

Town of Long Island Planning Board
2023-02-22 Annotated Meeting Agenda - DRAFT

====>Secretary's Note

The secretary's annotations in this document are shown in italicized text.

This document, along with the video and audio recordings of the meeting and the meeting information packet constitute the official record of the minutes of this meeting. This material is available for public inspection at Town Hall or on the town website.

Board actions, in the form of motions and the resulting votes, are shown in this document as secretary annotations.

The times, in square brackets expressed as [hh:mm:ss], associated with the various items in this document are offsets from the beginning of a recording when discussion of the associated items occurred.

====>The 2023-02-20 Meeting video and audio recordings are available either online [HERE](#) or, if not, they are available in Town Hall.

MEETING AGENDA

====> Meeting called to order by Steve Hart at 5:30 PM [00:05:45]

====> PB Members Attending: Steve Hart, Doug McCowan, Paul Thornton, Mike Lingley, Peter Thornton

====> PB Members Absent: Curt Murley, Juston Papkee

====> Members of the Public Attending: Brad Brown

1. Review and approve previous minutes of previous meetings [00:06:27]

====>**Motion: Steve Hart moved that the minutes of the 2023-01-16 planning board meeting be approved as presented.**

====>**Seconded: Doug McCowan**

====>**Vote: Approved 5-0**

2. Communications [00:07:09]

3. CEO reports [00:07:52]

====> The following two agenda items were taken out of order.

4. New Business [00:28:40]

====> The date of the public hearing for the proposed ordinance changes was set as 2023-03-03 at 5:00PM.

5. Old Business / 2022-23 Program of Work [00:08:58]

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- Requiring In-home sprinkler systems in new homes. [00:09:26]

====>Motion: Steve Hart moved that the following proposed ordinance changes be presented at a public hearing.

====>Second:

====>Vote: Approved 5-0

Article __. Shall an ordinance entitled "**Chapter 10 FIRE PREVENTION AND PROTECTION**" be amended by adding the underlined language and deleting the language in strikeover type as shown below to Article II. FIRE PREVENTION CODE In Section 10-17, after the definition of "**Cross reference**-" insert the following:

NFPA 13D- National Fire Protection Association Standard 13D, the Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.

At the end of the chapter, insert the following:

10-19 AUTOMATIC FIRE SPRINKLER SYSTEMS

1. Application

This section shall apply to the following categories of building permits issued after January 1, 2024:

- a) the construction of one- and two-story residential dwelling units;
- b) the construction of detached accessory dwelling units; and
- c) the conversion of one- and two-story seasonal residential dwelling units to year-round dwelling units.

2. Requirements

- a) Dwelling units for which a building permit has been issued pursuant to section 10-19 1. must have an automatic fire sprinkler system installed which conforms to NFPA 13D design criteria.
- b) The installation and periodic inspection of all automatic fire sprinkler systems shall comply with state statutes and the policies, regulations, and schedules of the Maine State Fire Marshal.

- Amendments to Land Use Ordinance to comply with LD 2003 [00:15:02]

====>Motion: Steve Hart moved that the following proposed ordinance changes be presented at a public hearing.

====>Second: Doug McCowan

====>Vote: Approved 5-0

Article __. Shall an ordinance entitled "**Chapter 14 LAND USE ORDINANCE**" be amended by adding the underlined language and deleting the language in strikeover type as shown below.

Article 2: DEFINITIONS

Accessory Dwelling Unit- (Amended May 9, 2009) An efficiency or one (1) bedroom residential unit that is clearly secondary to the owner-occupied residence used for purposes of housing not more than two (2) people, one or both of which must be related by blood, marriage or adoption to the primary residents, and which provides a separate living area designed and equipped with separate and complete housekeeping facilities (living area including kitchen, bath, and one (1) bedroom) means a self-contained residential dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet.

Dwelling, Residential - (Amended May 5, 2001) A building or portion thereof used exclusively for residential occupancy that is designed to be and is substantially separate from any other building or buildings except accessory buildings, including: single-family, two-family and multifamily units, but not

including hotels, motels, lodging houses, or sheltered care group homes or tourist homes.

Handicapped family unit- A dwelling which provides living facilities for handicapped persons. A handicapped family unit may also provide counseling and support services. Staff members may also be included in the population.

Article 3: ZONING DISTRICT STANDARDS

3.2 IR-1 ISLAND RESIDENTIAL ZONE

B. Permitted uses: The following uses are permitted in the IR-1 island residential zone:

(Amended May 9, 2015)

- (1) One single-family dwelling per lot residential dwellings.

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C. *Conditional Uses: The following uses are permitted only upon the issuance of a conditional use permit by the Planning Board, subject to the provisions of Article 14 (Planning Board) of this chapter and any special provisions, standards or requirements specified below: (Amended May 11, 2019)*

2. *Other:*

a. - f

g. *Handicapped family unit, as defined in Article 2 (Definitions) for handicapped persons, plus staff.*

h. *Lodging houses, with more than two (2) but not more than nine (9) lodging rooms.*

i. h. *Wireless Communication Facilities that comply with standards herein.*

j. i. *Limited Bed and Breakfast Restaurants that comply with standards herein.*

k. j. *Additional Accessory Dwelling Units. (Adopted May 12, 2007)*

l. k. *Agriculture. (Adopted May 14, 2016)*

m. l. *Aquaculture. (Adopted May 14, 2016)*

n. m. *Material Storage Area. (Adopted May 14, 2016)*

o. n. *Medical Clinic. (Adopted May 13, 2017)*

F. *Other requirements. Other requirements include the following:*

(1) *Off-street parking shall be required for the principal structure.*

3.3 IR-2 ISLAND RESIDENTIAL ZONE

B. *Permitted use. The following uses are permitted in the IR-2 island residential zone:*

(Amended May 9, 2015)

(1) *One single-family dwelling per lot, excluding mobile home manufactured housing units residential dwellings.*

C. *Conditional uses. The following uses are permitted only upon the issuance of a conditional use permit by the Planning Board, subject to the provisions of Article 14 (Planning Board) of this chapter and any special provisions, standards or requirements specified below: (Amended May 14, 2019)*

(2) *Other:*

a. - f.

g. *Handicapped family unit, as defined in Article 2, for handicapped persons plus staff.*

h. g. *Lodging houses, with more than two (2) but not more than nine (9) lodging rooms.*

i. h. *Additional Accessory Dwelling Units. (Adopted May 12, 2007)*

j. i. *Agriculture (Adopted May 14, 2016)*

k. j. *Aquaculture (Adopted May 14, 2016)*

l. k. *Material Storage (Adopted May 14, 2016)*

F. *Other requirements. Other requirements include the following:*

(1) *Off-street parking: Off-street parking shall be required for the principal structure.*

3.9 I-B ISLAND BUSINESS ZONE

B. *Permitted uses. The following uses are permitted in the I-B island business zone: (Amended May 5, 2001)*

(1) *One Single-family dwelling per lot, excluding mobile home manufactured housing units residential dwellings.*

C. *Conditional uses. The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of Article 14 (Planning Board) of this Chapter and any special provisions, standards or requirements specified below: (Amended May 11, 2019)*

(1) - (8)

(9) *Handicapped family unit, as defined in Article 2 (Definitions), for handicapped persons plus staff;*

(10) (9) *Buried and underwater electric and telephone transmission cables (entering the Town of Long Island from the ocean only);*

(11) (10) *Additional Accessory Dwelling Units; (Adopted May 12, 2007)*

(12) (11) *Multi-Family Dwellings; (Adopted May 12, 2007)*

(13) (12) *Raising of domesticated animals, excluding swine and reptiles, with no animals kept on less than 3 acres or closer than one hundred (100) feet to any street or lot line, and provided that such use will not create any odor, noise, health or safety hazards, or any other nuisance*

to neighboring properties. Except domesticated fowl as regulated in Ch. 5 Animals and Fowl – Article III Keeping of Domesticated Fowl. This ordinance, to include all of the above text, does not apply to cats and dogs. (Adopted May 14, 2011)

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- (14) (13) Agriculture (**Adopted May 9, 2015**)
- (15) (14) Aquaculture (**Adopted May 9, 2015**)
- (16) (15) Material Storage Area (**Adopted May 14, 2016**)

Article 7: TOWNWIDE PERFORMANCE STANDARDS

Section 7.23 Accessory Dwelling Units. (Adopted May 12, 2007)

A. The purpose of these provisions authorizing Accessory Dwelling Units is to provide enhanced opportunities to accommodate housing for family/relative members while protecting the single-family character of existing residential neighborhoods.

B. Any proposed Accessory Dwelling Unit must meet the following standards:

1. Accessory Dwelling Units shall be primarily accessed through the existing living area of the primary structure and all other entrances to the Accessory Dwelling Unit as may be required shall appear subordinate to the main entrance serving the existing dwelling.
2. All additions or reconfigurations related to an Accessory Dwelling Unit shall be designed to be subordinate in scale and mass to the design and massing of the main structure and shall be compatible with the architectural style and quality of the main structure.
3. Accessory Dwelling Units shall have at least five hundred (500) square feet of floor area and shall not exceed fifty (50%) percent of the floor area of the main dwelling unit. Floor area measurements for these purposes shall not include unfinished attic, basement or cellar areas, and shall not include shared hallways or other common areas.
4. A Single-Family Dwelling containing an Accessory Dwelling Unit shall be served by a single electrical service.
5. Only one (1) Accessory Dwelling Unit is permitted per lot and must be incorporated into the existing dwelling.
6. Accessory Dwelling Units shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises. Accessory Dwelling Units may be permitted in nonconforming structures that are nonconforming due to dimensional requirements as long as the proposed Accessory Dwelling Unit and structure conform to the other requirements for Accessory Dwelling Units under this Section.
7. (**Amended May 9, 2009**) (Amended May 11, 2019) Prior to permitting an Accessory Dwelling Unit in either an existing structure or a new structure, the Board of Appeals shall require the applicant to hire a licensed Site Evaluator (SE), not at public expense, to certify that any existing subsurface wastewater disposal system (SSWD) proposed to be used, or a new system to be built, meets or will meet the current standards of the Maine State Plumbing Code Subsurface Wastewater Disposal Rules for the number of bedrooms being proposed

for the structure. A full copy of the results shall be included in the Conditional Use Permit Application and submitted to the Planning Board

1. 1. At least one accessory dwelling unit shall be allowed on any lot where a single-family dwelling unit is the principal structure in any zoning district in which residential housing is permitted, consistent with applicable zoning district dimensional requirements. The accessory dwelling unit may be constructed:
 - A. Within the existing single-family dwelling unit on the lot;
 - B. Attached to or sharing a wall with the single-family dwelling unit; or
 - C. Detached from the single-family dwelling unit. The setback and dimensional requirements for an accessory structure shall apply for detached Accessory Dwelling Units
- 4.
2. A second Accessory Dwelling Unit may be allowed on a lot with a single-family dwelling unit and an Accessory Dwelling Unit provided that one of the two Accessory Dwelling Units must be detached from the single-family dwelling unit.
3. Accessory Dwelling Units shall have at least one hundred ninety (190) square feet of floor area. Floor area measurements for Accessory Dwelling Units within an existing single-family dwelling unit shall not include unfinished attic, basement or cellar areas, and shall not include shared hallways or other common areas.
4. The owner of a single-family dwelling unit must provide written verification that the Accessory Dwelling Unit is connected to adequate water and wastewater services before the structure may be certified for occupancy. Written verification must include:
 - A. Plans for subsurface wastewater disposal prepared by a licensed site licensed Site Evaluator (SE), not at public

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expense, certifying that any existing subsurface wastewater disposal system (SSWD) proposed to be used, or a new system to be built, meets or will meet the current standards of the Maine State Plumbing Code Subsurface Wastewater Disposal Rules for the total number of bedrooms being proposed for the lot. A full copy of the results shall be included in the building permit.

B. Proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use. A full copy of the results shall be included in the building permit.

5. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

6. Adjournment [00:29:30]

==>The meeting adjourned at 5:55 PM. The next meeting will be a public hearing to be held on 2023-03-03 at 5:00PM. The next regular meeting will be 2023-03-17 at 5:30 PM.

==>This annotated meeting agenda was prepared by Secretary Curt Murley