

ISLESBORO PLANNING BOARD
REGULAR MEETING
MONDAY, MAY 23, 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, Isabel Jackson, Jennifer West, Gil Rivera, Jesse Burns, and Roger Burke as alternate.

Others Present: Dave Dyer, CEO, Earl MacKenzie, Elizabeth Hayden, Lauren Bruce, Phil Seymour, and Terry Cowan.

Via Zoom: Jim Mitchell, Devin & Sandra Prock as agents for David Wenner, Rachel Rolerson Smith, Janis & Dave Petzel, Maggy Willcox, and Julie Reidy

2. Approval of Minutes of May 9, 2022, Regular Meeting.

Motion: To approve Minutes of May 9, 2022, as written, I. Jackson, seconded by G. Rivera. No discussion. Roll Call, Motion passed, 5 yes, 0 no, Unanimous.

3. OLD BUSINESS

A. LAND USE ORDINANCE

1. None

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.
 - Findings of Fact were typed up by J. West. Board needs to vote to approve report.
 - J. West stated that the Board needs to determine if the application is complete. Drawings of the proposed pathway from the north and proposed bridge over culvert were received, but drawings do not include a pathway from the south. Also received was the report from the UMaine Capstone Student Engineering Project for the proposed recreation area.
 - Earl explained the Capstone report and stated his personal feeling is that it's not practical or relevant for Islesboro, and very expensive. He feels it's not sufficient to address solutions that the Planning Board has been requesting for this application.
 - J. West stated that Earl's drawings do not include a path from existing parking from the south to the proposed dock. Earl stated that people will continue to traverse the road as they have always done. Nothing will change.
 - B. Schoppe stated that things will change because there will be more people walking along the road from the existing dock to the new dock.

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- B. Schoppe explained how he went to the site and took measurements from both directions and checked width of road, sight lines, etc. The shoulder along the road where people will walk could use improvement.
- Earl stated that there is someone from the DOT coming to check the road. He also stated that he cut back brush to improve sight lines.
- B. Schoppe stated that conditions have been a safety issue long before this application was considered. Visibility could be increased with more pruning. Speed limit signs only work when people obey them. Have the conditions on the Findings of Fact been met satisfactorily? Is there a way we can deal with safety issues?
- J. Burns stated that in his opinion, what has been submitted suffices for this application, because he finds it unfair to link two separate town properties on a pre-existing safety issue.
- J. West stated, "Based on that, in good conscience, I cannot accept this application as complete without first seeing that parking and safe pedestrian access has been addressed. This application does not meet the Criteria of Approval of Development Review Section 45-19 E. I move that application MD01-22 does not meet the criteria for a complete application, as it does not address parking and pedestrian safety, to and from the proposed recreational pier from the north and the south. A plan for addressing parking and pedestrian safety should be presented to the Board with plans and a time frame for implementation prior to construction of the pier."

Motion: Application MD01-22 does not meet the criteria for a complete application, as it does not address parking and pedestrian safety, to and from the proposed recreational pier from the north and the south. A plan for addressing parking and pedestrian safety should be presented to the Board with plans and a timeframe for implementation prior to construction of the pier, J. West, seconded by G. Rivera. Discussion:

- G. Rivera stated that the paperwork does meet what we wanted, but the safety aspect is more concerning.
- B. Schoppe referred to the draft of the Findings of Fact, Criteria of Approval, E, Evidence Provided, and stated his concern regarding the Town not being able to make changes to the road regarding road signs and speed signs.
- J. Burns stated that the DOT has been contacted and will come make an assessment.
- B. Schoppe continued to review the draft of the Findings of Fact in regards to road safety and parking, and possible conditions to the permit if approved.
- J. West stated the Town hasn't addressed pull-offs, sufficient parking, etc. Need more detail. Children will be walking on the side of the road. It's time that we take responsibility for the safety of that recreation area. It is expanding. We would be crazy not to ask for more detail and encourage that this be implemented before construction of the pier.

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- G. Rivera asked B. Schoppe how much room he measured along the guard rail. B. Schoppe answered that there was about four feet from the edge of the pavement to the guardrail. It's walkable, but could be made better with grading and grooming.
- Earl asked if the board was proposing that people stop using Big Tree Beach completely. J. West answered that that issue is outside the scope of this application.
- Earl stated that the depth of the water at low tide where people are swimming now is 4-5 feet. J. West answered that the depth of the water is outside the purview of the Planning Board. It's a moot point.
- Earl stated that traffic is also increasing at the boating dock. Do we stop people from swimming there? We're in a catch-22.
- R. Burke stated that existing conditions are out of the purview of the Planning Board, so cannot be used as an argument.
- Earl stated that if the speed limit is reduced, the sight lines change. Perhaps we can change the speed limit seasonally.
- R. Burke asked J. West if there are measures that could be taken that would satisfy these issues. J. West answered that she is concerned that the parking issue hasn't been addressed, and we need more detail. The Town should work on parking, signage, etc., maybe with a committee.
- Janis Petzel asked via Zoom chat if correspondence has been reviewed, in particular from the Town lawyer. All members have copies from previous meetings. J. West provided details from Sally Daggett's email. We have standing in terms of parking and safety along the road according to §45-19 E.
- I. Jackson stated that if the speed limit was addressed, she feels okay about the application. The Town has provided parking; the Town can't make people use it.
- J. Burns feels that what has been submitted is more than adequate for the pier.
- Lauren Bruce stated that this is an opportunity to address the safety problem. Spending a little more time addressing this is worth protecting people on the island.
- J. West stated that the Town needs to provide a plan.
- I. Jackson stated that trying to make people do something is not our concern.
- Discussion about possible alternatives.
- Terry Cowan spoke about the unsafe situation. Maybe the solution is to approve the dock with the condition that issues be solved by the Town.
- R. Burke stated the Planning Board has to operate within a certain context in the State. Safety concerns are part of our responsibility with Development Review.
- Earl stated that a reasonable compromise would be if the traffic is slowed down after meeting with the DOT.
- Julie Reidy via Zoom chat: You will be increasing activity. You're building a new attraction. You're removing the people at the current dock and moving them to a new area.
- Lauren went on record to say that she would love to see this dock. I think a solution would be a path on the Eastern side going North. If this isn't the solution, there are some out there.

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- D. Dyer stated that the Board has the option of tabling the application for an indefinite period of time.
- J. West withdrew the motion and modified it as follows:

Motion: To Application MD 01-22 should be tabled until a time that a plan for addressing parking and pedestrian safety is provided to the Board with plans and a timeframe for implementation prior to construction of the pier, J. West, seconded by G. Rivera. No further discussion. Roll Call, 4 Yes, 1 No (J. Burns). Motion passed.

J. Burns submitted his resignation at 6:12pm, effective immediately. He left the meeting.

4. NEW BUSINESS

A. LAND USE ORDINANCE

1. John Zlotkowski, Map 15, Lot 5, Application LU 20-22, to construct a new home.
 - J. West asked D. Dyer a question about the acreage. The plot map shows that it's 3.969 acres, but the application has it listed as 1.44 acres with smaller road frontage. Non-conforming lot? D. Dyer will look into it and clarify.
 - Will need site review.

Motion: To table Application LU 20-22 for clarification of lot size and site review, I. Jackson, seconded by G. Rivera. No discussion. Roll Call, 4 Yes, 0 No. Unanimous.

G. Rivera and I. Jackson volunteered for site review.

2. Permitting with Prock/Michael MacDougal, Map 17, Lot 38, Application LU 21-22, to construct a pier, ramp, and float.
 - B. Schoppe read email from Gabe Pendleton asking Board to postpone consideration of this until the next Planning Board meeting in two weeks. There is a disagreement about easement boundaries that needs to be ironed out.

Motion: To table Application LU 21-22 until the next meeting, B. Schoppe, seconded by G. Rivera. No discussion. Roll Call, 4 Yes, 0 No. Unanimous.

3. Permitting with Prock/David Wenner, Map 6, Lot 6C, Application LU 22-22, to construct a pier, ramp, and float.
 - Devin and Sandra Prock spoke via Zoom as representatives of David Wenner. They have a letter of standing with the application.
 - Devin described the plan. The pier will connect with stairs that are stairs already on site. No additional cutting of trees.
 - J. West asked about a Submerged Lands Lease. Prock will provide a copy.
 - Harbor Master approval is in the works.

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Motion: To table Application LU 22-22 for Harbor Master review and site review, B. Schoppe, seconded by G. Rivera. Discussion about site review. Prock will arrange for someone to be there. Roll Call, 4 Yes, 0 No. Unanimous.

G. Rivera and J. West volunteered for site review.

B. DEVELOPMENT REVIEW ORDINANCE

1. None.

5. OTHER BUSINESS

- CEO Report: D. Dyer provided report.
- People Wishing to Address the Planning Board: Terry Cowan stated that the Board ought to push for a full-time CEO who will review applications to make sure they are complete before they go to the Planning Board.
G. Rivera asked D. Dyer how many unregistered vehicles one can have on property. D. Dyer said he'd look to find answer.
I. Jackson put forward Wendy Huntington as a new Planning Board member.

Motion: To make recommendation to the Select Board that Wendy Huntington be appointed as a Planning Board member, I. Jackson, seconded by B. Schoppe. No discussion. Roll Call, 4 yes, 0 no. Unanimous.

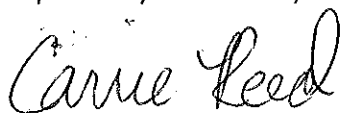
Motion: To table J. Burns resignation, B. Schoppe, seconded by G. Rivera. Roll Call, 4 yes, 0 no. Unanimous.

- Correspondence: Acknowledged correspondence previously received by the Board
- Committee Reports: None.
- Chair- Additional Business: Review wording on application for Minor Development. J. West volunteered to help Carrie edit.

6. Adjournment of Meeting

Motion: To adjourn meeting at 6:39 pm by I. Jackson, seconded by G. Rivera. No discussion. Motion passed, 4 yes, 0 no, Unanimous.

Respectively Submitted,



Carrie Reed