

TOWN OF SKOWHEGAN
PLANNING BOARD
MEETING MINUTES
February 1, 2022
7:00 P.M.
Municipal Building, Council Room

PRESENT:

Steve Conley, Chairman
Steve St. Pierre, Vice Chairman
Stephen Gould, Secretary
Jeff McCabe
Matt Smith
Derek Chretien
Dan Luce, Alternate
Joel Greenwood, Planner
Cynthia Kirk, Recording Secretary

ABSENT: Harvey Austin

PUBLIC PRESENT:

Bryan Belliveau, Code Enforcement Officer
Alan Haley

• **QUORUM:**

Planning Board Meeting called to order at 7:00 P.M. Quorum was present.

2) **MINUTES OF THE January 18, 2022 PLANNING BOARD MEETING TO BE APPROVED:**

Motion by Jeff McCabe to approve the January 18, 2022 Planning Board meeting minutes, as written. Seconded by Stephen Gould. Motion passed 6-0.

3) **SITE PLAN / SUBDIVISION:**

A) Review the pre-application sketch plan for the revision to the John Hilton Subdivision located off the Notch Rd.

Alan Haley gave a brief description of the proposed changes. He explained that several years ago he purchased a piece of property in agreement with his neighbor. The piece he purchased within this subdivision abutted both his and his neighbor. They then split the newly purchased piece between the two of them. Mr. Haley said that a few months after they purchased it his neighbor placed a small home on his portion for his mother. That house was built with all of the proper permits and inspections completed. Then a few weeks ago they received a letter from Code Enforcement saying they had divided that property without first getting an approval to revise an existing subdivision. Therefore, that is why he is here now. Bryan explained that it was brought to his attention by Jeff Hewett when he was updating our mapping system that it had been divided without proper approval and that is what Mr. Haley is looking to get now to bring it into compliance. Steve Conley asked if anybody had any questions. Stephen Gould asked if this was part of an original subdivision. Bryan said it was. Joel said he doesn't see any issues with this revision and it is a pretty simple one because it is just a revision to the existing lot lines. Nothing else is being changed within the subdivision. Stephen Gould asked if they are going to need to do new soil testing for this change. Bryan

said it just a simple creation of a new lot that was broken off of a larger piece and then divided between the 2 abutting property owners. Bryan also said that we can use a copy of the permitted septic system that was installed on the neighbor's lot for his mother house for soil information as well. Steve Conley said everything looks good so far so they just need to wait for a full application to be submitted for them to move forward. Mr. Haley said he is working on that now.

4) ITEMS BY THE PUBLIC:

None

5) COMMUNICATIONS:

None

6) NEW BUSINESS:

A) Discussion of the banner signs that are located in the downtown.

Bryan said that Harvey Austin had asked for this to be on the agenda because he had a concern about the banners going across Water Street downtown being a distraction for drivers. Bryan said he has spoken with Chief Bucknam about this and he stated that he does not have any concerns with them being a distraction and he has had no issues within the sidewalk that is located under the banners. Chief Bucknam had stated that the banners are located there to be seen when people come off of the bridges onto Water Street.

7) UNFINISHED BUSINESS:

A) Discussion of the proposed changes to the Property Maintenance Ordinance.

Joel explained that this new draft is based off the Fairfield Property Maintenance Ordinance that was brought to them by Bryan. Bryan had said that the Fairfield one was more what he had been looking for when he originally brought this up. Steve Conley said they can start on page one and go through each section.

Stephen Gould asked if section 4 pertained to both residential and commercial structures.

Bryan said it would.

Steve Conley asked if an outdoor wood boiler could be considered a nuisance under this ordinance. Bryan said if it is not installed per the manufacturers specifications then it could. He said the only thing that might apply as a nuisance is if they aren't burning proper materials in them. Steve Conley said he has seen some of those boilers just pouring smoke into the neighbors' yards and he would think that could be a nuisance. Bryan said where we don't have zoning that would be a hard one to fight.

Jeff McCabe said he was concerned about the criteria for exterior doors. He said he understands that they should be functioning, but as far as some of the other requirements it might be a bit much. Bryan agreed with him. He said as long as the door functions as it is intended to and can be secured, he would be happy with that. Everyone was good with that. Steve Conley asked about section 5 and the adverse effects a property might have on the adjoining properties. Bryan says he hears this a lot from residents when they make complaints as well as from real estate agents when someone is selling a property. Steve Conley said it can somewhat subjective. A property could be in ok condition but just painted in an ugly color or something like that. Bryan said when he thinks of a property causing an adverse effect he thinks of the condition of the structure and not just how it looks. Stephen Gould said you really have to look at the paragraph as a whole and not just pieces of it. Joel said this section is for properties that are unsafe, unsanitary and truly could cause harm to abutting properties and not just about the appearance of a structure. He said a lot of stuff in

ordinances can be subjective but that is where you need to trust in your appointed officials to make the right decision.

The next section reviewed was the Maintenance Standards. Steve Conley spoke about the inoperable machinery part. He said a lot of farms around this town have old farm equipment in the fields. Bryan said that this was already in the original ordinance so this hasn't been changed at all. Derek asked if this would apply to people that do scrapping for metal. Bryan said it really wouldn't because that material usually doesn't stay onsite very long. Steve Conley stated that he would encourage that they have ordinances in place that don't rely on the good graces of the appointed officials because you never know who will be enforcing these in the future. Joel said he would hope that anybody that the town decides to have in place to enforce these rules would have good judgement in dealing with all of the different scenarios that can come up.

Steve Conley moved onto the section for exterior of structures. He asked if they had a definition for "good repair" for the fencing. Bryan said if it causes a nuisance. He said if a fence is leaning onto a neighbor property, then it would definitely be a nuisance. Bryan also said there is a definition of "good repair" in state statutes which says "actions intended to reasonably avoid non-routine maintenance activities for a minimum of 10 years and includes consideration of ditching, culverts, major structures etc.". So, this definition applies to many different things. Bryan said they might want to check with the town attorney on that definition. Jeff McCabe agreed because that definition does appear in many different state statutes and they want to make sure it applies properly to this ordinance. Joel said he searched online for a definition and it came back as "capable of being kept cleaned, sanitized and used for the intended purpose". There was further discussion on the condition of exterior walls as well and how they need to be defined in good repair. Bryan said that they need to be able to keep the elements out of the structure such as wind, rain & snow. Steve Conley asked about foundations and crawl spaces also. He understands they want to have them secure to keep out the elements and critters. He asked if this also applies to mobile homes as well. Bryan said he would like to see something in the ordinance regarding the skirting around mobile homes being installed and intact. He has seen several issues in town where rodents are harboring under homes that either don't have skirting or it is damaged. Jeff McCabe said in some cases it might actually be better to have no skirting than some of the other things people put up. He said rats are more drawn to food sources so maybe they can focus more on that issue.

Steve Conley went on to section 7 pertaining to maintenance after a disaster. Jeff McCabe asked why in some cases it can take so long to get things taken care of after a disaster or fire. Bryan explained that in some cases it can be held up by insurance or even probate if the owner is deceased. Bryan also said this section is in our current ordinance already.

In section 8, Steve Conley asked if they would need to create a policy to have people register vacant properties with the town. Joel said that typically it is the Selectmen that make the policies. Bryan said even if it is just a form that owners need to fill out and file with the town so they can keep a list of these vacant structures. Steve Conley asked if this would also apply to vacant land with no structures on it and if that vacant land can cause a blighting problem. Bryan said the way he sees it is if say a building is torn down in the downtown and the land is just left there and not taken care of then it could. Joel said within reasonable judgement that land still needs to fit in with its surroundings. He said if it causes health or safety issues then it would apply.

Bryan said in section 9 he doesn't really like the method of service. He said he likes to have the option to give a verbal warning and send the first letter by regular mail or hand delivered. The 2nd written notice would be by certified mail. Joel made these changes. Bryan also said the extension rules are good as well.

Steve Conley brought up the part about being able to charge someone between \$100.00 - \$2500.00 per day for a violation. He didn't understand why this had to be in here. He is concerned that in the future we could have completely different town government that could impose those large fines and within a couple months the town could own people's homes. Bryan said that these amounts come from the state statutes and in some cases those large fines could be necessary to remediate a violation such as hazardous waste, flood or shoreland violations or worse. Joel added that if somebody doesn't have the means to fix or remediate a violation the town can't really fine them into compliance. Bryan said he has been looking over a lot of the old files and he has not come across anything about the town charging the larger end of the fines. Steve Conley stated that if we aren't going to charge the high fines then why do we have to have them in the ordinance. Stephen Gould said that you never know what could happen in the future and if a large company has a very large violation and it is going to cost a lot for the town to take them to court then we would want to be able to recoup the costs from the fines. Steve St. Pierre said that he feels that if we don't keep that in the ordinance then it may make it harder for voluntary compliance in the future. Joel said that numerous other towns have this exact language in their ordinances as well. He isn't aware of any other town's imposing unreasonable fines with this language in their ordinances. Bryan said it can be a good deterrent if nothing else.

Steve Conley asked if they are looking to repeal the old ordinance and replace it with this new one. Joel said with all of the changes they have made that would be the easiest thing to do. Bryan also said that everything that was in the old ordinance is included in this new one along with everything he was looking to add.

Stephen Gould asked if it would be prudent to record the violations with the Registry of Deeds so that if someone goes to sell a property that has a violation it would come up to prospective buyers. Bryan said that might make sense. Cynthia asked how it costs to record with the Registry of Deeds. Stephen Gould said he thinks it is around \$35.00 each time. Bryan said that would add up quickly with the number of violations and letters he sends out. Joel reviewed all of the changes that need to be made and he will have a new draft for them to review at the next meeting.

B) Discussion of the proposed changes to the Sign Ordinance.

Tabled until the next meeting.

8) COMPREHENSIVE PLAN UPDATE:

9) ITEMS BY:

- **SELECTMEN:**

- **DEPARTMENT HEADS:**

- **MEMBERS:**

- **CHAIRMAN:**

- **STAFF:**

ADJOURNMENT:

Motion by Stephen Gould to adjourn at 7:15 p.m., Seconded by Steve St. Pierre.
Motion passed 6-0.

Minutes approved on March 1, 2022

Chairman

