

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: Chair Bill Schoppe, Jennifer West, Wendy Huntington Evans as a voting member, and Anne Bertulli as an alternate

Members absent: Vice-Chair Isabel Jackson, Gil Rivera, and Roger Burke,

Others Present: CEO Dave Dyer, Terry Cowan

Via Zoom: Mike Nelson and Lauren Bruce

2. Approval of Minutes of January 8, 2024, Regular Meeting.

Motion: To approve Minutes of January 8, 2024, as written, B. Schoppe, seconded by J. West. No discussion. Motion passed, 3 yes, 0 no, Unanimous.

3. OLD BUSINESS

A. Land Use Ordinance

1. None

B. Development Review Ordinance

1. None

C. Review New Ordinance Proposed Changes

- J. West provided a draft of the ordinance changes and reported that Town Attorney Ben McCall responded to the Board's questions. He stated a definition of geothermal systems should be included in the glossary of §125-61, as well as in 125-58.
- He reinserted the language that minimum lot size and frontage requirements in Resource Protection Districts still apply to ADUs.
- Revised the definition of Tiny Home to run in tandem with the State definition.
- The 190-square-foot minimum for ADUs is mandatory and we cannot make it any smaller.
- The Town may allow increased housing income limitation from 80-120%. This will allow more affordable housing developments to qualify for density bonuses, more lenient than LD 2003.
- It would be easier to administer the Town Center districts if the boundaries followed property lines, particularly because this is the district where affordable housing developments will be permitted. However, this is not absolutely necessary.

ISLESBORO PLANNING BOARD
REGULAR MEETING
MONDAY, FEBRUARY 5, 2024
In- Person and Zoom Meeting at 5:00 PM, Town Office

- Under 125-12, only structures and facilities greater than 120-square-feet need permitting, so smaller pools won't need a permit. Dave Dyer recommended that only in-ground pools should need a permit.
- Added under 125-22, Town Centers District: minimum lot size of 8,000 square feet per dwelling unit for affordable housing per LD 2003.
- Under 125-33, reworded for clarification, minimum lot size 1.5 acres, except in Town Centers.
- Indicated applications for swimming pools and fire suppression systems.
- Article 5, 125-61, affordable housing developments shall verify that the development meets criteria for eligibility density bonus. Increased density only allowed in Town Center districts.
- Section 125-61.1 d, affordable housing developments may take advantage of increased density... must comply with:
 - 120% of area median income for rental properties as well as owned housing.
 - All shoreland zoning requirements
 - Prior to issuance of any building permit, the property owner must submit written verification that the proposed affordable housing development is connected to adequate water and wastewater facilities. Details discussed.
- 125-35.1 Definitions: Accessory Dwelling Unit (ADU): has all basic facilities needed for day-to-day living independent of the primary residence, including a kitchen, sleeping area, and bathroom.
- At least one ADU must be allowed on any lot where a single-family dwelling unit is the principal structure.
- ADUs shall meet the following standards and criteria:
 - An ADU that is located in the Rural Protection District is exempt from any density requirements or lot area requirements related to the area in which the ADU is constructed, with the exception that the second ADU must meet the dimensional area and setback requirements.
 - An ADU is allowed on a lot that does not conform to the municipal zoning ordinance if the ADU does not further increase the nonconformity.
 - For an ADU located within the same structure as a single-family dwelling unit, or attached to a single-family dwelling unit, the dimensional requirements and setback requirements must be the same as the requirements of the single-family dwelling unit.
 - ADUs must be at least 190 square feet in total floor area, and may not exceed 800 square feet in total floor area.
 - We have eliminated that the owner is required to occupy either the primary residence or the ADU.
 - Only one ADU is permitted per dwelling unit, except as noted.
 - An ADU may not be leased or rented to a tenant for periods less than 60 days.
 - We no longer require that a homeowner has a covenant for an ADU. Current covenants may be null and void. Dave will consult with attorney.
 - ADUs must comply with all shoreland zoning requirements. Minimum lot area of 60,000 square feet (about 1.5 acres) in the shoreland zone. Adjacent to nontidal areas, 80,000 square feet. Jennifer will ask the attorney for clarification.

ISLESBORO PLANNING BOARD
REGULAR MEETING
MONDAY, FEBRUARY 5, 2024
In- Person and Zoom Meeting at 5:00 PM, Town Office

- Prior to the issuance of a building permit, property owner must submit written verification that the proposed ADU is connected to adequate water and wastewater facilities.
- Definitions:
 - ADU definition is moved to its own section.
 - Affordable Housing Development defined as a development where 51% of units are affordable. Carrie suggested adding “at least” 51%.
 - Affordable Housing Unit: A dwelling unit that will, through the recording and enforcement of a restrictive covenant, be affordable to a household making no more than 120% of the area median income in the case of rental housing and owned housing. A dwelling unit is considered affordable if the household occupying that unit does not spend more than 30% of its monthly household income on housing costs.
 - Attached means connected by a shared wall to the principal structure.
 - Corrected spelling of Aquaculture
 - Kitchen: an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains cooking appliances including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, 240-volt electrical outlets or any gas lines.
 - “Potable” means safe for drinking as defined by the U.S. Environmental Protection Agency’s (EPA) Drinking Water Standards and Health Advisories.
 - Freshwater Wetland updated.
 - Added HAT: Highest Annual Tide.
 - Tiny Home: as defined by the state in 29-A M.R.S. § 101(80-C).
- § 125-58, Water Quality
 - The attorney felt there was no problem having changes in that section. They are not mandated changes; they are recommended by the Groundwater Committee.
 - Definitions to be moved to the other Definitions section.
 - The Groundwater Protection Committee recommends that this island, having a single-source aquifer, should focus on protecting this resource. Geothermal heating systems are a concern, and so we are adding definitions and only allowing closed-loop systems.
 - Only potable water or food-grade or USP-grade propylene glycol shall be used as a Geothermal Fluid. No other materials or additives may be used.
 - No Geothermal Fluids or Thermal Groundwater may be discharged onto the surface of the ground or into any public drainage facility.
 - All inground (indoor & outdoor) swimming pools must meet setbacks.
 - Only water from off-island sources may be used for filling pools. Discharged water shall remain within property boundaries. Discharging of treated water into any water body should be avoided. Discussion about having a handout to go with permits.
 - Fire Suppression Cisterns: All fire suppression cisterns shall comply with subsurface rules. Water from off-island sources shall be used for filling and refilling of cistern(s).
 - Wells: All new or replacement wells shall be grouted. Discussion about setbacks for wells with and without grout. Grouted wells may not need as much setback distance.

ISLESBORO PLANNING BOARD
REGULAR MEETING
MONDAY, FEBRUARY 5, 2024
In- Person and Zoom Meeting at 5:00 PM, Town Office

Dave will research. Discussion about which wells should be grouted, all wells or just geothermal wells. This should be moved under geothermal.

- Adopted from Pennsylvania: All abandoned wells must meet the Maine Department of Environmental Protection, Bureau of Remediation and Waste Management “Guidance for Well and Boring Abandonment.”
- Under Chapter 45, Development Review
 - Lot size: affordable housing developments located within the Town Centers District shall instead be subject to the density requirements set forth in § 125-29.1(B)(1)(f) of the Land Use Ordinance.
 - All multiple dwelling units shall be provided with 1.5 parking spaces per dwelling unit consistent with Article XV of this chapter, except affordable housing developments, as defined in § 125-62 of the Land Use Ordinance, which shall be required to provide 2 parking spaces for every 3 dwelling units.
- After making a few minor edits, the Board will vote on the proposed ordinance changes. Then we have a Public Hearing. The Board set the **Public Hearing for Monday, April 22nd at 5:00.**

4. NEW BUSINESS

A. Land Use Ordinance

1. None

B. Development Review Ordinance

1. None

C. Town Center Map Updates and Proposed Changes

- Mike Nelson, Chair of the Housing Committee, spoke about the committee’s efforts to create a new Up-Island Town Center district around the Durkee’s Store area. This would allow more opportunities to take advantage of the higher density allowances for affordable & workforce housing. This provides the smaller lot sizes and the potential for the longer-lease ADUs that might be able to be used for workforce housing. The committee identified the lots within the proposed area, as well as abutters.
- Town Meeting will be June 15, so there is time to do this. The proposal needs to go to the Select Board, and then public hearings and Town Meeting.
- The Housing Committee wants to make sure that the process they follow meets the requirements of the Planning Board and the Select Board. J. West replied that it certainly meets the goals of LD 2003, so it’s worth bringing forward to the Town.
- Discussion about procedure. The Planning Board needs to show support so the Housing Committee can take it to the Select Board.

Motion: The Planning Board supports the Housing Committee in pursuing and creating a Durkee’s Store Town Center District, B. Schoppe, seconded by J. West. No further discussion. Motion passed, 3 yes, 0 no, Unanimous.

ISLESBORO PLANNING BOARD
REGULAR MEETING
MONDAY, FEBRUARY 5, 2024
In- Person and Zoom Meeting at 5:00 PM, Town Office

- Terry Cowan asked if the Town has any record of the impact of the creation of the current Town Centers. He expressed concern about a group wanting to change the Ordinance. He feels that community support should come first. J. West explained the process. The Housing Committee will lead the informational meetings, the Planning Board will hold the Public Hearing, and the Town Meeting will be run by the Select Board.
- Mike answered that there have been two property owners who have taken advantage of the smaller lot sizes in the current Town Centers. Terry asked what would be the benefit of making the Durkee's Store area a Town Center. B. Schoppe replied that there are larger properties there that could be utilized for affordable or workforce housing if a property owner would like to take advantage of the increased density allowances. Mike added that there will be opportunity to hear any opposition or support at the public sessions.

Amending Current Post Office and Dark Harbor Town Centers

- We've been discussing amending the boundaries to follow the property lines vs. the current imaginary lines, which follow resource protection zones.
- The attorney said it would be fine to do either.
- The work done for the Health Center confirmed that the back part of the Town property does not meet the criteria for resource protection zone, because it's not wetland.
- We've received a letter from Rick Rogers at Islesboro Affordable Properties. He would like to add lot 9A to the Town Center, which would allow them to increase the density of that property. We will have to send out abutters' notices.
- There's a 34-acre lot on the east side of Main Road. J. West spoke with Bill Boardman, who stated it's a family trust property, and they are amenable to having that included in the Town Center district.
- Discussion about how rules of the most restrictive district will apply in lots where there is shoreland zone.
- Abutters and property owners within both districts may need to be notified. If we make changes to one district to follow property lines, we should do both. Planning Board should draft a notification letter. The Housing Committee will draft a letter for the proposed Up-Island Town Center. B. Schoppe suggests running it by the attorney.
- J. West will draft a letter for the attorney asking these questions.

5. OTHER BUSINESS

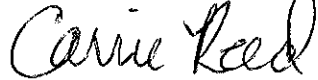
- CEO Report: D. Dyer presented his report for November. Nothing in December.
- People Wishing to Address the Planning Board:
- Correspondence: None
- Committee Reports: None
- Chair- Additional Business: None

6. Adjournment of Meeting

ISLESBORO PLANNING BOARD
REGULAR MEETING
MONDAY, FEBRUARY 5, 2024
In- Person and Zoom Meeting at 5:00 PM, Town Office

Motion: To adjourn meeting at 6:54 PM by B. Schoppe, seconded by J. West. No Discussion. Motion passed, 3 yes, 0 no, Unanimous.

Respectively Submitted,



Carrie Reed