

ISLESBORO PLANNING BOARD
REGULAR MEETING & PUBLIC HEARING
MONDAY, APRIL 22, 2024
In- Person and Zoom Meeting at 5:00 PM, Town Office

APPROVED

6/17/24

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, Vice-Chair Isabel Jackson, Jennifer West, Gil Rivera Wendy Huntington Evans, and Anne Bertulli as an alternate member.

Others Present: CEO Dave Dyer, Mike Nelson, Rachel Rolerson Smith, Bill Boardman, Bruce Murkoff, Suzanne Caporaël, Lauren Bruce

Others Present via Zoom: Laura Graf, Janis Petzel, Linda Knebel, Arch Gillies, Phil Seymour, Dick Cavanaugh, Jack Knebel, Elizabeth Hayden, Judy Gardner, Sue Stafford

2. Public Hearing on Town Centers Districts

Motion: To enter into Public Hearing, G. Rivera, seconded by I. Jackson. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

Chair Bill Schoppe introduced the Public Hearing: Islesboro Planning Board is recommending changes to the Town's Land Use and Development Review ordinances based on legislation enacted in 2022 to encourage more housing within the state. The changes proposed are the minimum mandated by the new law, LD 2003. If Islesboro does not approve the changes, the Islesboro Ordinance will not be consistent with the law and may be challenged as invalid. Non-mandated changes include water quality, definition updates, and Town Districts.

Planning Board members went over the proposed changes in each of the seven articles.

Article 1, Affordable Housing.

- Wendy Huntington Evans explained proposed language for 125-29.1 to be added explaining that affordable housing developments within Town Centers can take advantage of increased density of 2.5 times the base density of 20,000 sf lot size, or 8,000 sf lot size per dwelling unit.
- Regarding minimum lot size: proposed language to be added making clear that each dwelling unit must have 1.5 acres, except within Town Centers.
- Dwelling units and ADUs within the shoreland district must continue to meet minimum lot size, setbacks, and frontage requirements. In a shoreland, there cannot be a principal and an ADU within 1.5 acres.
- Affordable housing developments may take advantage of increased density when constructed within Town Centers.

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- Bruce Murkoff asked if affordable housing is allowed throughout the Town, or just with Town Centers. Wendy answered that they can be anywhere, but within Town Centers they are eligible for greater density.
- Bill Boardman asked to clarify the meaning of 2.5 times the base density. Wendy explained that within Town Centers currently, each dwelling unit must have a lot size of 20,000 sf. If a developer is eligible for affordable housing (at least 51% of units), each lot size can be reduced to 8,000 sf. Jennifer West added that $8,000 \times 2.5 = 20,000$.
- Rachel asked why shorefront property still needs 1.5 acres. Wendy replied that it's the state mandating that the shoreland requirements trump everything else.
- Janis Petzel asked if a person wants to put an ADU on their property, would there have to be 3 acres? Wendy replied that it wouldn't be required, unless it's shoreland.

Article 2, Accessory Dwelling Units

- Isabel Jackson explained that the Town has already adopted an ADU ordinance which pretty much covers the state mandates, in that any lot outside the shoreland zone where there is a single-family dwelling unit, may have an ADU without it affecting density. It would not be counted as a dwelling unit.
- All setbacks must be met, proof of adequate septic provided.
- ADUs must be no more than 800 sf, and no more than 2 bedrooms.
- On the attorney's recommendation, we are proposing a couple of non-mandated changes. One is to remove the requirement that the owner must occupy either the primary dwelling or the ADU as their primary legal residence.
- In keeping with the spirit of the ordinance, to provide housing, ADU rentals would be required to be rented for at least 60 days.
- Suzanne Caporaël asked if anyone can buy 3 acres and put two residences on it. Isabel clarified that as long as the soils, water, setbacks, etc. will permit. Anywhere on the island, except for the shoreland zone, if you have an acre and a half, you can have a dwelling unit and an ADU.
- Suzanne asked about septic requirements and cesspools. Isabel answered that cesspools should be filled, and ADUs have to have their own septic systems.
- Jack Knebel asked if the 60-day minimum rental should be increased to prevent summer rentals that would make it hard for year-round people to rent. Bill Schoppe answered that they chose the 60-day minimum to prevent short-term rentals, such as Airbnb. Jack asked if there is a reason you chose 60 days as opposed to a higher minimum? Wendy answered that the attorney suggested the 60-day minimum. Isabel clarified that the original ordinance has no restriction.
- Bill Boardman asked why the state is saying that you can't have an ADU on a 1.5-acre lot within the shoreland, if there are sufficient soils. Jennifer West replied that the state is adamant about the 20,000-sf lot minimum, and our Town Ordinance has it at 1.5 acres. Bill Boardman stated he disagrees with this.
- Rachel asked what if the lot was in existence before 1985. Bill Schoppe answered that if the building is already there, it's a pre-existing condition.

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- Janis asked who is going to enforce the 60-day minimum. Dave Dyer answered that he would be enforcing it. He won't go around knocking on doors, but if he has a complaint, he will follow-up and investigate.
- Jack asked about people needing to move out in summer. 120-day minimum would help. Isabel stated that the attorney suggested that because we are taking out the covenant. If the Town votes down the changes, it will remain without a minimum requirement. Bill Schoppe asked if increasing the minimum is something we can look into. This will go before the Town for a vote at the Town Meeting on June 15th. We will have another public hearing if we decide to change.

Article 3, Definitions

- Jennifer West explained that the definitions section has been updated with the mandated items, definitions for ADUs and Affordable Housing.
- Some definitions have been added, such as those that pertain to the Water Quality changes.
- Clarifications and more detail for some definitions, such as what constitutes a kitchen.

Article 4, Swimming Pools, Geothermal Heating Systems, and Fire Suppression Systems

- Isabel Jackson explained that based on recommendations from the Groundwater Committee, the proposed ordinance focuses on preventing groundwater from either being polluted or being excessively drawn-down. A. The proposed geothermal heating system ordinance will allow closed loop systems, using food grade geothermal fluid, to avoid interchange with groundwater; and B. swimming pools and fire suppression cisterns will be required to be filled with off-island water to prevent potential impacts to neighboring wells.
- All new swimming pools, cisterns, and geothermal systems will require a permit.
- Suzanne asked how people are filling swimming pools now. Dave answered that many are using garden hose, but some are having it trucked in. Isabel added that more insurance companies are requiring fire-suppression cisterns.
- Bill Schoppe added that this will fall to Dave Dyer to enforce.

Article 5, Minimum Lot Sizes and Parking

- Wendy explained that this is to update changes to the Development Review Ordinance based on changes to the Land Use Ordinance.
- Proposed language to be added to 45-38 in Development Review, giving exception to Affordable Housing Developments within Town Centers that will allow them to take advantage of increased density. This pertains back to Article 1. Since it will live in both places, Land Use 125-22 and Development Review 45-38, it has to be voted on twice.
- Parking: Currently for multi-family units, 1.5 spaces per dwelling unit is required, but for affordable housing, only 2 parking spaces will be required for every 3 dwelling units, so it is a reduction.

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- Bill Boardman asked about the definition of Affordable Housing. Wendy answered that it is based on 120% of median income. We went with Maine Housing guidelines. People living in affordable housing can't be spending more than 30% of their income on housing, including insurance and utilities. In a development, at least 51% of units must be considered affordable for the developer to take advantage of increased density.
- Jack asked about the parking requirements: 2 spaces for 3 units. Everyone here uses a car, we have no public transportation. Wendy answered that this is the minimum mandated by LD 2003 for affordable housing. Isabel added that these mandates will go into effect across the state, and this is meant more for a place like Portland.

Article 6, to change the protection district classification in the Post Office Town Centers district

- Jennifer West explained that this is to change the classification of Map 17, Lot 9A from Rural to Town Centers District.
- In addition, the Town is updating the Post Office Town Center boundaries to follow property lines. This includes Lot 17B, which is where the Municipal Building sits now, and Lot 24, which is across the street.

Article 7, to change the protection district classification in several lots near Durkee's Store to create an Up-Island Town Centers District

- Mike Nelson, Chair of the Housing Committee, explained the purpose of this proposal. The focus of the Housing Committee has been the lack of workforce housing on the island. We've been working with the Midcoast Council of Governments, who've done studies that show the needs are going to increase by 10-15% over the next 10 years.
- When the current two Town Centers were created, about 7 years ago, there was a third Town Center district that was proposed; it was a bifurcated district, with lots around Durkee's store, and more around the Transfer Station and Sporting Club. That caused some concern, and so the whole thing was dropped and only the two current Town Centers went in.
- Given the lack of workforce housing, the fact that this is an established neighborhood and there are some sizeable lots, the increased density that the Town Centers districts provide, there is an opportunity for possibly subdividing those lots into smaller parcels, which should make them less expensive to build on. There is no requirement, but this is an opportunity.
- The current Town Centers have not generated much increased development in the last 5 years.
- Bruce Murkoff asked if housing hasn't bloomed in the current Town Centers, why create a third? Mike answered that in the Dark Harbor Town Center, even if a small lot was carved out, it would be expensive. In the Post Office Town Center, much of it is already developed. There's not a lot of excess land.
- We don't have enough people, such as electricians and plumbers, on the island to support what we need. We hire people from off-island, and economically, our money is going off-island. It's incumbent upon us to at least open avenues that would allow us to do some building. From the Housing Committee point of view, Mike would like see some of the larger properties carved out with multi-family houses that can accommodate a school teacher, a carpenter, a plumber.

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- Suzanne stated that they live in the proposed Up-Island Town Center. They believe that the island needs affordable housing, and this district would be good for housing and business, but this is above the Narrows, and we can't take care of people up there yet.
- Bill Schoppe clarified that what is being proposed is making more options for people who have property up-island to do more with it than what they have been able to.
- Rachel asked if the people with the large parcels have been interviewed. Mike answered that some of them have been talked with. He sent letters to everyone in the property owners and abutters. He hasn't had any pushback. Tom Tutor has talked to a number of people, and he hasn't heard any negative feedback. Most people we've talked to recognizes the fact that we need more workforce housing.
- Bill Boardman added that he was on the original committee to create the Town Centers, and he was a strong advocate for what the Housing Committee is doing now. The two centers we did create, have very small lots. There was no land to create half-acre lots. This is an opportunity to do that.
- Bill Schoppe stated that if the proposed Town Center gets passed, and some people take advantage of it, that opens up doors for more income and more people, and would possibly lead to the creation more services.
- Bill Schoppe added that any property owner can request to be added to or taken out of the Town Center district. It has to be in writing, and go through the Town.
- Gil Rivera added that there are EMTs and Firefighters that live Up-Island.

Motion: To exit Public Hearing and return to the agenda, I. Jackson, seconded by G. Rivera. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

3. Approval of Minutes of April 8, 2024, Regular Meeting.

Motion: To approve Minutes of April 8, 2024, as written, I. Jackson, seconded by B. Schoppe. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

4. OLD BUSINESS

A. Land Use Ordinance

1. None

B. Development Review Ordinance

1. None

C. Approve

1. Approve final Warrant Articles.

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- B. Schoppe stated the only possible change he had marked from the discussion was the 60-day minimum rental of ADUs. The state has no mandate.
- Our ordinance had the covenant, which meant the owner of the dwelling unit and ADU had to be a full-time resident and live in one of them. We are proposing to remove the covenant.
- Dave Dyer stated that we have two properties with covenants that we have on the books. If this passes and that language is removed from the ordinance, those owners have the option of going to the Waldo County Registry of Deeds and removing the covenant.
- W. Huntington Evans stated that a minimum rental of 60 days does eliminate a lot of the short-term rentals. It opens up winter rentals. There are more opportunities for rentals. There wouldn't be much gain to increase the minimum.
- All Planning Board members agreed that allowing ADUs with a 60-day minimum will create new rental possibilities, even if they are just a season. Keep it at 60 days.
- There were no changes needed for the Town Centers.
- The next step is to approve the articles, send to Select Board. When the Select Board approves it, it goes to the attorney.
- There are two clerical edits. In 125-61, change "as defined in 125-61" to 125-62. Definitions became 125-62.
- Send articles to Janet. She can determine the order of next steps.

Motion: To approve all seven Warrant Articles, as amended, I. Jackson, seconded by W. Huntington Evans. No discussion. Motion passed, 5 yes, 0 no, Unanimous.

5. NEW BUSINESS

A. Land Use Ordinance

1. None

B. Development Review Ordinance

1. None

6. OTHER BUSINESS

- CEO Report: There are a couple of projects in the works. Dave is working with landowners to gather stuff together before they go on the agenda.
- People Wishing to Address the Planning Board: None
- Correspondence: No new correspondence. Some members have not seen the email from Steve Miller. Jennifer will forward.


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- Committee Reports: Gil Rivera reported on the April 18 Harbor Committee meeting. Preparing docks and normal activity.
- Chair- Additional Business: None.

7. Adjournment of Meeting

Motion: To adjourn meeting at 6:20 PM by B. Schoppe, seconded by G. Rivera. No Discussion.
Motion passed, 5 yes, 0 no, Unanimous.

Respectively Submitted,



Carrie Reed

