

**Planning Board - Public Hearing on Town Centers Ordinance**  
November 20, 2017 @ 6:15 PM, Town Office Meeting Room

# MINUTES

**Planning Board Members Present:**

Chair Janice Harmen  
Jennifer Whyte  
Bill Schoppe  
Gil Rivera  
Jennifer West - Alternate  
Isabel Jackson - Alternate  
Excused: Peter Coombs

**Town Centers Working Committee Members Present:**

Tom Tutor  
William Boardman - CEO  
Janet Anderson - Town Manager  
Janice Harmen  
Archibald Gillies

**Others Present:**

Shey Conover  
Josh Conover  
Lauren Bruce  
Dorea Engstrom  
Terry Cowan  
Ann Renarde  
Eric Tierney  
Jon Kerr  
Nancy Alexander  
Diana Roberts  
Andrew Anderson  
Rick Rogers  
Mark Umbach  
Lars Nelson  
Todd Congdon  
Robyn Anne Congdon  
Michael Johnson  
Michael Clayton  
Ryan Gorham

**Chair Harmen** called the Public Hearing to order at 6:15 PM, and a quorum of the Planning Board was established. The purpose of this Public Hearing is to review and discuss the proposed new ordinance for Town Centers Districts. Chair Harmen reviewed the rules for Public Hearing. She then turned the meeting over to Tom Tutor, member of the Town Centers Working Committee.

**Tom Tutor** presented a brief overview of the reason for the proposed ordinance, a history of the Comprehensive Plans over the last 30 years, and the conclusion from various studies that affordable housing is needed. He said he believes that by reducing the 1 ½ acres to ½ acre it will allow for more affordable

housing. *Please refer to the minutes of November 6, 2017 for a more detailed introduction and overview.* He said that he has heard a lot of comments from the public that the Up Island - North Islesboro District is not appropriate. He then opened floor up to comments and questions.

**Todd Congdon** asked if consideration was given to creating public shore access? Tom Tutor said that this was not considered. Todd also said that consideration might be given to protecting the dark, night sky. Todd went on to ask if there had been any groundwater studies associated with this ordinance. Tom said that the Groundwater Committee has been monitoring wells since 2006 and there have not been any “red flags”, and that the Town Centers ordinance is requiring stricter regulations on setback from well to septic of 200' rather than 100'.

**Nancy Alexander** asked if the vote has to be “all or nothing”? She wonders if the Town Centers can be voted on individually. Jan Harmen answered that the vote could be amended at the Town Meeting, which was corrected by Janet Anderson who said that the article cannot be amended at Town Meeting. Arch Gillies said that tomorrow the Working Committee will meet and decide which changes, if any, should be made to the proposed ordinance, then it will be resent back to the Planning Board for their review and approval to send it on to another Public Hearing. Tom Tutor told Nancy that the Town Attorney has been asked the same question, whether the vote can be separated and her answer was no, that the “language has to have an attached map” so to speak. Nancy finally asked if there was a rush for some reason and if there is no matching grant or deadline, then she feels they should take more time to conduct as many meetings as it takes.

**Diana Roberts** pointed out the demographics of the 4 areas. She feels that the wealthier residents in Dark Harbor will not divide up their land to make affordable housing and that the people in north Islesboro are more likely to do this and can see a benefit for their pocketbook. She sees “financial demographics” up island and is concerned with what could happen there. Tom Tutor said the ordinance will give landowners more latitude, to which Diana replied “That’s what I am worried about”. Diana finally asked if any studies had been done to find out who and or how many people would buy a half acre, and notes that she thinks “rentals are a good idea”. Tom Tutor said that looking at the IAP project with 14 houses being all occupied is a good indicator that more housing is needed.

**Josh Conover** expressed his grievance over the fact that the vote cannot be separated out for each district. He said that as it stands, the IAP parcel with around 22 acres could be developed into 20 houses right now. He said he would like to build a few apartments on his IME land for his workers.

**Michael Clayton** asked if there are any plans for a town septic or public water, stating that in his neighborhood the water is “crap”. He feels before the ordinance is even passed, that more consideration should be given to the infrastructure.

Tom Tutor said there is no motivation to build a public sewer system at this time.

**William Boardman** mentioned taking the two up island centers out of it, and noted that the former “Peg’s Gift Shop” building once had three apartments and the current ordinance now suppresses this. He said that this building could go back to three apartments and Mark Umbach’s building could add one other apartment to it under the new Town Centers Ordinance. He said he doubts that the town would ever develop a public septic system in the Post Office area.

**Rick Rogers**, Executive Director of IAP since 2009, discussed the history of the parcel of land up by the Sporting Club. In 2009 there was a plan to develop it and so they did a market research to see if 5 - 6 houses would be something that was needed for teachers, etc, and they found no need at that time, so the project was abandoned. Rick says there is current discussion about giving that land back to the town because there are other areas that are more desirable for development down island.

**Jon Kerr** asked if the Working Committee gave any thought to loss of land value with increased development. He gave an example that if divided up his back lot into two small parcels and stuck 2 mobile homes back there that “Jan’s property value would go to hell”.

**Ann Renarde** pointed out that the North Islesboro District includes parcels of land that have deed restrictions which forbids them to subdivide. She also noted that in reading some of the letters submitted to the Planning Board that even people who don’t live in the North Islesboro District are opposed to developing this area and that it is considered a “value to the entire island”.

**Todd Congdon** said there is a private beach near his lot and feels tensions will increase if new development were to take place.

**Terry Cowan** said that in the P.O area and the Dark Harbor area there is already heavy development along the main roads and feels that this should define those districts rather than widening the area out. He wonders if the Working Committee has considered having narrow strips define the Town Centers District. Finally he asked if the Planning Board as an entity will decide if the Town Centers ordinance makes sense from a planning standpoint. He feels this process has to have the review and approval from the Planning Board as well. Tom Tutor said that the committee hadn’t really looked at narrow strips, that development is possible and perhaps favorable off the main roads. He said there is no clear answer.

**Dorea Engstrom** commented that “it ain’t fun” to live on small lots with houses all in a row. “I like my three acres” she said.

**Terry Cowan** pointed out that in Durkee’s Store area there is a large parcel of conservation land owned by IIT and another large lot owned by himself. He doesn’t feel this area should be included in the Town Centers either. He said that if the committee is using the rationale that it is citing the Comp Plan, then only 2 of the 4 centers should be included, which would be the southern two centers. Arch Gillies said there is historical evidence referring to Durkee’s Store area and that it is mentioned in the Comprehensive Plans.

**Josh Conover** said he initially attended a Town Center Meeting at the Sporting Club and there was a lot of discussion initially about the North Islesboro area, and now feels that a town center North Islesboro just doesn’t “fit”.

**Diana Roberts** asked “Can we just start with the two obvious areas down island?”. She noted that IAP’s study showed no current need for the 5 -6 houses.

**Lars Nelson**, School Board Member, said the school has a vested interest in affordable housing for teachers and families and to him it sounds like everyone in attendance agrees with this, but the problem he sees is deciding on the location.

**Mark Umbach** said that he hears from all the summer people that something should be done about creating

affordable housing. He feels that without an ordinance change this could happen. He cites his lot where Katie Schwarzenbach lives and the lot across the road owned by Christine Coombs and notes that this is enough land to create affordable housing if someone wanted to. Arch Gillies said that an ordinance change would entice people to invest and that sometimes the 1 ½ acres is not financially possible.

**Jan Harmen** said that an abutter to the P.O. Town Centers District, Jennifer Adams, Map 17, Lot 9, was not notified by mail of the Public Hearings and questioned what the procedure for this would be. Janet Anderson researched this answer by contacting the town attorney, Sally Daggett, who e-mailed an answer stating that it was not legally required to notify owners or abutters and that “Just because the Town sent a non-required notice doesn’t mean that a property owner or abutter who was “missed” on that non-required mailing now has some claim that the entire process is not good and must be restarted.”. This abutter will be notified for the next public hearing.

The Town Working Committee will meet tomorrow at 1:00 PM to review the information gathered at this Public Hearing and the Public Hearing of November 6<sup>th</sup>, 2017 along with the e-mails and letters received. Attached to these minutes are the letters and e-mails received since the Public Hearing of November 6.

The Public Hearing adjourned at 7:55 PM.

Respectfully submitted,

Peggy Pike

Attachments