

SELECT BOARD MEETING

June 22, 2023 5:30PM

Town Hall/Hybrid

Quorum noted

5:30 PM: Meeting called to order by Chairperson Donhauser.

A. Roll Call: Mr. Donhauser, Mr. Widi, Ms. Dow, Mr. Shapleigh, and Mr. Trott.

B. Pledge of Allegiance recited

C. Reorganization of Eliot Select Board:

5:31PM Mr. Donhauser opened up nominations for Chair of the Select Board.

Mr. Widi nominated Mr. Donhauser.

There were no other nominations.

Mr. Donhauser closed nominations.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh – Yes

Mr. Trott - Yes

Unanimous vote to approve nomination.

Mr. Donhauser is elected Chair.

5:32 PM Mr. Donhauser opened nominations for Vice Chair

Ms. Dow nominated Mr. Widi for Vice Chair.

There were no other nominations.

Mr. Donhauser closed nominations.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Widi – Yes

Ms. Dow – Yes

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Mr. Shapleigh – Yes
Mr. Trott - Yes

Unanimous vote to approve nomination.

Mr. Widi is elected Vice Chair.

5:33 PM Mr. Donhauser opened nominations for Secretary (Clerk of the Select Board).

Mr. Shapleigh nominated Ms. Dow.

There were no other nominations.

Mr. Donhauser closed nominations.

Roll Call Vote:

Mr. Donhauser – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes
Mr. Trott - Yes

Unanimous vote to approve nomination.

Ms. Dow is elected Secretary (Clerk of the Select Board).

D. AARP Award: “Eliot Age-Friendly Community” (Ellen Ceppetelli)

5:34 PM Mr. Donhauser said that there was an after-the-action report given on Aging-in-Place. I think it’s appropriate to read a few paragraphs from the report that gives some perspective: “In late 2017, the Eliot Select Board created the Eliot Aging-in-Place Committee (AIP) as an advisory group to recommend strategies, services, programs, and regulations to better enable residents to remain here as they age. Its duties were to identify existing resources, key obstacles, and potential solutions. Seeking input from residents of all ages./The mission is to provide advocacy for changes in Eliot’s physical, economic, and social environments that enable residents, especially older residents, to live in their homes as long as possible and that foster the creation of services and programs geared to keeping all residents engaged and active in the community. And the final paragraph I thought was remarkable is that, because of their feedback of the AIP community and the AIP Committee and through collaboration with Eliot Planning, there was a revision to

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the Accessory Dwelling Unit (ADU) ordinance. There is much more in this report and I encourage all to read it. (Available on the Town website). It is my pleasure to award the AIP Committee the "Eliot Age-friendly Community Award" to Ms. Cepetelli and her members, recognizing them for their leadership, achievements, and continuing commitment in 2023.

E. Public Comment:

5:37 PM Mr. (Gene) Wypyski, Creek Crossing, said that the AIP Committee sets the gold standard for committees in this Town. He also reminded everyone about the Eliot Festival on September 30; that 8:30 AM begins the road race.

F. Approval of Minutes of Previous Meeting(s) There were none.

G. Public Hearing: There were none.

H. Department Head/Committee Reports

5:39 PM 1. Town Manager's Report

Mr. Sullivan said there was paving done by the State this week on State Road from Dow to Old Road and Goodwin Road all the way to Kittery. Starting tomorrow and into next week, Moses Gerrish, Main, to the Kittery line. He discussed traffic issues and the additions of traffic control crews. I have rarely witnessed this level of construction in a small community and people have been great. Regarding the temporary patches, particularly along Route 236, for the laterals and apron cuts, they are going to re-pave those and that should be done within 48 hours.

Mr. Donhauser moved, second by Mr. Shapleigh, that the Eliot Select Board accept the Town Manager's Report, as presented, and ask it be published on the Town website.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh – Yes

Mr. Trott - Yes

Unanimous vote to approve motion.

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I. Board and Committee Appointments/Resignations: There were none.

J. New Business:

5:47 PM 1. Ratification of Town Manager's Annual Appointments

Mr. Sullivan read the names of the annual appointments (available at Town Hall). He noted that the Tax Collector (Brenda Harvey) is retiring at the end of July.

Ms. Dow moved, second by Mr. Shapleigh, that the Eliot Select Board accept and ratify the appointments, as presented, for FY24.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh – Yes

Mr. Trott - Yes

Unanimous vote to approve motion.

5:50 PM 2. Central Maine Power, Pole Hearing

Mr. Donhauser opened a public hearing with respect to the moving of Pole #34 northerly. He asked what road that is.

Mr. Sullivan said River Road.

There were no public comments.

The public hearing was closed.

Mr. Donhauser moved, second by Ms. Dow, that the Eliot Select Board approve the request from Central Maine Power to move pole #34 70 feet in a northerly direction and as presented.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh – Yes

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Mr. Trott - Yes

Unanimous vote to approve motion.

K. Old Business:

5:52 PM 1. LD2003

Ms. Bennett gave an overview of LD2003 around affordable housing:

- To some degree, it pre-empts some local control in relationship to certain types of housing
- Will require some changes to our land use ordinance
- First snap shot of a series of State legislation around trying to induce more housing defined by the State
- Law designed to remove unnecessary regulatory barriers to housing production in Maine/preserving local ability to create land use plans and protect sensitive natural resources
- PB exploring other ideas/changes to address
- PB discussions have been addressing how to address the lack of affordable housing in our community for several years.
- National crisis of housing supply – low supply of housing units/highly increasing price for housing
- Cost of 1,000-square-foot-home was \$165,000 - \$200,000 in 2012; same home is \$365,000 - \$435,000 in 2023
- Contractors not building modestly-sized homes
- First-time homebuyers/empty nesters can't find suitable single-family homes
- Rentals are very scarce
- State mandates incentivize construction of rental units
- Remove barriers to construction of additional dwelling units
- Contains 5 sections with varying effective dates
- Where you allow single-family residences, required to have up to four dwelling units/lot needs to meet dimensional standards
- Regarding Accessory Dwelling Units (ADUs), all requirements in LD2003 were brought into compliance by the Town vote in June
- First explicit right for municipal regulation of short-term rentals
- "LD2003 is an express pre-emption of municipal home rule authority. Therefore, any ordinance or regulation that is not consistent with the law may be challenged as invalid."
 - Context: Maine large state – many municipalities have little or no zoning, zoning created in the early 1970's, may have shoreland and subdivision ordinances

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- Creates 'by-right' allowance for ADU's, increased density in all residential zones, affordable housing developments w/density bonus
 - Allowed ADUs since 2003, modified to meet community desires by increasing max size to 1,000 square feet & lowered minimum size to 190 square feet, no additional parking requirement
 - Increased density in all residential zones we already allow; need to put clarification into ordinance for easier navigation of by-right allowance
 - 'by-right' is an explicit, legal right that landowners have

Deep concern was expressed by SB member w/no additional ADU parking requirement/not work in Eliot/Town already struggling with parking issues.

Ms. Bennett said that the PB would welcome any input/perspective how to navigate these final changes needed to be put forward. I'm a firm believer that, if we put our heads together, we can find solutions that can suit our Town and not fall prey to a cookie-cutter.

6:06 PM

Mr. Widi said that another one that might need to be update, and might be easy to miss, would be the back lot ordinance. Right now, it says that you can only serve two dwellings if you are a back lot. Based on the way it's written, if we have to on any vacant lot allow up to four, then the back lot ordinance may need to be updated. Concerned with someone challenging it if we don't do something about it.

Ms. Bennett said that that would definitely be something to take up for consideration. My concern has been, for over a year, that I don't want our Town to be challenged, which is why we have spent so much time keeping up-to-date on this legislation. She discussed, using graphics, what the density impact might look like with the 'up to four dwelling units' requirement. Frontage and setbacks need to be met. There will be a need to clarify this requirement so that everyone can understand what they can and cannot do within this. The State wants to get away from just single-family homes and encourage more density.

Mr. Trott, concerned about more density, said we have a sewer system that can't handle what's there. Who is paying for the upgrades with all this density.

Mr. Wypyski discussed the realities of meeting required codes because it's not like putting up a shack (ADU) and calling it a day. To do this right is a big deal when you come up against reality. This is all right theoretically but there are realities in Eliot, particularly the environment, the way people want it, what people can do.

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6:10 PM Ms. Bennett said that you aren't wrong; that that is another comment we've been discussing for a while. That doesn't mean we can't do other things in our community outside of LD2003 to effect what we want as far as increasing housing opportunities for everyone. Regarding affordable housing development, they are multi-family units that have income eligibility criteria; that the statute says that they are allowed in zones where multi-family units are permitted. She had a map on-screen that showed the areas (Suburban/Village) of Eliot where multi-family units are allowed. We allow no housing in our C/I Zone. The statute added an area 'in a designated growth area', 'served by public water & sewer' or 'serviced by a special water system or a special sewer district system (Bolt Hill sewer line is a special sewer district)' or 'location with centrally-managed water supply and a comparable sewer system'. Comparable sewer system = engineered (congregate) septic system, which we would need to add provisions for to our wastewater ordinance. We've had affordable housing defined in our ordinance for many years but it has seldom been used; that it will need to be modified, as well. Median income eligibility was discussed, as well as restricted covenants with 30-year minimum designation of the units (over 50% of units), maximum of 8 units per building, and 35-foot height restriction on buildings. Graphics were shown to depict what the density bonus might look like. Discussed was a laundry list of things needed to be put into our ordinance, making note of the need for third-party enforcement of the restricted covenant. Also discussed were some discretionary changes the PB could develop, such as allowing an accessory structure be converted to an ADU, structure design criteria, a diversity of unit sizes with a majority of all the unit sizes to be affordable, and lower lot sizes that have sewer & water.

6:29 PM There was a discussion regarding concerns of capacity for current sewer and how to resolve that and deal with the additional density from this legislation.

Ms. Bennett also discussed ongoing discussions and possible changes coming from the State legislature. AS an example, TIF amendment to create Pine Tree Zones. Over the past year+, the PB has discussed local solutions, such as cottage clusters (small homes/shared utilities), allow more mixed use in certain districts (e.g. Housing in C/I), with running into a hard stop with EPA possibly requiring advanced septic systems w/impact fees for conventional w/ possible funding to upgrade conventional to protect the river, adaptive use of old structures & vacant properties.

6:39 PM Mr. Donhauser asked how the State law get around deed restrictions or conservation easements.

Ms. Bennett said that it does not pre-empt private deed restriction or conservation easements.

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Mr. Donhauser asked what the SB's role is in this. How do we become proactive.

Ms. Bennett said that this presentation is the reason and rationale for LD2003, that there is a housing crisis, this is a State mandate seen as one way of addressing the housing crisis. I see you in the role of public education, along with the PB, with educating our community about this. Having dialogues like we just had. Regarding the PB timeline, we want to put changes on the November ballot that we will be deliberating for the next three meetings and holding a public hearing.

6:42 PM

Ms. Braun said that, from my perspective, I would like to see us have citizen information meetings to explain to residents what will happen, get their feedback before the public hearing, and I'd like to have your blessings and backing to do those meetings. Hopefully, you would attend and show support for these changes. We have no choice in this. We have already tackled ADUs. My biggest concern is the affordable housing piece and helping residents to understand exactly what that means; that we just have to make it affordable for all folks and structures would have to go with the design of the Town. With your blessing, that's what I would like to do, and with your backing.

Ms. Bennett said to say that we are going to hold public hearing information sessions unless you prohibit us from doing that. We would love for you to participate in them to at least be able to hear our community, how they feel. WE wouldn't necessarily expect you to answer the questions but it would also provide an opportunity to educate yourselves, ourselves, about the temperature and feelings of the community, to learn specifically what these changes are. We want to do at least a couple of them before the November election. The larger picture is that we would really like to put our best foot forward to get these changes enacted on the November ballot because, by recent LD2003 amendments, we have until July 1, 2024, and we could go on the June warrant next year. The Comprehensive Plan update, we would like to put that on the ballot in June 2024 and, if we can keep working as efficiently and effectively as we have been working, we would like to deliberate and work to update our zoning map. It hasn't been updated in a very long time and we would like to put that on the November 2024 warrant.

6:48 PM

Mr. Shapleigh commented that there seem to be a lot of sticks in this but the only carrot seems to be the TIF.

Ms. Bennett agreed, adding that I think there are some creative ways outside of LD2003 that we can think about this. We have some Town-acquired properties that we might be able to lease out, control whatever housing units were created. The TIF legislation, called an Evergreen Zone, is designed specifically for towns

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to have an active role in creating affordable housing that is designed and created by their community and work force needs.

L. Approval of Warrant(s):

6:50 PM Mr. Donhauser moved, second by Ms. Dow, that the Select Board approve Payroll Warrant #115 in the amount of \$61,332.46, dated June 6, 2023; Payroll Warrant #117 in the amount of \$54,520.73, dated June 14, 2023; Payroll Warrant #118 in the amount of \$129.45, dated June 14, 2023.

Roll Call Vote:

**Mr. Donhauser – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes
Mr. Trott - Yes**

Unanimous vote to approve motion.

6:51 PM Mr. Donhauser moved, second by Ms. Dow, that the Select Board approve A/P Warrant #116 in the amount of \$84,186.32, dated June 8, 2023; A/P Warrant #119 in the amount of \$991,140.76, dated June 14, 2023.

Roll Call Vote:

**Mr. Donhauser – Yes
Mr. Widi – Yes
Ms. Dow – Yes
Mr. Shapleigh – Yes
Mr. Trott - Yes**

Unanimous vote to approve motion.

Mr. Sullivan wanted to remind people that, if they are interested in applying for positions on boards or committees, the application process is online.

Mr. Donhauser welcomed Mr. Trott to the SB.

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M. Adjourn

Mr. Donhauser moved, second by Ms. Dow, that the Select Board adjourn.

Roll Call Vote:

Mr. Donhauser – Yes

Mr. Widi – Yes

Ms. Dow – Yes

Mr. Shapleigh – Yes

Mr. Trott - Yes

Unanimous vote to approve motion.

The meeting adjourned at 6:53 PM.

Respectfully submitted,

Ellen Lemire, Recording Secretary



Lauren Dow, Secretary

Date approved:

11/11/24