



TOWN OF MADAWASKA

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MADAWASKA PLANNING BOARD MINUTES
PUBLIC MEETING
MONDAY, FEBRUARY 23, 2015
AT 6:00 P.M.

TOWN COUNCIL MEETING ROOM

MEMBERS PRESENT: Vince Vanier, Thomas Schneck, Gary Dufour, Adam Kavanagh

OTHERS PRESENT: Vince Frallicciardi, Dave Morin

CODE ENFORCEMENT OFFICER: Robert (Bob) Ouellet

RECORDING SECRETARY: Sarah Pelletier

ARTICLE 1: Call the Meeting to Order.

The meeting was called to order at 6:07p.m. with Vice Chairperson, Vincent Vanier presiding over the Meeting.

ARTICLE 2: Establish a Quorum of Members.

Planning Board members that are present are Vincent Vanier; Vice Chairperson, Tom Schneck, Gary Dufour and Adam Kavanagh. Vincent Sirois will be attending later.

ARTICLE 3: Determine any Conflict of Interest or Bias

The Planning Board members had not conflict of interest or bias to any of the following Articles.

ARTICLE 4: Discuss starting the process of updating the Land Use & Development Code manual for the Town of Madawaska.

A Committee was formed in 2005 to update The Land Use and Development Code manual for the Town of Madawaska. The Committee worked on this for a few years and when it was presented in a Planning Board Hearing, Quite a few folks showed up to speak against the changes. The audience thought the Ordinance was too big, too much stuff. The Committee members ended up quitting. Another Committee was then formed and they met one time and it also dissolved. Gary Dufour and Vincent Vanier agree that the 2010 proposed Ordinance is quite a significant difference in size. Code Enforcement Officer, Bob Ouellet states that this proposed Ordinance is similar to other small surrounding towns such as Van Buren,

Caribou, Houlton and Fort Kent. Adam Kavanagh questions the Code Enforcement Officer, Bob Ouellet, on whether the updated version is more restrictive. Mr. Ouellet responds that no, it's not more restrictive. Mr. Ouellet suggests looking and comparing 10-15 pages of the proposed Ordinance at a time. Gary Dufour mentions that the Planning Board attempted to amend the 1977 current Land Use Ordinance a couple of years ago and Mr. Ouellet continued by saying that because of the language and vocabulary it was very difficult to amend. Adam questions Bob on whether he would prefer to work with the more modern version. Bob prefers to work with the newer Ordinance. Bob finds the language in the current Land Use Ordinance, adopted in 1977, to be out of date. The newer version is more specific and detailed and clear. He states that the positions of Planning Board and Board of Appeals are also clearly defined. Bob states that, at this time, the Planning Board is helter-skelter and the updated Ordinance would help set the standard and it keep the members informed of their roles. Bob agrees that it is a large Ordinance but it has lots of scenarios that the Planning Board may or may not use. Tom Schneck shared that he got to skim over the proposed version and agrees that it is detailed and defined. Vincent Vanier suggests that the Planning Board approach the proposed Ordinance section by section. He believes that people want an Ordinance they can understand and interpret. Vince Frallicciardi, Chairman of the Board of Selectpeople, has been comparing the current 1977 Land Use Ordinance with the 2010 proposed version and sees that in order to bring the 1977 version up to date, there would be 122 necessary changes needed. With the 2010 version, only 30 changes would be needed. Mr. Frallicciardi also repeats what has already been said about the roles of the Planning Board and specific scenarios that might come up and how they're to be addressed. He also points out that the newer version also has clear definitions of the terms used by the Planning Board and Board of Appeals. There was concern from Dave Morin about the restrictiveness of the proposed Ordinance and he's concerned about the Zones. Bob Ouellet informs him that as the Planning Board is reviewing the proposed Ordinance, they can make the changes to the setbacks, allow more exceptions in the Zones, or make any amendment as they see fit. The Planning Board discussed how they would tackle this process and they calculated the amount of time it would take. There was an issue with wanting to tackle Section 2 at a later date because that Section addresses the definitions. Gary Dufour suggests going over three sections at a time starting with Sections 1, 3, and 4 and he mentioned getting together once a month.

Point of order where Vincent Sirois arrives for the meeting at 6:40p.m..

Vince Vanier summarizes what has occurred up to now. Vincent Sirois chooses to stay stepped down from the Chairperson position and lets Vince Vanier keep the seat for the remainder of the meeting.

Vince Sirois motions that the Planning Board meet on a monthly basis to review the proposed 2010 Land Use Ordinance. Adam Kavanagh seconds the motion and all are in favor.

ARTICLE 5: Discuss adding agendas, approved minutes, and PB manuals to website.

The Planning Board discussed the necessity of placing Agendas, Minutes and Manuals on the Madawaska Website and also the posting of meetings on the calendar that is also on the website for public use. The Planning Board also discussed accessing information such as documents such as building permit applications, the Flood Plain Map, the Well Head Ordinance from the Code Enforcement Officer. Bob Ouellet informed them that the information that is applicable to him has been posted and is located under Code Enforcement section of the Site.

Vince Sirois mentions to the Planning Board members that he is working on creating a townof madawaska.net account for all the Planning Board members.

Gary motions to accept the Article as written; Tom Schneck seconds the motion. All are in favor.

ARTICLE 6: Discuss with the Code Enforcement Officer, Bob Ouellet, the process of approving (or processing) a request from landowners in the Shoreland Zoning areas to build or add on.

Vince Sirois questions why the Board didn't give Mike Morin what he was asking for at the last meeting. He wonders what the problem was and he questions the Code Enforcement Officer on the process and level of authority the Planning Board has. In Mike Morin's case, he was willing to move his grandfathered non-conforming building farther back from the shore and make an addition. Mike and Betty Morin came in with a well thought-out plan with consideration of their disability. Vince Vanier believes that in the case of the Morin's, the Board should have made it clear and given options on what they were willing to accept and the reasons why they couldn't accept their proposal. The Planning Board discussed how they could inform the landowners more thoroughly in the future. Adam Kavanagh believes that it's not up to the Planning Board to tell landowners how they should design their homes. He believes that the landowner presented what he wanted to do, and whether or not it was reasonable, was determined by the Planning Board. Adam let the Planning Board members know that after the meeting, he talked with Bob Ouellet on what authority the Planning Board had in the final decision on this particular case. Adam believes that the ultimate answer was "Yes", the Planning Board has the authority but must consider whether or not their decision is a fair interpretation of the Ordinance. Adam questions if he's wrong to think that it's not the Boards job to tell the landowner what to do. Bob Ouellet responds by saying the Planning Board has the authority but must consider Greatest Practical Extent from the water and must be consistent in their decisions. He reminds the Board that Shoreland Zoning wants all buildings to be 100 feet from the water front. The Planning Board can make suggestions and, after a few changes, the landowner may be able to only get 75% of his request. Vince Sirois wishes to inform Lakeshore landowners what the Code Enforcement Officer, Bob Ouellet's process is in considering a proposal. When Bob is given an application for moving of a building, the first thing he does is to out to establish the high water mark. If a landowner wishes to move a structure, he informs the landowners that they would have to go before the Planning Board to determine the Greatest Practical Extent from the water. Gary Dufour states that during their Planning Board training in Portage, they were told if landowners wish to move a structure and make an addition, the movement of the structure must occur first, not the addition first. In the Morins case, the camp needed to be moved as far back as possible, than the addition would come. Gary Dufour and Vincent Vanier felt that the Morins could have moved the camp farther from the water, the proposed location of the camp

was not at the Greatest Practical Extent. Bob states that, for the sake of consistency, the Planning Board needs to treat everybody the same. In the case of Mike Morin, Bob Ouellet comments that this meeting would have been beneficial to have on the site. Vincent Vanier makes a request of Bob Ouellet that he get a little direction or interpretation from MMA concerning relocation.

ARTICLE 7: Other Business

The next Planning Board meeting was verified to be on March 23, 2015 at 6:00p.m.

Code Enforcement Officer, Bob Ouellet, request that the Building Permit Proposal be read to him. Gary Dufour read it:

D. Building Permit:

No building or other structure shall be erected, moved, added to, or externally enlarged without a permit therefor, issued by the Code Enforcement Officer. No building permit shall be issued except in conformity with the provision of this Code, except after written order from the Board of Appeals. The Code Enforcement Officer shall maintain a public record of all building permits. A permit for which work has not commenced within one year shall expire. If the building or part is not substantially completed within two years of the issuing of the permit, the permit shall lapse. It may be renewed upon application.

E. Application:

1. No building permit or application is needed for renovations, upkeep, maintenance, and repairs of existing structures not to exceed a fair market value of \$15,000; this will include materials and labor. Any increase in external square footage, an application and building permit will be required. All egress and regress entries (doors, windows) will have to be in accordance with the Maine Uniform Building and Energy Code (MUBEC). If information is needed on the Maine Uniform Building and Energy Code (MUBEC), contact the Code Enforcement Officer. It is the homeowner's responsibility to be in compliance with all MUBEC rules and regulations

Proposed changes of definitions:

Renovations: Repairs and upkeep that do not change the existing footprint.

Project Cost: Project cost will be materials and labor necessary to complete the project. Local cost for materials and labor shall be used regardless of the source of material and labor.

Bob wanted to make the proposal thorough by adding the following corrections (in red):

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- 2.

Proposed changes of definitions:

Renovations: Repairs and upkeep that do not change the existing footprint.

Project Cost: Project cost will be materials and labor necessary to complete the project. Local cost for materials and labor shall be used regardless of the source of material and labor.

The Planning Board and Bob Ouellet discussed whose responsibility it would be to make sure that the Codes are being followed. Essentially, the responsibility will fall on the homeowner.

Gary Dufour makes a motion to accept the changes; Vince Sirois seconds the motion. All are in favor.

ARTICLE 8: Adjournment

Gary Dufour makes a motion to adjourn at 8:15p.m.; Vince Sirois seconds the motion. All are in favor.