

MINUTES OF PLANNING BOARD MEETING 2-13-06

ATTENDING:

Heather Quimby, Dale Thomas, Roxanna Hall, Steve Littlefield, Izzy MacKay, Duke Simoneau

Meeting called to order 7:00 PM in Town Office.

Minutes read by Secretary Duke Simoneau – motion by Heather Quimby, seconded by Roxy Hall to accept as read.

Discussion on the letter from Miles Friedan to the Board of Selectmen. Letter came with a check of \$1,000 as a counter offer to the fine assessed by the Selectmen for Friedan's addition to his Toddy Pond camp without first drawing a permit under Shoreland Zoning and for expanding beyond the 30% allowed by law.

While the enforcement and assessment of fine is given to the Selectmen under the ordinance, they asked for the Planning Board's input. Consensus was that the fine is the fine, not a negotiable offer. Motion was made by Izzy Mackay, seconded by Heather Quimby, to (a) enforce the fine (b) return the check so it would not be construed as acceptance and (c) in the letter to Mr. Friedan, point out that the fine could have been \$2,500 per day from the day they were first advised to cease and desist.

Vote was unanimous in favor of the motion.

Discussion regarding the need for a Board of Appeals. Chairman Heather Quimby has been researching based on model ordinances from Maine Municipal Association.

First – it should not be referred to as a "Planning Board" board of appeals, because the Town needs a Board of appeals for appeal of decisions by the Planning Board, Board of Selectmen or any future Town Board.

Second: Because Brooks is over 1,000 population, a five person board is the minimum legal size.

Third: Since the Board is being formed after 1971, the Selectmen need to draft an ordinance to be passed by Town Meeting to authorize this Board.

Planning Board suggested the Selectmen utilize three year staggered terms when they draft their ordinance.

Discussion of budget needs for upcoming year. Duke pointed out that in the past the Planning Board has requested and received \$1,000 per year. This amount was needed in the years when the Planning Board was holding and needed to advertise a lot of public hearings for the Comprehensive Plan, but last year we spent less than \$600. Suggestion was made and agreed upon without vote that a request of \$750 to the Budget Committee should handle the Planning Board's needs in 2006.

Discussion regarding the status of revising Subdivision Ordinances. Izzy Mackay has been the lead on this work. She has been trying to follow the State statute as closely as possible, but trying to put it in layman's parlance to simplify for the Town. That translation and conflicts in schedule have slowed it down. Board discussed if we should make a last minute push to have ready for March Town Meeting. Consensus without a vote was that it was more important to do it right than quick and to target August as a finish date on the assumption that some other Town business would require a Special Town Meeting about August or September and this could be considered at the same time by the Town.

Heather brought up that there is a workshop on Planning Board Training available from MMA in Orono April 11th and Belfast September 27th. Both are evening courses, with registration 5:30-6:00 PM with the class from 6:00 – 8:30. She pointed out that the budget allotted by the Town is partially for this type of training to enhance the Board's knowledge and abilities.

Board discussed need to send a letter to Randy Hall and Mr. Dyke regarding apparent subdivision violations by Dyke in connection with development on the McTaggart Road. Board decided to have Duke draft the letter and authorized Heather as chair to edit and sign the letter to Mr. Dyke. Specifically, Duke was instructed to point out the need to file an \$80 application fee and that historically the precedent fine for After The Fact (ATF) permits is \$500.

Discussion on Mr. Hoffman's request to reduce or eliminate his fine. Heather researched with MMA and other sources for guidance. She quoted the Planning Board Manual that says that "Past mistakes do not give a Board the right to act illegally."

Her research in the CEO manual noted that the fines (1) could have been \$100-\$2,500 per violation per day, (2) could agree to waive portion if the violator agrees to perform a corrective action (i.e. a discount for prompt payment) or (3) a consent agreement that if the violator corrects the problem it could be waived.

Consensus of discussion was not to provide a waiver. The Board had put a lot of thought into the amount based on other fines for after the fact issues.

Izzy moved and both Steve and Roxy seconded a motion for Duke to draft a letter for Heather to edit and sign for the Board that "the Board respectfully rediscussed and after additional research" unanimously voted not to reduce the fine.

Discussion on a question by Irene Raven to replace her existing trailer, which is on a lot shared by her grandmother's home. Discussion about existing non-conforming lots of record became moot when a check of tax records showed the grandmother's lot is two acres, which could be divided into two conforming lots. Heather will call Ms. Raven and advise her, simultaneously mentioning the Housing Assistance Grant being applied for by the Town.

Motion to adjourn seconded and unanimously carried. Meeting ended 8:25 PM.