

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Ed Cieleuszko, Christine Bennett, Melissa Horner, Carmela Braun, Bill Olsen – Alternate.

Also Present: Abbie Sherwin, Planner.

Voting members: Dennis Lentz, Ed Cieleuszko, Christine Bennett, Melissa Horner and Carmela Braun.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

Ms. (Sarah) Plocharczyk, Brixham Road, asked if the PB had had a chance to look at the ordinances that are not clear, per the last meeting.

The PB clarified that that is coming up on a future agenda.

Ms. (Lissa) Crichton, Brixham Road, discussed her concern with all the new housing going up. We are in a drought right now and, two years ago, we were in a drought, as well, talking of how low Leavitt Pond was then and is now; that the water table is extremely low. One of her friends had to put in a new well this past month and it cost her almost \$6,000 (resides on Beech Road). She's a single, self-employed business woman who would have difficulty coming up with that kind of money on such short notice. She's also responsible with supplying her tenant with water. She shudders to think what would happen if 25 new homes below her on the road and 5 to 7 individual land pieces up there were to be suddenly built. That's a minimum of 60 people and 60 cars at a minimum of two persons per home, showering, bathing, doing dishes, etc. and she doesn't know of any new development or home that doesn't put in a new lawn and landscaping that needs a minimum of watering two times per day for the first two weeks. That's a lot of demand pulling on the precious water we have up there on Brixham Road. Perhaps 30 to 60 more children in the school systems and more roads for the Town to plow and maintain. Ms. Sherwin graciously met with her one afternoon to answer some questions; that one of her questions was who does our little rural community defer to if we run out of water. If the Town approved a 25-home project, would the Town be doing their own feasibility study regarding the water. She thanked the PB for listening.

ITEM 5 – REVIEW AND APPROVE MINUTES

Ms. Bennett moved, second by Mr. Olsen, to approve the minutes of September 17, 2019, as amended.

VOTE
5-0

Motion approved

ITEM 6 – NOTICE OF DECISION

Mr. Cieleuszko moved, second by Ms. Braun, that the Planning Board approve the Notice of Decision for PB19-11 for a residential pier, decision made September 17, 2019.

VOTE

5-0

Motion approved

ITEM 7 – OLD BUSINESS

A. Potential Future Ordinance Amendments for 2020.

Ms. Sherwin clarified that the discussion for this agenda item references two documents that Ms. Horner put together based on an initial discussion we had two meetings ago regarding lot coverage and land use definitions. She added that the other item for that discussion was regarding that the subdivision ordinance did not include an expiration clause so she went back to review some meeting minutes and public hearing notices and found that that was addressed and amended last year.

While the PB was waiting for copies to be made, Mr. Olsen asked, regarding the proposed agricultural tourism ordinance, is the process that we are going to have a public hearing sometime before the election.

The PB said that it was with the SB.

Mr. Olsen said that he had seen that Attorney Saucier had said that we could negotiate some verbiage in that with the gentleman who brought it forward, asking if the SB will make that determination.

Mr. Lentz said that the SB has approved it and it is on the ballot. He reiterated that he thought it was unfair that we were given something from the Public Hearing on that not one finger was lifted as far as developing the ordinance; that he had shared his concerns about that.

Because of copier issues, this item was deferred.

ITEM 8 – NEW BUSINESS

There was no discussion.

ITEM 9 - WORKSHOP

A. Workshop with Conservation Commission to review the Open Space Development Ordinance.

Ms. (Kari) Moore, Chair, and Ms. (Lisa) Wise, Secretary/Treasurer from the Conservation Commission (CC) were present for this workshop.

Mr. Lentz expressed his pleasure in working with the CC and added that the Aging-in-Place Committee would like to be involved, as well. He added that he didn't have a set agenda for this discussion but thought it best to start with what the intent of this ordinance was and do we think it is meeting the intent it was designed to. If we can come to common ground on that then, maybe, we can start to pick it apart to find what might be improved. He asked PB members what the intent of this ordinance is.

Ms. Horner read, "...to encourage the preservation of the rural character of Eliot..." (§45-467(A.))

Ms. Bennett continued "...identified by the 2009 Comprehensive Plan and 2010 Open Space Plan..."

Mr. Cielezsko said that, as far as the intent, we can't really go any further than what is written.

Mr. Lentz asked Ms. Moore if she believed that was the intent.

Ms. Moore would say yes, as she believes it was a recommendation from the Comprehensive Plan and Open Space Plan as community input in favor of that.

Mr. Lentz said that, in addition to the documentation in all the packets, there is a letter back from Attorney Saucier received tonight as well as a letter from Mr. Wood (Attar Engineering).

Ms. Moore said that one question is that, from what she's read in the package, there's only been one application for an open space subdivision since this went into effect; that that makes it somewhat difficult to measure if that has been successful. She added that it does seem that the actual ordinance kind of contradicts itself in several areas. It's reaching back to those same requirements, the standards, that are in those districts and not separating out those open space standards. # 1 is there is no percentage of open space we should be pushing for in these developments. She thinks that's where something fails in it, possibly. Then, there was some concern about the road frontage, and she isn't familiar enough with that, but she looked at some of the model ordinances and they do seem to set minimum standards as opposed to the maximum we have. That may be another area and it seems like York has had some success with their ordinance and a good example for us to follow and incorporate some of those things.

Mr. Lentz said that we're not against using that as a template and making modifications as we go along.

Ms. Moore said, also, making it clear that we weren't looking for a higher density, here, as she thinks people are concerned about that; that some were coming up to her at Eliot Festival Day wanting to talk about that.

Ms. Bennett asked the CC if, in reading our ordinance, you have any comments in how well or deficient it might be in protecting significant habitats or other special natural resources. Do you have any sense on whether it's doing its job, there.

Ms. Moore said, again, we don't know if it's doing its job; that it doesn't really identify these priority conservation areas. That would be beneficial to have some language in there that does address that and, also, looking at our priorities not only from a smaller scale but a larger scale – a watershed scale; that the other large focus area would be the Mount A to Sea; so, focusing on those areas and, maybe, having some of these larger open space percentages identified, reiterating that it doesn't seem like our ordinance says 'this' much of your subdivision has to be open space; how do you connect that to that abutting conservation land, if there is abutting conservation land, or if there are those large undeveloped habitat plots. The undeveloped lots may be your wetland or high-slope areas that you can't build on. You subtract that out of your initial equation and, then, you come up with your percentage of open space; that it doesn't necessarily just have to be conservation. Open space can be recreation and other open space-type uses.

Ms. Horner said, regarding no percentage of open space listed, under D. (7) it says: "The total area of undeveloped land within the development must equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the district." And (8) says: "The minimum area of the undeveloped common land, outside of lots or areas reserved for housing, and outside of roads, shall be equal to at least 50 percent of the net residential acreage, as defined and calculated above."

Ms. Moore said that the question would be what is the definition of 'undeveloped land'. Is that your open space or is that those numbers you take out before you put your calculations together. She clarified that undeveloped land is different than open space; so, your undeveloped land is pulled out early when you are coming up with your equation to determine the density and, then, you come up with how much would be in conservation or open space.

Ms. Sherwin said that (7) and (8) under D. do outline _____.

Ms. Bennett said that it appears, as it reads, that when you get to that net, you take the undeveloped land out and what is left is the net residential and, of that, 50% must be dedicated to open space or undeveloped common land.

Ms. Moore said that that language may be something that needs to be clarified.

Ms. Bennett said that she noticed that the York ordinance has been recently, revised within the last year, and there were two pieces that jumped out at her that she thought we might consider. One was that that undeveloped common land was to be held by a

conservation holder and that conservation holder gets involved in the process very, very early to identify, during the first conceptual design, to identify those unique resources to the property and to find what the appropriate controls and restrictions are around those resources. She asked if that was something the CC could see working in Eliot, or not.

Ms. Wise said that it did look like there were a few alternatives in the different examples; that one is a homeowner's association managing that land, another is the Town, and another option is like a conservation organization, in the current ordinance.

Ms. Bennett suggested making an Open Space 2.0 and, instead of the route York has taken, which doesn't allow homeowner's associations (HOA), and they hold that undeveloped land; York's reasoning, perhaps because HOA's can be temporal and not a permanent protection.

Mr. Lentz said that that was one of the points of contention we received from a citizen saying that HOA's don't work.

Ms. Moore said that she's sure that they can work but, from a purely conservation standpoint, of course a conservation trust would be the best. Our conservation trust is not as big as York's, either, so we'd have to engage Great Works and to see if they would be interested in that, unless you have someone else in mind.

Ms. Bennett said that they have expressed interest in doing that. She asked if Ms. Moore could see the CC having the capacity to participate actively in that process.

Ms. Moore said yes, if we get more people. It would be great and, seeing that these don't come on your desk every week, that would be something, provided enough advance time is given for everybody to get involved, she thinks is a great idea.

Ms. Wise said that she can't personally speak to the HOA pros and cons but, in the absence of having a lot of data in Eliot to work with in terms of implementation of the existing ordinance, she thinks it makes sense to look at the surrounding towns regarding what's worked for them and what hasn't. But, at the very least, the CC could be engaged in those early discussions, being more familiar with the natural resources and priorities.

Mr. Lentz asked if we should take an ordinance from a surrounding town and use it as a template, just to go through it to say what we like and what we don't like.

Mr. Cieleuszko said that we have a good ordinance and he doesn't want to start with someone else's. To back up, in regard to you noticing these misstatements of using undeveloped land and open space, which is pretty much throughout this ordinance, especially in §E. That's the stuff that might go to the Town for acceptance, to a land trust, retained by the applicant, or a HOA. Those terms are almost interchangeable. They're talking about the open space. So, in regard to putting it all into a bureaucratic trust, he does not recommend that. We have a lot of rural area, here. That organization that develops that trust is going to be a gigantic organization, if this becomes common place,

which is what the assumption is. These open space developments are going to occur more often and, to have one organization with full control over all these developments/open spaces, he would never vote for that, never allow it. To have more options, to try different things; that the owners who buy these lots and move in, if they can't take a HOA group, they won't buy it, if that is how it's presented and accepted in a site plan. The people who do move in might love a HOA or the applicant who would hold onto it. He's got a title deed and the whole subdivision is based on the fact that he can't do anything with the land after within the confines of the Open Space Ordinance that we have. So, he totally disagrees with making everybody go to a supposedly fail-safe but would guarantee that it would come out that there would be many unhappy people when, somewhere down the road, this trust is going to make changes and the homeowners would lose.

Ms. Bennett said that Mr. Cieleuszko might be confused as to what a land trust can, or cannot, do. The land trust would be as bound or, in fact, more bound than a HOA, to whatever constraints that were developed within the site plan application process. Where she thinks a land trust would be preferable to a HOA is that a land trust is perpetual. It is not going away. It's not something that could go insolvent and it is bound by a much higher standard than the HOA, which is an LLC, and then would also be sort of self-policing. We, the PB and community, decide how open space can, and cannot, be used and, then, it gets turned over to the HOA; it's a private road and is anyone going to go in there and take a look at the open space to see if the forest is being managed or the wetland setbacks are being adhered to. She thinks there's a moral hazard there of setting it up to give to homeowners because this is explicitly stated to be a public good in our community.

Mr. Cieleuszko said that he's not confused. He is very clear in his stated rejection.

Ms. Horner asked if the suggestion was that the land trust basically replace the entire §E so that the only option is them.

Ms. Bennett said that what York did is what she is proposing and she was just putting it out there as a point of discussion; that York has eliminated the other options and replaced the York Land Trust as the holder of the undeveloped land. It has worked very well and has allowed the town and PB to avail themselves of the expertise of the land trust and also to have the assurance that that portion of the subdivision is not going to change.

Ms. Horner asked change how.

Ms. Bennett said that we amend subdivisions all the time and rules change it, as they should. But, when the open space is reserved with a conservation organization, it is permanently protected and cannot be changed, unless you go to the Attorney General for the State of Maine.

Ms. Moore said that she thinks it takes it back to the purpose for the actual open space development, which is to preserve. It's not your typical subdivision where you might have shared use of pools or tennis courts. This is a unique type of subdivision; it's not

going to be every subdivision we're going to have in Town. It will be in this Rural District and in these areas of conservation concern; that she thinks that's where the difference is and why having a conservation land trust, if they are able to, be involved.

Ms. Horner asked Ms. Bennett if she could show where our ordinance says that a HOA or the developer who retains the open space development rights can make changes.

Ms. Bennett said it can't, now, but our ordinance can change in the future to allow them to. This is not a permanent protection. The only permanent protection is for a land conservation holder, who can never un-conserve the land.

Mr. Olsen said, to add to that, he thinks the real thing becomes economics. Having a separate conservation land trust takes the economics out of the future; that a HOA can band and become...it's a small group of homeowners and becomes like every other board, you can get a few people that can make everything happen and, if it behooves the group economically to change the characteristics of the preserved land, they may be able to do it because we changed our ordinances. Whereby, a separate group is tasked solely for the preservation and has no economic stake in it and that's why people put their property in these things. He does like the way York has done it and he also really likes how York has clearly defined what the applicant has to do to validate the theme of what they're preserving; to really go in and justify that we are doing this for water protection, forest conservation, etc., to prove that open space is the way to go. He thinks that's something we could talk a little bit about in here but we could get clearer and make it a real nice piece of it. He thinks that would be a nice improvement.

Ms. Horner said that they would have to come back. They would have to amend the entire Open Space Ordinance to do that because, even if the HOA fizzles out or they band together to want to do that, the ordinance says, now, that they have to maintain the open space.

Ms. Bennett said that, if you read §E (1), it says "This undeveloped land may be used only for agriculture, forestry, conservation, or noncommercial recreation.", asking if a tennis court isn't non-commercial recreation, or a baseball field – you could cut down all the trees and make it a lacrosse field. It's still open, still space, non-commercial, and it's recreation.

Ms. Horner said that that seemed to take away rights of the property owners.

Ms. Moore said that, if they know they are buying into this sort of subdivision, they know what they're buying.

Ms. (Jennifer) Fox asked if the PB was looking for a broader discussion with the public or just PB/CC at this point.

Mr. Lentz said mainly PB/CC but you are welcome to speak up.

Ms. Fox asked if the HOA only come into effect when the entire subdivision is built out.

Mr. Lentz said that's the way he saw it but he is hearing something different.

Ms. Braun said that she lives in a development that is in the process of establishing a HOA and the way our by-laws are written a HOA cannot form and take over until 75% of the projected development is sold. Until that time, the primary developer has control.

Ms. Bennett said that that's pretty standard.

Ms. Fox said that means a period of time could go by, if you allow the HOA or that scenario to take place, where the developer has control over that open space.

Ms. Braun agreed that was true. She has been there three years and they're still not half built out, and he still has control.

Ms. (Martha) Leathe asked how the PB would determine what the intent of the developer is. You have your intent but it seems to her that this also opens it up for cost containment, concerned if the developer has a totally different objective.

Mr. Lentz said that it would be financial, for sure.

Ms. Horner said that she's not sure it's up to this Board to decipher what the numbers and intent is when they come to the PB.

A member of the public discussed an attorney letter that discussed financial cost and the reason his client wants to do it (open space development). He added that is also says this is more environmentally friendly and discussed his concern for whether they have any kind of environmental background.

Mr. Lentz said that he thinks that's why it's important we're talking about this as we start to get some roots that we all can live with.

Another member of the public said that, if the HOA is charged with maintaining the conservation of that land and if they break down in terms of people not contributing to it, people aren't really caring about it, what's happening to that land could be is that it could be getting into a certain amount of disarray that he thinks a conservation organization would be more careful about.

Mr. Lentz agreed and is why he said earlier that some of the HOA's that he's familiar with don't work very well because of just what is being said.

The same member said that they tend to back out and bail away.

Ms. Moore went back to Mr. Olsen's point in that part of the York ordinance is that the developer has to come in with a conceptual site plan and they have to identify what their conservation theme is. That is one way you could go through that; that another thing they require, which she has seen in other ordinances, is a natural resources inventory. Not just

those resources that are dictated to us by law but a significant wildlife habitat that may not fall under Maine's Natural Resource Protection Act - different resources – to do that and provide that for natural and cultural resources. So, it would be more holistic.

Ms. Horner asked if our subdivision ordinance didn't say that.

Ms. Bennett said no. Just protected wetlands, shorelands.

Another member of the public said that he was here as a homeowner and past developer. He described a little 40-acre lot that he and his partners developed in South Berwick. In the initial stages, we sold a 50-foot strip of land through our land in order to bring city sewer and water. Shortly after that we put in some single-family house lots on one side, over by the Great Works River; that, as part of it, we worked with the PB, saying we would put footpaths down to the river so people could use this land recreationally, put canoes in, and the like. On the other side of the road, we built some townhouses and built them in phases. The HOA and Condo Association were set up because of all this and never did anything. The paths were never maintained. The HOA and Condo Association were more concerned with who you were renting to and never did anything about the use of the land, the open space, and the like. It was pretty sad. One of his partners was the Chair of the York Board of Appeals for a significant period of time when all this stuff was going on so he knew all the ins and outs and what people were trying to put over. What he's saying is that the general consensus was that everything, in theory, was good but following up on it was not good because people change, people move, everything changes and they say this stuff goes to the back burner. It's all well and good to set forth a principle and who is going to oversee it but that has to do with whether, or not, these people are going to follow up on that and who's going to follow up after them. He was a bit disturbed by the amount of commitment that was made to all this stuff that we had agreed to in the PB meeting – we're going to do this and we're going to do that and everybody's going to be good and we chopped off around 40% of the land for the green zone and nothing ever happened. He said that he thinks the PB should be looking at putting some teeth into this regarding management; that there needs to be a way for someone who comes in there to do something and follow through, whether it's the CC, a land trust, or something but someone has to be there 10 years from now, 15 years from now, or 20 years from now. He added that we did it right, with the best people to develop it, the best architects, etc., inviting the PB to view Field Farms. He described people living on the river side who cut down trees in the green zone to get a better view; that the CEO went out to deal with that but those 50-year-old trees are down. He reiterated that these needs to be teeth put into this ordinance.

Ms. Horner said, going back to the prior discussion regarding subdivision requirements to provide certain elements, to please check out §41-150 (4) & (12) at some point. That is what the Open Space has to abide by, asking them to see if they thought those might be strong enough. She added that §41-150 (12) referenced §41-215, which basically talks about the preservation of natural beauty, water, etc. As it stands now, Open Space development has to abide by subdivision rules and suggested the CC look at it to avoid

doing unnecessary legwork where there is something already written that maybe you could make stronger.

Ms. Moore reiterated her liking that some of the ordinances actually included a natural resource inventory.

Ms. Horner said that she doesn't know if it's good enough but ours does, as well.

Mr. Lentz asked where we go in the future, what's our next step.

Ms. Horner said that all this got kicked off because someone came in to talk about road frontage and we still haven't really talked about that and what the pros and cons are of changing our ordinance so that, maybe, we can waive that as a Board. She noticed in the York ordinance a lot of the language was "The PB may waive..."; that at some point she thinks we should talk about that.

Mr. Lentz said that he was thinking of the next meeting. We have two weeks where we can sit and read then do some more.

Ms. Horner said that she wants to know why reducing road frontage is good or bad. It doesn't have to be now, but that was what was brought up, and we were asked to revisit it by a person from the public. She wanted to see factual information and numbers and not somebody's opinion.

A member of the public said, to one of his critical points and in response to Mr. Parkinson's letter, he thinks it's important to fully appreciate and be clear about the intended purpose for cluster developments. He thinks Ms. Horner talks to the point made about having a long-term vision for land use because, in §45-467, the purpose "is to encourage the preservation of the rural character of Eliot". The rural character of Eliot versus preserving undeveloped land are different things. The rural character of Eliot is very broad, very encompassing; that he could go on for 10 minutes about what that means and it is not simply about preserving undeveloped land; that Mr. Parkinson's letter mentions that, "first and foremost, the ordinance is simply about preserving undeveloped land" and he thinks that's just incorrect and he thinks should be changed as you look at the new words going forward. It's a component, but it's the attractiveness of Eliot; and if you put 200-foot frontage to 150-foot frontage, you put more houses closer together. That's not more attractive. It's not more habitable for the people who are going to live in those places and puts a lot more stresses on the water and the natural environment around. Houses set in our rural area are on a 3-acre minimum...and if you moved out there because you want to have 3 or 4 or 5 acres and you want to have some animals and a garden and room to be semi-private, that's why you go to the rural area in places like Eliot. When you talk about cluster housing in rural Eliot, it seems to him to be a contradiction. He added that we moved out there from South Eliot and, if we knew there were going to be 20 houses on a ¼ of an acre next door to us, that would have really dissolved the whole reason to move there. He thinks we need to be really careful about this. The two cluster developments he has seen in Eliot he thinks have some issues. He

knows some people who live in them and the PB has some issues. He thinks we need to be careful about making this even easier to build lower cost, quick projects where folks make a lot of money but the rest of us are left with smaller lot sizes and acreage on our elbows in an area that, frankly, just doesn't support that type of lifestyle. He also said that he's been in HOA's for 17 years. He's in two of them still and hopes to be put out of them at some point. They flat-out don't work and it's all about the human beings in them; that they are temporal, as Ms. Bennet said. They don't have any sustenance over time. That most don't care but it's the 20%/80% rule, with the 20% caring and doing all the work. You've got to be really, really careful to put conservation land in the hands of a HOA that's going to turn over, not going to care, not pay their dues, not responsible for problematic, group sewer systems that go bad and the Town ends up with them. He's just seen it over and over and that's a huge mistake.

Ms. Horner asked if increasing the lot size minimum something we should be talking about. Instead of talking about road frontage, which we can also talk about, but about your point to having ¼ -acre lots, does that mean that increasing the minimum should also be talked about. If you keep road frontage at 200 feet, you will have a rectangular lot but it has to be 20,000 square feet, at least.

Ms. Moore said that she thinks some of these other ordinances have flexibility so your road frontage doesn't have to be 200 feet; that you allow flexibility so you don't just have these square lots and you aren't necessarily having home on top of home. You are going to have more houses than you're used to having in your area, now, and a subdivision is a subdivision, but it goes back to that density, and maybe we can talk about that a little more, but the density doesn't necessarily have to increase when you have.....

Ms. Bennett said that the 20,000 square feet is the lower bound. They may not go below but the developer is welcome to make a larger lot. They aren't typically doing this to conserve land but doing this to make money and the smaller lot is going to make them more money.

Ms. Sherwin said that the way Eliot's ordinance is currently written, you can get no higher density out of a conservation subdivision than you would a traditional subdivision. Going back to something Ms. Horner said, in the packets she included some planning-related documents about the benefits of conservation subdivision design and preserving both rural character as well as natural resources. Something was raised that was a very good point, and goes back to the purpose statement of the ordinance, is maybe, she thinks, digging a bit more into what is meant by rural character. If that means larger lot sizes that are developed and have homes on them versus large swaths of land that are natural and wild and forested and how that comes into play because, for a conservation subdivision design, overall there are fewer environmental impacts to the land. There's more contiguous land that is preserved as open space, the impervious coverage is reduced, the stormwater impact should be reduced because of that. There's just a lot of reductions in the impact and they are concentrated in one area of what would be the developable area as opposed to a conventional subdivision where the impacts would be greater and more spread out across the landscape. Going back to the road frontage issue,

this really came about because the ordinance is somewhat silent about the requirements for road frontage and suggests that the normal road frontage for any development would have to be adhered to for a conservation subdivision, which is somewhat contradictory to what the ordinance is. She knows that in York a lot of the requirements are at the discretion of the PB. South Berwick takes a much more prescribed approach where they specifically list out what the minimum road frontage can be, minimum lot size, setbacks, dimensional standards, and all that; that York is much more on a case-by-case basis with substantive input from the PB in a back-and-forth process between the applicant and the PB.

Mr. Cielszko said that, in looking at rural character and open space, the 200-foot rule helps preserve that rural character a little better rather than leaving it up to the discretion of future Boards and a smooth-talking developer. We have to give the landowners some leeway, here. He thinks the landowner's rights the developer's rights, are important in this conversation and really haven't even been addressed. In regard to everything else, he doesn't see lessening the 200-foot rule. Our Open Space Development Ordinance is not moot on what requirements are for the frontage; that it says it has to meet the zone requirements; that it says 200 feet in the rule section, it should go for it. That was protection for the people and the Town, to not let these things turn into little clusters. These are going to end up with townhouses, and everything; that you can crush this in hard unless the rest of the ordinance is cared for. There has to be a balance between pushing all the houses into a little part and leaving all the land open; that he thinks our ordinance has met that balance.

A member of the public apologized for interrupting but he would just like to talk about the landowner. In the past month, there has been mass pollution dumping at the gravel pit at 136 Brixham Road. He's reported it to the CEO. He has videoed everything, the name of the excavation company...

Ms. Bennett interrupted the speaker, saying she appreciated his concern about this particular topic but you are discussing something that actually is not before the Board and we're just going to workshop the ordinance at this time.

The public speaker left at this time.

A member of the public wanted to add something to the 200 foot. He agrees with the idea that keeping it at 200 feet has the benefit of some sense of the rural character and, if it also speaks to the point of what about making it more than 20,000 square feet. If he were a developer and he had to look at 200-foot frontage and realized what that's going to do, he might have to make some of the lots bigger than the 20,000 square feet in order for the homes to sit right and for it to feel right; but that would percolate back into a maybe even bigger, maybe even be a requirement, but it would encourage him to make the homes feel less than just cookie-cutter but make some of the lots bigger. It doesn't just let everything collapse down to the super minimum. We don't want these little lego things popped together on a road; so, he thinks 200 feet is fine enough to leave and you then could have a case-by-case basis where someone could argue strongly for a variance in a particular

situation where it makes sense to go to 180, or something; that you could take a look at that to be an exception.

Ms. Horner said that that goes back to her point that, if we're going to amend anything, it should be that. We couldn't even entertain that with our ordinances now. We can't waive the road frontage and, maybe, that's okay but maybe it's not.

Ms. Bennett said that it could go to the BOA.

Mr. Olsen said that he has been lending money to developers and he has never, ever seen financial motivation not be the #1 reason they're doing it. He thinks that the way you protect, if you're going to do Open Space, is you have a third-party conservation land trust starting at the beginning of the development, have a vested interest in what happens, manage it throughout the process; that as we just heard that, if it's a HOA and it's 75%, that might be five years down the road. The dog is out of the box... The reason he thinks York's does so well is because that happened early and that puts an outside watchdog that we are going to do it the right way for the right reason under the right theme, and that's how you protect.

Ms. Leathe said that she thinks this is really important stuff and to the point that, once the trees are down, they're down or the horse is out of the barn; that once the developer has completed his or her development, that person is off onto the next one; that that's why you guys are here, it's your job to be the watchdogs of this. You care about Eliot. She would hazard a guess that some developers might not care as much about this Town as we all do. So, she would encourage the PB to take it seriously and to be in charge, make this airtight so that you're not also getting pressure – I want this changed. I want this waived – and she doesn't think, with all due respect, that developers are doing this for anything other than financial gain.

Ms. (Michelle) Duvall said that any time you ask if you should change this or change that, she thinks the answer is to keep going back to the intent of the ordinance.

Ms. Horner said that her take-away from the ordinance purpose is that they use the word 'preserve' and we're using the word 'conserve'; that she just looked up the difference between preservation and conservation; that conservation is generally associated with the preservation of natural resources while preservation is associated with the protection of buildings, objects, and landscape; that conservation seeks the proper use of nature while preservation seeks protection of nature from use. She was wondering, from the CC, if that was something that's on the table because, in her opinion, the purpose of our ordinance, as it says now, preservation but we keep using the word conservation; so, maybe that needs to be re-visited if that's the intent. And maybe it's conservation and preservation of the rural character.

Ms. Moore said that it does go on further to say that it is based on the 2010 Open Space Plan, and is in areas that are identified as high in conservation values, so you have both here.

Ms. Duvall just wanted to say, you know, the “What would Jesus do?” question all the time. We need to keep asking why is this ordinance here and that’s the answer. It’s not so we can let the developer have 180-foot frontage, sometimes, because he needs to. That’s not what the ordinance is about. She read, today, in the front page of the Portsmouth Herald that York has the highest land value assessments in the State of Maine, after Portland; that Portland hardly counts because there’s 100,000 people, or something. If you think about that, it hasn’t hurt them in any way.

Mr. Cieleuszko responded other than people trying to buy houses.

Ms. Duvall clarified that it hasn’t hurt the assessment value of houses and development if they have this ordinance, excluding Portland, and they are the highest assessed town in the State.

Mr. Cieleuszko said that he likes our ordinance. Yes, it can use some tweaking but he does not recommend using York’s ordinance. At least the earlier version he read had waivers just driven through it, as Ms. Horner said, and then you have to determine every PB has to be on top of its game. Our former PB has already put through an open space project that was supposedly not so good; so, if anything, tighten ours. It is a very good restrictive ordinance, which is the whole idea behind this whole thing. The bottom line is to restrict, to preserve, to conserve but it’s to keep developers from going too wild out in the field. It’s a great idea but he likes what we have. Mr. Lentz asked if we should use York’s as a template and he says no; that we should use ours and tweak ours. That would be his recommendation as the end of this project for today.

Mr. Lentz said that he has no issue with what Mr. Cieleuszko is saying but his problem is that we have no basis to know if ours really works. We haven’t walked through it. We haven’t experienced, on any project, trying to apply that ordinance or judging an application against the ordinance. That’s his only hang-up; and he doesn’t have any issue going through it and using it as a template. We can go line-by-line and try to insert changes. He likes the format of York, he likes the way it’s organized. He didn’t go into all the detail in it but he likes the way it’s organized, and it ticks off all the boxes for him. But, again, he’s not opposed to using any of them.

Mr. Cieleuszko said that the thing he likes about ours, and would allow...he’s been in a HOA and it was garbage so he understands, it got nowhere. But, don’t throw out the baby with the bathwater because giving it to the Town would be another option that we have in our ordinance; that at least we can vote someone out who starts acting foolish. We have to keep it within the Town; that he doesn’t trust the trust. These solutions have to be decided through the subdivision site review; that these will be knowns; so, if we remove the owner’s option – to keep it with the applicant, he thinks, is a wash and to give it to a HOA is a wash but giving it to the Town, or a trust, could be two options. We should leave as many options as possible; that this is a tight ordinance but it gives the developer different ways to go about stuff to meet it. As long as we don’t budge an inch on anything, like with Mr. Wood’s quick question about going under 200 feet, as those things are going to happen all the time. It’s clear; that there’s no way you cannot look at

it and say it's less than 200. There's no way you can say it's moot. This is clear ordinance and that's where he stands on this. He likes our ordinance, with tweaks of course. We can make it better.

Mr. Olsen said that, if he heard Mr. Cieleuszko correctly, in §E (2)(b) "*The final disposition of the undeveloped land, which may be:*" Mr. Cieleuszko is suggesting, and he is completely in concurrence, that #3 and #4: "*Retained by the applicant or Reserved for ownership by a homeowners' association made up of the owners of the lots in the open space development.*" be scrubbed, which he is supportive of. He would prefer it be deeded into a conservation land trust because he thinks that's the best way but he certainly respects Mr. Cieleuszko's "no trust in the trust". He has no trust in the Town, and not because the Town would be going in the wrong direction but movement within the players of the Town that forget what happened in 1997; that he's watched other land trusts, and it's dedicated people that love the environment and it just seems like it's smoother. There's a longer history. That's the only reason he thinks that way.

Ms. Plocharczyk said that she doesn't trust the Town, and she means that in the nicest possible way; likewise, the HOA. We may have a great CC at one time, or not; that it all depends on who is actually going to be carrying the ball. She agrees that we have good ordinances but they could be tweaked a little bit to make them a little clearer in these areas. There is a huge difference between conservation and preserving the rural character, which is why she thinks it refers you back to the subdivision plan, which is why it goes to the 200-foot frontage, to get at that preservation of not just all crammed in there. She thought it would be phenomenal if we did put it in a land trust, to capture that conservation component, if that is indeed the direction you guys want to go.

Mr. Lentz pulled discussion back to the PB and CC.

Ms. Moore said we were invited here to identify how we thought this was affecting conservation. Was it advancing conservation and we don't have those test cases to say whether or not they do. It's based on a model ordinance that has some good things in it; but, from a conservation standpoint, we could do better and we could address more in our own ordinance to ensure that conservation is addressed, up front, not after-the-fact. She thinks that that is something that is important and she thinks the land trust idea is a good one, if we can ensure that Great Works would on board with that; that maybe we can start having discussions with them, at some point, if this is something we want to do.

Mr. Lentz asked if that was your proposal, as far as moving forward.

Ms. Moore said, from our standpoint, it is. This road frontage issue is not just our ball, obviously. But, from a conservation standpoint, she thinks we could add this and go back to that intent that whatever was written in the Open Space Plan that said 'this' is what we want.

The PB was in agreement.

Ms. Bennett asked what the next step would be. She asked if the CC would put together some recommendations for us to then try to interpret into the ordinance draft.

Mr. Olsen said that he would be happy to work with the CC to take what we have and make some recommendations.

Ms. Horner said a liaison.

It was the consensus of the PB that Mr. Olsen would be liaison to the CC.

Ms. Fox suggested we could review the one open space development that is on Frost Hill. Is the HOA in place. What type of goals were set for that open space. Are they being met. She thinks there are lots of metrics that we could look at; not even step foot on their property, necessarily, but review if those goals were met. She thinks we could start looking at measures of success for that particular property and learn from it.

Mr. Lentz said that it was retained by the owner of the development. It was the first time out of the barrel to do open space and it was, really, poorly done because we didn't know what we were doing.

Ms. Fox said we can learn from our mistakes. If we are saying it was poorly done, let's look at what was poorly done and not do that again.

Mr. Lentz said that there was a very large wet area that the abutters ice-skated on, went sleigh-riding on it, they played hockey on it. After we gave the developer what he was really looking for and asking him if this would be the open space, he agreed with that. Little did we know that, after we left and it was all done, that open space was only for the people that lived in the development and all the abutters were not allowed to use it anymore. So, so much for knowing what you're doing and managing it while you're implementing it. He agreed it would be a good one to go back and look at.

There was discussion regarding getting back together on this in November.

Ms. Fox said that she knew there was a request for a Town lawyer opinion and asked if that was in the packet. Is that publicly available.

Ms. Sherwin said that it wasn't because it didn't arrive until after the packet went out. She does have it and it will be made publicly available.

Ms. Fox discussed that the PB had no application, yet, but Mr. Falzone, who owns no property in Town, is influencing when our Town lawyer is making opinions.

Ms. Bennett said that that was a decision made by the Town Manager via this PB.

Ms. Sherwin clarified that the letter has nothing to do with any potential application or any potential development. It really is just seeking clarity on the current language of the ordinance.

Mr. Lentz asked how does the PB move forward with any updates on the current Open Space Ordinance.

Ms. Bennett said that Mr. Olsen would be attending CC meetings.

Mr. Cieleuszko said he would like to make some determinations for the next meeting.

Mr. Lentz said that we will all do some homework and come back for the next workshop on November 5.

The PB agreed.

Ms. Sherwin said there was one more thing to add about the road frontage issue because, from a legal standpoint, it is somewhat of an issue, which Attorney Saucier addresses in his letter. One of the issues is that, in the Purpose section of the ordinance, it talks about how the intent of open space, or conservation, subdivisions is really to do a number of things, one of which is to reduce the length of roads and utilities and things of that matter. The, the other sections of the ordinance seem to suggest that dimensional standards that aren't specifically called out in the Open Space development section, which includes road frontage, are the same as they would be in a traditional development. So, there's a conflict there within the ordinance, itself, in terms of what's required and the intent. But, also, the previous Open Space subdivision that was approved by the PB had road frontages that were far below the 200 feet, so there's a precedent there. This is something that the PB should address in any ordinance amendments and there are different approaches you can take. In York, their road frontage states that it just has to be sufficient to provide access to the lot and it's really at the discretion of the PB. Whereas, South Berwick has specific footage requirements for road frontage. You can compare what the reduced frontages are in relation to what a conventional development would be. But it is something, as the ordinance currently reads, that provides a lot of room for uncertainty and misinterpretation.

Mr. Cieleuszko said that he read Attorney Saucier's letter and he thinks he's wrong, to a degree. He's being very conservative saying that there's a contradiction because of the Purpose section and the reference to our regular subdivision standards for the frontage and stuff. Because the purpose isn't clearly met doesn't negate the clear language within the ordinance that says you have to meet the standards, all the other standards. It is only the lot size that is actually diminished, so, he doesn't see it as a big problem. He thinks that if we need some closure here just say you have to meet the same ordinance _____. He doesn't believe we should waive or go below at least the 200 feet or for whatever zoning section it is, because these don't just have to occur in Rural.

Mr. Lentz said that we would cover all of that as we go through the ordinance.

Mr. Cieleuszko said that he doesn't see a contradiction and he thinks the developers are making up a contradiction that would never stand up in court.

ITEM 7 – OLD BUSINESS

At this time, the PB took up a discussion of Definitions draft work done by Ms. Horner.

Ms. Horner said that we had been talking about missing definitions in the Land Use Table and this document is a list of all the things that weren't defined for everyone's review. She referenced the State of Maine definitions where she could. (The red is the source where she found the definition.). They are all State definitions except for the obvious ones, like 'library', as the State doesn't define this so she went to the dictionary. She found the 'bathing beach' from the Massachusetts Association of Health. They are all "legitimate" definitions and then she has a column for notes. She thinks the next step would be to go through the ones that have notes and, then, look at all the proposed new definitions to see if anyone has any problems with them.

ASSEMBLY PLACES:

Ms. Horner said there is no modern definition so she proposes that we delete this. She assumed the intent of this was to reference places of worship or the indoor rec and amusement facility. She thought we should delete this wording and add 'houses of worship' and she addressed "indoor rec and amusement facility" on the list.

Eliminate "assembly" and replace it with "places of worship".

Add indoor rec and amusement facility.

Ms. Horner said that the "indoor commercial recreation & amusement facility" did not have a definition so she assigned one to it, thinking that those two words would replace "assembly places" instead of trying to find "assembly places".

Several members liked that.

Ms. Bennett said her only comment was that we're working under the assumption that the "assembly place" is a structure but what about "assembly places" outdoors.

After some discussion, Ms. Horner said that she would do a search of the MuniCode to see where it pops up. She found the only place that "assembly place" is referenced is in Procedure for Requesting New Sewer Capacity Allocations, saying "assembly place, schools, church, which probably means it should be deleted from that section.

Ms. Bennett asked if we pull "assembly place" out of the section under the Sewer portion of the ordinance, are we sort of disallowing a Regatta Room, for example; if people wanted to create another place of assembly, or congregating space, that was not religious purposes or recreation purposes.

There was further discussion of the impact of removing “assembly place” and whether that would hinder someone from obtaining a land use. In reading the proposed definition for “indoor commercial recreation & amusement facility”, the PB agreed that covered “assembly place”.

AUTO JUNKYARD:

Proposal to delete and only use “auto graveyard” as already defined.

Ms. Horner said that we don’t need this definition because they’re not allowed in Eliot. It’s not an allowed use so why define it.

Mr. Cieleuszko said that we should still have a definition for it.

Ms. Bennett said that we have ‘junkyard’ and, then in parenthesis, ‘salvage yard’: “*Junkyard (salvage yard)* means a yard, field, or other area exposed to the elements...”.

In Eliot definitions, ‘junkyard’ and ‘salvage yard’ are the same things

Ms. Horner asked Ms. Sherwin if that was kosher since it’s a not allowed use in Town. Do we still need to define it.

Ms. Sherwin said that anything that’s not expressly permitted in the Land Use Table would be prohibited. The issue with the ‘auto junkyard’/’auto graveyard’ she is thinking where it might come into play is that she knows that there is at least one property that has been an issue of concern with the Code Office and has made its way up to the SB. She wouldn’t make any decision about deleting that quite yet without some internal staff discussion between the Code Office and Planning Department of what the impact of doing so might be. She added that ‘auto graveyards’ are permitted in the Rural District, with site plan review, and ‘auto junkyards’ are not allowed anywhere.

The PB agreed to come back to this one.

BANKS:

The proposed definition came from the State of Maine.

The PB agreed to this definition.

BATHHOUSES:

The proposed definition came from the State of Maine.

The PB agreed to add this definition.

BATHING BEACH:

The proposed definition came from the Massachusetts Association of Health.

The PB agreed to this definition.

BED & BREAKFAST:

The proposed definition came from the State of Maine.

The PB agreed to this definition.

BULK OIL FUEL TANKS:

This proposed definition came from the Universal Sanitary Equipment Manufacturing Company (USEMC).

Ms. Horner said that it was the only place on the entire internet that that was defined.

The PB agreed to this definition.

BUSINESS OFFICE:

The proposed definition came from the dictionary.

The PB agreed to this definition.

CEMETERIES:

The proposed definition came from the dictionary.

The PB agreed to this definition.

CHURCHES:

Ms. Horner proposed deleting this because the “house of worship” will cover this.

The PB agreed with this.

CLUSTERING HOUSING:

Ms. Horner said that she didn’t know where cluster housing popped up in our code.

Ms. Sherwin said that there is another section, besides the Land Use Table, that deals with ‘cluster housing’.

The proposed definition came from the State of Maine.

Ms. Horner suggested talking with the CC about this next time.

Ms. Lemire said the conversation, when they started developing this ordinance, was that the Town did not want cluster housing so they changed it to open space. There was a lot of discussion during several Comp Plans and, every time cluster housing was brought up, people got very upset about it. Open Space was a little more in keeping with our present Comp Plan because one of its focuses is on conservation.

Ms. Horner suggested we may not need a definition for 'cluster housing' if we have an open space development ordinance.

Ms. Sherwin said that she thinks one of the issues, generally speaking, cluster housing and open space, or conservation, subdivisions are somewhat interchangeable. She thinks that in the Land Use Table it is specifically called out because it's only permitted in the Rural District. She thinks it would be wise to reference 'cluster housing' in the Open Space Development section of the ordinance.

Mr. Cieleszko said that that definition is a dangerous definition only because it says that lot sizes and setbacks are reduced. Setbacks in the open space is not reduced, now, so putting 'cluster housing' in that is a clear contradiction.

The PB agreed to further consider this before making a decision.

EARTH REMOVAL; EQUIPMENT STORAGE, TRUCKS, 3 OR MORE; FARM EQUIPMENT STORES; FENCES; FIREWOOD SALES; FIREWORKS SALES.

Ms. Horner said that she had difficulty finding definitions for these items.

After some discussion, Ms. Sherwin recommended that, if it is listed in the Land Use Table, it have a definition. Some could be very hard to interpret. There are other uses in here that, without a definition, it's really hard to select which use it would be and they're not always permitted in the same districts for 'similar uses'.

FUNERAL HOMES:

Ms. Horner proposed changing the words 'funeral homes' to 'funeral establishments'. The definition comes from the State of Maine and is a more "modern" term

The PB agreed with this.

GARDENING; GASOLINE STATIONS; GOVERNMENT BUILDINGS OR USES; GRAIN OR FEED STORE; HARVESTING WILD CROPS.

Discussion was similar to the previous discussion on **Earth Removal; Equipment Storage, Trucks, 3 Or More; Farm Equipment Stores; Fences; Firewood Sales; Fireworks Sales.**

HOSPITAL:

This proposed definition is from the State of Maine Licensing and Certification website. They had many definitions on different medical establishments.

The PB agreed with this.

INDOOR RECREATIONAL & AMUSEMENT FACILITY:

This proposed definition is from the Planners Dictionary (The Planner's Library).

The PB agreed with this.

LIBRARY:

The proposed definition came from the dictionary.

The PB agreed to this definition.

MANUFACTURING:

The proposed definition came from the dictionary.

The PB agreed to this definition.

MOTORIZED VEHICULAR TRAFFIC:

Ms. Horner could not find a definition and will get back to the PB on this one.

MUSEUM:

This was proposed to be deleted because it's covered in Indoor Recreation & Amusement.

The PB agreed.

Ms. Sherwin said that museums are allowed in all districts, with site plan review, but indoor recreational & amusement facilities is not.

Ms. Horner agreed that those are only allowed in the C/I Zone.

Ms. Sherwin said that, if you are scrapping it as a use and incorporating it into a definition of an Indoor Recreation & Amusement Facility, then you're changing where it can be. If, for example, someone wanted to display their antique farm equipment in a museum-style format, that would not be allowed. She said that she would be cautious, if

you aren't wanting to limit or modify the districts in which the uses are allowed, to keep them separate.

Mr. Cieleuszko said that the issue about 'museum' brings up an issue across this Indoor Commercial Recreation & Amusement Facility definition because those are only allowed in the C/I District and now we're talking tennis courts, a skating rink, art gallery, studio and these are things that could be in other places in the Town. He would recommend that we put 'museum' and leave it within this Indoor Commercial Recreation & Amusement Facility and, then, reopen the zoning characteristics of that subject to widen the areas that they can be found in. He suggested SPR for all of them.

Mr. Olsen asked why not just define 'museum' and not have it part of this Indoor Commercial Recreation & Amusement Facility.

Mr. Cieleuszko discussed his concern for how limiting the definition for this Indoor Commercial Recreation & Amusement Facility is for a lot of things that don't necessarily have to be in the C/I District. He was concerned with unintended consequences.

After further discussion, the PB agreed to define this.

NEW COMMERCIAL TELECOMMUNICATION TOWER:

The PB agreed that this needed a definition.

NURSERIES, PLANTS:

This proposed definition came from the State of Maine Agriculture, Conservation, & Forestry.

The PB agreed to this definition.

PARKS:

This proposed definition came from the dictionary. This is not allowed in the C/I Zone.

Ms. Sherwin suggested removing the word 'large' from that definition.

The PB agreed with this.

PLAYGROUNDS:

This proposed definition came from the dictionary. This is not allowed in the C/I Zone.

PRINTING PLANT:

This proposed definition came from the dictionary.

The PB agreed with this.

PRODUCE AND PLANTS RAISED LOCALLY, SEASONAL SALES:

Ms. Horner will find a definition for this.

PROFESSIONAL OFFICES:

Ms. Horner said that this definition includes licensed professionals, which is why it is different from 'business office'. We have had discussions before about 'business office' and 'professional office' so she thought this helped define those things.

The PB agreed with this.

RECREATIONAL FACILITIES, NON-INTENSIVE:

Ms. Horner said that we have a definition for this but it doesn't include the word 'non-intensive' so she wasn't sure how to work with that.

Ms. Sherwin read the definition from the Code Book: "means a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities."

Ms. Horner will do more work on this.

RETAIL STORES, LOCAL, OTHER:

This definition came from the State of Maine.

The PB agreed with this.

ROAD CONSTRUCTION:

Ms. Horner will do more work on this.

SCHOOLS:

This definition came from the dictionary.

The PB agreed with this.

SURVEY& RESOURCE ANALYSIS:

Ms. Horner will do more work on this.

WAREHOUSE:

This definition came from the dictionary.

Ms. Sherwin said that she would remove 'large' from this definition.

Mr. Lentz suggested getting rid of 'before their export or distribution for sale'.

The PB agreed with this.

WHOLESALE BUSINESS FACILITY:

This definition came from the dictionary.

Ms. Sherwin said that, since that is the definition of 'wholesaling', the verb instead of the noun, she would tweak it so that it is referencing a building.

The words 'A building where the sale...' was suggested and removing the words 'Wholesaling or distributing is...'.

The PB agreed with this.

Ms. Horner said that she will bring back a second draft. She added that the Lot Coverage document was for everyone to think about for further discussion.

ITEM 10 – CORRESPONDENCE

A. Citizen Correspondence regarding Animal Control Ordinance.

Mr. Lentz said that Chapter 61 is there but it has not been codified yet.

Ms. Sherwin said that this was provided at the last PB meeting. It is not codified, yet, but she did work with the Town Clerk to have it posted on the Town's website, not just the Police Department's website. The Town Clerk is aware that it needs to be codified.

Ms. Plocharczyk said that the point is that the current Animal Control Ordinance seems to be in conflict with the land use for rural agricultural. for farming and keeping an animal husbandry. Using her situation as an example, she is in the Rural District, we are a farm, we have a rooster that is allowed by the animal use/animal husbandry for the Rural Zone. We abide by the sound decibel level that appears in the code for what the maximum decibel level of that rooster appears off-property. However, because of the way this Animal Control Ordinance is written and defines a domestic animal as anything that receives food from a human...that also includes livestock. So, if you have a cow or a rooster or a goat and it bleats once and, then, again in 29 minutes you are now considered a nuisance. It's pretty broad. She thinks the idea was for barking dogs and, even if it does apply to fowl, as it is currently written, as a domestic animal, she thinks probably the

intent was more of the Village District, which is why she proposed adding a definition of 'livestock' versus 'domestic animal'. Farms currently are protected under State law, which states that a farm can't be considered a local nuisance as long as they are a farm and abide by best management practices. If we do care about the rural character of Eliot...we have people that are keeping livestock, for use of livestock, that aren't farms. The intent is to clear up, perhaps, zoning issues and to make it more in line with current animal husbandry, to keep a little more streamlined than it is currently written right now.

Ms. Bennett asked if this would preclude livestock from being in the other zones.

Ms. Plocharczyk said that livestock are already precluded in some of the zones. Animal husbandry is different from what she would consider keeping of livestock. The intent of the submission was just to get a conversation started. She thinks it's at least worth discussing and what you guys think. In her proposal, she revised the definition of 'domestic animal' and added a definition for 'livestock' to include what animals might be allowed, or not, in a particular district and to protect against complaints in the Rural District against farming animals; to take into account the different districts of our Town and what we're allowed and not allowed; that this ordinance is written so broadly that you can apply it to anything and apply it across all districts.

The PB scheduled this for the next administrative meeting.

ITEM 11 – SET AGENDA AND DATE FOR NEXT MEETING

Ms. Sherwin said that, for the next meeting, there are a lot of applications that have come in and she doesn't want to overload the agenda. There are two public hearings scheduled for October 15th. There are two applications that are being resumed, where they have not yet been found complete, and there are four new applications, as well. One is for a subdivision, one is for a site plan amendment that could be relatively minor, there's a shoreland zoning application and there is also a development application for a business.

Mr. Lentz suggested adding the open space and ordinance revisions to the first meeting in November.

Ms. Sherwin said that November 5th is the Town Meeting date and suggested that meeting be rescheduled.

Mr. Olsen discussed his absence due to surgery and what his availability might be.

The PB discussed putting the Open Space discussion off until December to utilize the two October dates (15th & 29th) for applications.

Ms. Sherwin let the PB know that she wouldn't be here on the 15th but her colleague would be, Eric Sanderson.

The suggestion was to have the two public hearings and two applications already in the pipeline on the 15th and the four new applications on the 29th. Mr. Lentz and Ms. Sherwin will set the agendas up. The PB will also discuss the animal control ordinance, lot coverage, and definitions on October 29th.

The next regular Planning Board Meeting is scheduled for October 15, 2019 at 7PM.

ITEM 12 – ADJOURN

There was a motion and a second to adjourn the meeting at 9:52 PM.



Dennis Lentz, Chair

Date approved: Oct 15 2019

Respectfully submitted,

Ellen Lemire, Recording Secretary

