

# Minutes

## Pittsfield Planning Board

### March 11, 2019

The Pittsfield Planning Board met on Monday, March 11, 2019 at 7:00 pm in the Council Chambers of the Pittsfield Municipal Building, 112 Somerset Avenue, Pittsfield, Maine.

Members Present: Jan Laux, Morris Pollard, Brent Newhouse, Anna Bockis, Simone Engelhardt, Ron Watson, and Tom Cote. Members Absent: Vaughan Woodruff and Royce Sposato. Also, present; Corinne Knapp, Jack Wright, Town Council member Heather Donahue, Attorney Kenneth Fredette and Building Inspector Steve Seekins.

1. Chair **Jan Laux** opened the meeting by leading the Pledge of Allegiance to the flag.
2. **Adoption of Minutes:** of the Meeting of February 11, 2019.

Motion by **Tom Cote** seconded by **Simone Engelhardt** to adopt the minutes of February 11, 2019.

**VOTE: UNANIMOUS AYE**

3. **Old Business: None**
4. **Public Hearing: None**
5. **New Business:**

a) Request for a Special Exception to build a residence on this site as detailed in The Town of Pittsfield's Shoreland Zoning Ordinance, Section 16, Subsection "E" Special Exception. Map 17 Lot 48-1 end of Watrous Court.

**Jan Laux** opened the discussion by asking Steve Seekins to explain the request. He advised that the site was in a Shoreland Zoning district of Resource Protection. In order for a home to be built on the site the Planning Board would need to approve a Special Exception. Steve advised he has received an email from DEP Representative Colin Clark stating the site would not qualify for an exemption. Steve advised the board has copies of the exception requirements in their packet. Steve advised the reason the exception cannot be issued (Per Colin Clark) is because one of the conditions of approval of a Special Exception is that the lot must have been formed prior to the site being zoned as Resource Protection district. The area was zoned as Resource Protection District in June of 1992. The lot was formed in 2010. Steve introduced the land owner's representative Corrinne Knapp who is a site evaluator and a soils and wetlands scientist. Corrinne stated the lot has no wetlands, streams or standing water. However, the setback from the wetlands covers the lot. Corrine advised she contacted Jon Cullen of the DEP and has received an email from him that is part of the application. Corrinne advised that she and Jon Cullen believe the area has been missed labeled. **Brent Newhouse** asked if the lot was formed correctly. Steve Seekins advised it was formed in greater than 5-year intervals therefore a subdivision approval was not needed. **Brent Newhouse** stated the lot purchaser should have done due diligence before buying the lot. Steve Seekins stated it does appear that this site and others in town do not need to be zoned as Resource Protection. The State has offered to assist with the change, however this would involve making new maps along with the ordinance change procedure and public hearings. Corrinne Knapp stated she wishes to start, at this time, whatever process needs to be taken to make a legal lot. At this time Attorney Kenneth Fredette arrived at the meeting. Ken Fredette and Corrinne Knapp advised the soils on the lot would accept a septic system and a permit

application/design is included in the application packet. The discussion continued on what were wetlands and what were not. Kenneth Fredette suggested letting the owner build and take the risk that the re-zone would be approved. Steve Seekins stated the whole thing breaks down to the question of can I issue a legal building permit. Steve stated he believes he can't because a special exemption can't be issued. Kenneth Fredette stated the board could determine whether or not a special exemption can be issued. Steve Seekins stated the board needs to get the advice from the town attorney. **Anna Bockis** asked if the owners were willing to pay part of cost to re-zone the area. Corrinne Knapp stated no.

Motion by **Ron Watson** and seconded by **Simone Engelhardt** to grant a special exception to build a residence on the site as detailed in The Town of Pittsfield's Shoreland Zoning Ordinance, Section 16, Subsection E, "Special Exception", the site to be Map 17, Lot 48-1, at the end of Watrous Court, contingent upon confirmation by the Town Attorney that the Planning Board has the authority to do so."

**VOTE: UNANIMOUS AYE**

A second motion was made by **Ron Watson** and seconded by **Simone Engelhardt** that the Planning Board recommends that the Town Council consider initiating the process of reviewing and updating appropriate maps and zoning distinctions to address potential inconsistencies in zoning assignments."

**VOTE: UNANIMOUS AYE**

Town Council member **Heather Donahue** asked that we present, along with this request, a rough budget for the rezoning and redrawing of the maps.

#### **Other items that came before the Board:**

**Jan Laux** opened the discussion on proposed ordinance changes recommended by the Ordinance Committee. Council member Heather Donahue addressed her concerns with the Home Occupation and Home Enterprise ordinance. Heather stated that not allowing exterior storage of equipment and materials was too restrictive. It was discussed that allowing exterior storage that would be concealed by a fence was more appropriate. Heather's concern with the Home Enterprise was that the 50-foot setback was too restrictive. Steve Seekins stated it was not the intent for that to apply existing buildings. Steve Seekins stated he would reword the Home Enterprise to make 50-foot setback requirement clear. Steve Seekins also stated he would add language allowing storage be hid by a fence in the Home Occupation Ordinance. These changes would need Planning Board and Council approval.

Next the MUBEC code was discussed. Heather Donahue noted that since surrounding towns, because of their population size, are not required to comply, this makes it more expensive to build in Pittsfield and tends to discourage growth in Pittsfield. Heather stated that since tiny homes are now allowed by MUBEC the Ordinance Committee recommended changing the towns minimum home size to allow tiny homes. Heather states the Ordinance Committee recommends having the town provide 3 or 4 sets of plans (free to the applicants) engineered that applicants could choose from to build a home. Next Heather stated the Ordinance Committee recommended enacting an ordinance that would ban pesticide/herbicides spraying. Jack Wright of the Manson Park Committee was asked if he would like to comment. He advised he uses these products quite regularly in Manson Park. These are applied by a state licensed contractor who has extensive knowledge and training. Jack stated if used correctly these are great help and save a lot labor in weeding. **Anna Bockis** stated she thinks it is deplorable that we spray fields that children play on with herbicides and pesticides. Jack Wright states that in the forty years he has been at the park he has never found dead animals or heard of sick children. **Ron Watson** recommended that no action be taken tonight, we should wait until we have more information. Jack

offered have the park applicator Frank Randall speak to the board. **Jan Laux** called for an end to the discussion. **Jan Laux** asked Heather Donahue what her priorities were. She responded the Home Occupation and Home Enterprises Ordinance were first. She wants a joint meeting between the Planning Board and Ordinance Committee that would have speakers on the issue of spraying. **Ron Watson** and Steve Seekins updated the Board on the status of reviewing the Site Plan Review Ordinance and the Comprehensive Plan. **Ron Watson** advised he receive a few ordinances from other towns for his review and Steve Seekins advised that KVCOG Joel Greenwood will review the Comprehensive Plan and have a report for the next meeting.

## 7. Adjournment:

Motion by **Simone Engelhardt** and seconded by **Tom Cote** that the meeting be adjourned.

**VOTE: UNANIMOUS AYE**

Respectfully submitted by: Steve Seekins, Building Inspector

*Minutes are a synopsis of a meeting. For more detail, please go to [www.pittsfield.org](http://www.pittsfield.org) and click on Town Meeting Videos to listen to videos of Planning Board Meetings and other Board/Committee Meetings.*