes to your desk, you have really well-thought-out applications that are put together and, then, the next month you would do your site walk, public hearing, and a PB meeting, potentially that night, depending on if you want to do all these on the same night. She said that, then at that PB meeting, you could either make a decision after the public hearing closes... basically, you would make a tentative review of the application based on the ordinance so that it's really clear and whether or not the applicant has met the ordinance standards, or, you could move that to another meeting if you feel you need more time to deliberate, separately, and review the standards. She added that, instead of making a decision and then having a delay with the Notice of Decision, you would give some basic ideas, an overview of the direction of the PB, and send your draft ideas, concerns, thoughts – you would have a good direction of where you're going – to the Planning Office and, then, you would get a Notice of Decision that would show you Findings of Fact and Conclusions of Law drafted and, at that meeting, you would review that, make revisions as appropriate and then if you decide to approve the Findings, you have something in writing that you're approving so there's no delay in two weeks; that they would get the written information that week after the PB meeting. She said that, over the long-term, she's doing a lot of research on this and it did come up in the recent PB workshop she went to, put on by MMA; that there's just some process that she thinks would be better for the PB, better for the applicants, better for the legal process, moving forward.

Mr. Lentz said that he sees, in many cases, frustration on the applicant's face when they come in here and he feels that frustration with the Board at times; that it just seems we're not synced up; that it's like we are looking for things that they are not prepared to supply. He added that he guessed it was clarity in the process and ordinances that start with the applicant and the Planning Office.

The Town Planner said yea; that she thinks that, looking at the ordinance standards for 'substantial' versus 'minor', which is another thing she will be putting forward to show you how other towns are handling site plan amendments, is really important because, right now, there's just no definition. She added that, now, the applicant receives a site plan review checklist, as well as the section on amendments, and then she goes over that this could be considered by the PB as a 'minor' or 'substantial' change; that we need to get on the same page and get clarity around 'minor' versus 'substantial'.

Mr. Lentz agreed that that was something that needed to go on our workshop.

The Town Planner said that that's part of the site plan review process concern, as well, because that will continue to keep up and there will be a lot more amendments, she thinks, for site plan reviews and we want to make sure we're all on the same page. She added that she thinks applicants want to meet the requirements but they just want to know what they are, up front, and she can give them what she believes they should be; but, depending on the PB reviews it, they may need to hit higher standards.

Mr. Lentz asked if that wasn't the checklist we were talking about; the applicant as well as the PB; that we need to be consistent in the way that we are looking at these things.

The Town Planner said yes – 'minor' versus 'substantial'.

Mr. Lentz agreed, saying that, when you brought it to his attention, he looked at the sketch plan issue as much as he could and, to him, he couldn't find his way through it; that it just kind of falls off the earth; that there's no interface to get to the site plan that's clear to him.

Mr. Bouchard said that this is another thing we could talk about for hours; that it's the same thing but it's just laid out different; that information is going to be information, whether it's done...we call this a meeting so, what he did was meetings – one meeting, two meetings, three meetings, one meeting, two meetings, three meetings...

Ms. Bennett said that she thinks there's four on the permit so, maybe, streamline it a little bit with the meeting part.

Mr. Bouchard agreed, saying that he isn't saying that it's bad but it's wrong; that he's open to anything. He added that the better prepared the applicant is before they come to the PB is always what's nice, he thinks, for the PB; that there are going to be questions, there are going to be changes all the time; that that's why there are so many PB members; that one is good with 'this' and another is good with 'that' and somebody else catches something.

Mr. Cieleuszko said that, with regard to this, he is assuming that what you're discussing is a lot of change to the site plan process in Chapter 33 to achieve this right-handed goal; that he thinks it's probably more than time because our ordinance has that 'sketch plan' and that's been the bane, in his understanding, historically; having applicants come in with a plan on a napkin and expecting us to help them with all the details, and the Town Planner can't stop the procedure; that, then, they come before us and get all frustrated. He said that he thought it really is going to require a workshop and updates to our ordinance in Chapter 33 and Subdivisions to get this thing squared away. He added that he thinks we're heading towards getting rid of the sketch plan and have the Planning Office do all the legwork, to get it all ready for us so that, when we come to the meeting and we get a full print, everybody's reservations – dimensional standards, etc. – are all met, and we have basic questions to answer after that. He said that he agrees that we at least have to look at that.

The Town Planner said that there would be the same number of meetings, potentially, but it would be that the PB would have ordinance standards relevant to the decision they are making already written out a little bit; that that is another thing to just look at and consider, moving forward.

Ms. Bennett said that she really liked that piece of the process the Town Planner proposed; whether it comes through the checklist or a revision to the application, the pertinent pieces of the ordinance are there before us and we aren't flipping through the book trying to figure out where we're supposed to be and, oh, here's new information, and a sketch plan process that is clear for the applicant in their meetings with the Town Planner, as to what is expected, and then it's put before us.

Mr. Lentz said that it's difficult, too, because applicants come in here with different expectations. He discussed a recent application where the applicant definitely has a vision and sees all these things that are going to happen in the future; that they try to put those pieces on a plan but they're not sure which one they're going to do first, and which one they're really going to do, and this one may move and this one may not; that, as a result, they bring it in here and try to explain it to us and we say which one is it really going to be, and they don't understand that.

B. Adult Retail Cannabis Use(s): Updates

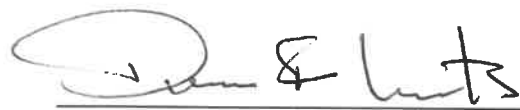
The Town Planner said that there was nothing new.

ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for August 23, 2018 at 7PM.

ITEM 12 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:31 PM.


Dennis Lentz, Chair
Date approved: 8/28/2018

Respectfully submitted,

Ellen Lemire, Recording Secretary