

ISLESBORO PLANNING BOARD
REGULAR MEETING
MONDAY, APRIL 25, 2022
In- Person and Zoom Meeting at 5:00 PM, Town Office

MINUTES

1. Call the meeting to order and Establishment of a Quorum

Chair Bill Schoppe called the meeting to order and a quorum was established at 5:00 pm.

Members Present: Bill Schoppe, Jennifer West, Gil Rivera, Jesse Burns, Isabel Jackson, and Roger Burke, as alternate.

Others Present: Dave Dyer, CEO, Janet Anderson, Earl MacKenzie, Josh Conover, Terry Cowan, Kara Masters Siekman, Lauren Bruce, Melissa Burns, Melissa Jagger, Maggy Willcox.

Via Zoom: Dave Petzel, Stan Makara, Elizabeth Hayden, Julie Reidy, Shey Conover.

2. Approval of Minutes of April 11, 2022, Regular Meeting, and April 21, 2022, Special Meeting/Public Site Review.

- J. West requested line removed that says we need Covenant for Town Attorney.

Motion: To approve Minutes of April 11, 2022, as amended, J. Burns, seconded by G. Rivera. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

Motion: To approve Minutes of April 21, 2022, as written, J. Burns, seconded by G. Rivera. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

3. OLD BUSINESS

A. LAND USE ORDINANCE

1. Gartley & Dorsky for Martin Phillips, Application LU 15-22, to construct a pier, gangway, float, and a 6' wide pathway from the house to the pier with a small ramp from the path to the pier.
 - D. Dyer did site review with Josh Conover. All setbacks are met.
 - J. West asked about Harbor Master's report. It hasn't been received yet.

Motion: To table Application LU 15-22 for Harbor Master's report, J. Burns, seconded by B. Schoppe. Discussion about Army Corps of Engineers report. Motion passed, 5 yes, 0 no, Unanimous.

2. Earl MacKenzie, Application LU 14-22, to change use for a 12' x 16' storage shed to a guest cottage, including change of location.
 - Site review was completed, all setbacks met.
 - J. Burns asked if Covenant was received. D. Dyer stated that with C. Robb's application, the permit was approved contingent upon receipt of Covenant. J. West has example of language to use.

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- I. Jackson asked why this will be considered an ADU if there is enough acreage for a regular dwelling unit. Discussion about ADU v. Dwelling Unit.
- J. West stated Board can approve on condition that Covenant is filed. Earl explained that it has been submitted.

Motion: Application LU 14-22 is complete, J. Burns, seconded by I. Jackson. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

Motion: No request or need for a Public Hearing for Application LU 14-22, B. Schoppe, seconded by I. Jackson. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

Motion: Application LU 14-22 is approved contingent upon receipt of Declaration of Covenants & Restrictions required by §125-35.3 of the Land Use Ordinance, B. Schoppe, seconded by I. Jackson. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

B. DEVELOPMENT REVIEW ORDINANCE

1. Earl MacKenzie for Town of Islesboro, Application MD 01-22, to construct a 54' dock, aluminum ramp, and 16' x 30' float.
 - Site review was completed; all setbacks were met.
 - J. West asked if certified letters to abutters were sent out and if we have copies. The DEP notification wasn't sufficient. Janet Anderson replied that she sent them out and a couple of receipts have come back.
 - Janet Anderson stated that she believed the meeting the Planning Board held the Friday before was not a Public Hearing, but an Informational Session. B. Schoppe answered that it was a Public Hearing.
 - J. Anderson asked if the Application has been determined to be complete. B. Schoppe answered that it has not been determined to be complete yet. J. Anderson stated that a Public Hearing usually happens after an application is complete. J. West explained that the Board was trying to rush the process because it was thought the Town was in a rush to get the pier approved.
 - G. Rivera and J. Burns disagreed about rushing, but explained that the Board was unsure of the process.
 - Discussion about the process of notifying abutters so they can be present for input.
 - J. West asked if the Harbor Master's report was received. D. Dyer answered that it has not been received. Earl will follow through with Stan Makara.
 - B. Schoppe asked if application is complete. G. Rivera and J. Burns answered that it is not complete without Harbor Master's report. Discussion about declaring it complete contingent upon receipt of report. J. Burns pointed out that the last application was tabled for the same reason.
 - G. Rivera stated he felt that the application should show plans for the walkway, access to dock. B. Schoppe read the Ordinance, found nothing in there about walkways.

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- J. West stated the Board needs to consider whether or not the pier and parking should be treated as two separate applications. On Development Review, parking should be included. J. West referred to Standards under §125-45; Criteria of Approval, §45-19 E. Unreasonable road congestion or unsafe conditions; General performance standards, §45-59 to 79; Parking and passage, septic and lighting; §125-45, parking and entrance design standards.
- J. Burns stated it is already an established area, they're improving it.
- G. Rivera stated that every dock permit he's seen has the walkway in the plans.
- R. Burke stated that as a Planning Board we have to take safety into consideration. Some of the issues here that are creating difficulty are safety issues. Would it be possible for us to approve this with conditions? Those conditions would be those parts that are waiting for some other entity to provide information on how they will address safety issues. Can we approve with conditions that those be met, with a timetable.
- B. Schoppe agreed that because this is DRO, the Board has to go through the Findings of Fact, Criteria of Approval.
- J. West summarized the Ordinance in regards to process after a Public Hearing.
- Terry Cowan stated that he understands the application is for a dock, ramp, and float, and the Board is within its right to approve that with conditions that problems are addressed, and can specify building "at your own risk."
- Earl MacKenzie stated that he has never had to show access to docks in permits in the past. He would be happy to make a contingency on this application to provide a walkway, bridge, and lighting.
- Discussion about which measures are being presented to the Select Board.
- Board went through Criteria of Approval, through E.
- Discussion about how the Board hasn't yet determined if this is a Minor or Major Development. There hasn't been a vote yet, but it needs to be complete, and we're lacking data.
- Earl expressed that he would like someone to clarify this. There is clear and present danger at the existing dock. The pathway can be done safely. Most kids get dropped off at the existing dock, where there is no sightline.
- R. Burke stated that when considering Development Review, the Planning Board must consider all the components of the property, and comply by the standards in the ordinance. If we agree with what is proposed, then we can accept it as part of the development. We have to consider the total picture. The ramp and float will affect the use of the entire property. Earl should bring us as part of the application something that details how these things will be addressed.
- E. MacKenzie stated he doesn't see parking needs changing as part of this project. He would be happy to put something in writing regarding a pathway with erosion control.

Motion to table Application for final abutters' receipts, Harbor Master's review, more details on proposed walking path and potential phase II parking, proposed methods to calm traffic, and methods to address pedestrian safety, J. West, seconded by G. Rivera. Discussion about

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driveway and parking, and whether it should be part of motion. Speed on the road is not part of the Planning Board's jurisdiction. J. West revised her motion as follows:

Motion to table Application MD 01-22 for Harbor Master's review and a more detailed plan for the proposed walkway, J. West, seconded by I. Jackson. No further discussion. 3 yes, 2 no. Motion carries.

- Melissa Jagger stated she is the Recreation Director. She feels the Town needs to do something about the speed limit. Kids are going to go there no matter what. Agrees with Earl about the safety issue at the dock for swimmers. Safe Roads Committee and other people have discussed, prior to this dock proposal, how unsafe that section of the road is. To put it as a contingency on this project doesn't make sense, it is not applicable. That entire area is unsafe as it's being used currently.
- J. West asked how we are going to change behavior to get people to use the new pier. Earl answered that the Harbor Master has the authority to stop people swimming at the boating dock.
- Terry Cowan asked if this will be a seasonal dock, and can the CEO approve a dock application. Earl answered it will be seasonal, and D. Dyer answered that dock applications go through the Planning Board.
- Julie Reidy via Zoom: It is changing the area usage significantly. Parking and walkways priority for liability... if approved with concerns raised by Mr. Burke, you will be setting precedence over future applications... is there a concern over sea levels and the impact to erosion... impact over 5-10 years in the future... Sounds like it will require RipRap no matter what... cost estimate for the potential tax liabilities? Other developments in the town have required parking pieces... the usage will change... creating an attraction, parking will change significantly. Not sure why it's not a priority to have a complete plan prior to putting in such a structure for the usage intended.

4. NEW BUSINESS

A. LAND USE ORDINANCE

1. None.

B. DEVELOPMENT REVIEW ORDINANCE

2. None.

5. OTHER BUSINESS

- CEO Report: None
- People Wishing to Address the Planning Board:

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- Stan Makara via Zoom regarding Harbor Master's report: Earl is the Deputy Harbor Master and has authority to provide a report for the first application on the agenda.
- Josh Conover asked if the Planning Board can change the motion on the first application that it be approved contingent on the Harbor Master's report. Chair B. Schoppe replied that the Board can reconsider the motion.
- Kara Masters Siekman asked to see permit for the clearing at Big Tree, and requested that Janet Anderson's recommendation for a Public Hearing following a completed application be upheld.

Motion: To reconsider the decision on Gartley & Dorsky for Martin Phillips, Application LU 15-22, B. Schoppe, seconded by I. Jackson. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

Motion: Application LU 15-22 is complete contingent upon receipt of Harbor Master's report, I. Jackson, seconded by B. Schoppe. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

Motion: No request or need for a Public Hearing for Application LU 15-22, B. Schoppe, seconded by I. Jackson. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

Motion: To approve Application LU 15-22 contingent upon receipt of Harbor Master's report, I. Jackson, seconded by B. Schoppe. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

- Correspondence: None.
- Committee Reports: None.
- Chair- Additional Business: All Planning Board members to study Ordinance. J. West added that the Planning Board will have a Public Hearing on changing the language in the Ordinance regarding fees.

6. Adjournment of Meeting

Motion: To adjourn meeting at 6:30 pm by J. Burns, seconded by G. Rivera. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

Respectively Submitted,



Carrie Reed