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**OGUNQUIT ZONING BOARD OF APPEALS
MEETING MINUTES
MARCH 10, 2016**

CALL TO ORDER - 6:00 PM

Members Present: Jay Smith - Chairperson
 Peter Griswold - Secretary
 Mike Horn
 Jerry DeHart (1st Alternate)

Members Excused: Glenn Deletetsky - Vice Chair
 Doug Mayer

Also present: Scott Heyland, Code Enforcement Officer

Mr. Smith noted that a quorum was present.

ACCEPTANCE OF MINUTES – September 24, 2015

Mr. Griswold Moved to Approve the Minutes of the September 24, 2015 Meeting as Amended.

GRISWOLD/HORN 3:0 UNANIMOUS

UNFINISHED BUSINESS –

1. OGUNQUIT SEWER DISTRICT – 5 Marshview Lane – Map 10 Block 53 – Resource Protection District (RP). Variance Appeal Under Article 5.2.B.1.a – Request to increase lot coverage over the maximum of zero percent allowable in the Resource Protection District.

Mr. Smith asked if any Board member had a conflict of interest sufficient to disqualify him from voting.

Mr. Horn responded that due to circumstances he will recuse himself from hearing this case. He referred to the Zoning Board of Appeals By-Laws Section IV.a and c:

IV. CONFLICT OF INTEREST & BIAS

- a) Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a Member from voting hereon, shall be decided by a majority vote of the Members, except the Member whose potential conflict is under consideration.

Mr. Horn stated that his reasons for recusal do not provide him with any pecuniary or personal interest; however it does provide a perception of appearance of conflict.

- c) If any application is submitted by a person to whom the Board Member is related by blood or marriage, that Board Member must disqualify him/herself on grounds of bias.

Mr. Horn stated that his wife is treasurer of the Ogunquit Sewer District Board of Trustees which is the elected governing board of the Ogunquit Sewer District and are accountable for the variance request to the Zoning Board of Appeals.

Mr. Griswold Moved to Accept Mr. Horn's recusal Request.

GRISWOLD/DEHART 3:0 UNANIMOUS

Mr. Smith confirmed that Mr. Horn was recused from hearing this case. He asked Mr. Horn to remove himself from the table and not to discuss the case with any board member. Mr. Smith also asked Mr. Horn to be prepared to rejoin the Board at the end of the meeting to discuss other matters.

Mr. Horn was recused and he left the auditorium.

Mr. Smith asked for confirmation that the Board had standing to hear the case. It was agreed by the Board members that it did.

Phil Pickering, the Superintendant for the Ogunquit Sewer District addressed the Board. Mr. Pickering noted that the District has been working for over three years on a series of "short term" i.e. twenty years, upgrades. They have also been working on long term plans which include the relocation of the wastewater treatment facility. They have already gone through two major upgrades at the current location which was built in 1964, and they are currently at the end of the useful life of the last upgrade. This project has been under discussion for the last year, and has included talks with the town, prior to the area being designated as Resource Protection, about building in that area. They have held public meetings with the Select Board regarding the required easement and the District's plan to seek Zoning Board approval; they will then go to the Planning Board for their approval. When both these approvals are in place the District then goes to the Select Board for the easement.

Mr. Pickering confirmed that he has met with the Maine DEP and has been informed that the project is allowed under their regulatory standards. The DEP's threshold is 20% building coverage and 40% developed area within the back coastal dunes, as long as the project is out of the FEMA Z Zone. The proposed project does not exceed these standards.

The project is a permitted use in that location, under Public Use or Facility as defined in the Town's Zoning Regulations within the Town's Resource Protection / Shoreland Zone. Mr. Pickering went on to say that the ZBA may grant a variance only for the dimensional requirements relating to lot area, lot coverage, frontage, height, and setback requirements of this ordinance. The proposed building would increase the building coverage on the Town parcel currently at .06% to .07%. In the complete developed area currently at 6.12%, it would increase to 6.17% which includes all paved areas.

Mr. Pickering stated that he is before the Board to request a zoning variance to change the building footprint coverage from 0% and allow for the proposed building, handicap ramp, and parking area, with an estimated 8100 square feet. Mr. Pickering invited the Board to visit the plant and see firsthand what the constraints are and the area they are proposing for the new administrative building.

Mr. Pickering introduced the Project Engineer Ed Leonard.

Mr. Leonard confirmed that the treatment plant was constructed in 1964. It is protected by a man-made dune and sheeting/sea wall. That site was selected over fifty years ago, however recognizing climate change issues the District has partnered with Southern Maine Planning and Development Commission and the Maine Geological Survey to assess their climate adaptation options. A study has concluded that the treatment facility would be at high risk based on the combined risks of sea level rise, storm surge, and shoreline change in twenty to thirty years, and that the dunes could deteriorate completely in thirty to fifty years. The result is that the District will consider relocating the treatment facility to another location in Ogunquit or possibly regionalizing with Wells at some point in the next thirty years.

Mr. Leonard reviewed the Zoning Standard for the granting of a variance:

Article 5.2.B.2.b.iii – Mr. Leonard noted that the proposed structure will be located directly adjacent to the existing wastewater treatment facility. He also stated that a portion of the area has already been disturbed. He confirmed that any trees which need to be removed will be replaced.

The new building will be constructed in a manner which is architecturally and aesthetically consistent with the other buildings on site.

Article 5.2.B.2.b.ii

The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood.

Mr. Leonard stated that the District is a quasi municipal entity formed in 1963 by the State Legislature. There is only one sewer district in Ogunquit. Its purpose is to control sanitary sewer system, pump stations and wastewater treatment plant, to protect public health and the environment. Mr. Leonard stated that in the last twenty-five years since the last upgrade a lot has changed: zoning codes, technology, discharge permit requirements, laboratory testing, and safety requirements. All of these changes have resulted in a doubling of the staff and there is no existing office space for them. The proposed structure is to provide that space.

Mr. Leonard added that the Superintendent is responsible for the day to day operation of the facility and needs to be in direct proximity to the treatment plant. In addition the new space will provide ADA accessible meeting space for the Trustee Meetings.

Regarding Article 5.2.B.2.b.i and Article 5.2.B.2.b.iv, Mr. Leonard confirmed that the property is not owned by the District, it is owned by the Town. The District has had numerous conversations with the Town regarding the construction of a public facility, for public use, on Town land on an easement. This provides the Town full control over the land and ultimately the structure, when the District relocates. Since the District does not own the land, the hardship is not a result of an action taken by the District.

Mr. Leonard added that there have been other factors: FEMA reissued their flood elevations; President Obama issued an amended Executive Order in January 2015 which raised flood protection on top of the base flood elevation. In addition the treatment facility is mapped by the State of Maine as including a portion of the previously disturbed area, as frontal dune. This means that even though there are, what appear to be alternative locations for the proposed structure, they can't build there. The District has reviewed a number of options and the proposed plan appears to be the best option for this facility.

Mr. Smith opened the floor for questions from the Board.

Mr. Griswold stated that the Sewer District is a terrific organization and their service is unparalleled. He congratulated Mr. Pickering on his leadership and staff. Mr. Griswold noted that he has been to the facility to pay his sewer bill and has seen firsthand that Mr. Pickering's office is part of the conference room. He also asked what was in the basement and he was told "equipment and electrical". He was surprised by that given the location, and he isn't surprised by the proposed plans.

Mr. Griswold referenced the FEMA map and he asked which zone the facility is in.

Mr. Pickering and Mr. Leonard both responded that the facility is in the AE Zone with a base flood elevation of 14.

Mr. Griswold responded that FEMA defines that zone as an annual chance of flooding of 1%.

Mr. Griswold asked for confirmation that the District seems to have a clear plan for the next twenty to thirty years, with a plan to relocate at the 30 year mark.

Mr. Pickering responded that this is the case. They have done some preplanning regarding possible locations within the Town of Ogunquit where they might relocate. They have also had discussions with Wells Sanitary on a regionalization plan. He informed the Board that the Wells plant is about a mile north of the Ogunquit plant. They are on the west side of the river however their upland portion is approximately two feet higher than where Ogunquit's plant is currently located. This proposes the concern of Wells having to also do something about sea level rise.

Mr. Griswold asked about cost estimates which he suggested may be \$1,000,000 to build the new structure, and upgrade existing facilities.

Mr. Pickering responded that it may be considerably more than that because they will have to relocate equipment from the existing basement to the first floor. There will also be other changes to the existing structure.

Mr. Griswold stated that it appears as if the District is looking to spend \$500,000 on a building that will only be useful for thirty years.

Mr. Pickering responded that the last estimate is above that, and they will be working to refine the design to save some cost. They have also looked at modular buildings which might be relocated twenty years from now. There have also been discussions with the Town Manager as to whether or not the buildings could be used as an upgraded bathhouse or lifeguard facility. He added that no one can tell what the Town's attitude will be twenty years from now.

Mr. Smith reminded everyone that the Board's goal is not to approve a Site Plan or any aspect of the building, the ultimate goal is the granting of a variance which would allow the applicant the privilege of going forward in an attempt to get a building permit. The Zoning Board's decision will not guarantee the issuing of a building permit it will only allow the applicant the right to go forward with the application process. Site Plan and Design Review come under the purview of the Planning Board; however the applicant can't even apply to the Planning Board unless the Zoning Board grants the variance. Mr. Smith reiterated that no building permit will be granted at this meeting, the Zoning Board doesn't have that authority.

Mr. Dehart asked Mr. Pickering to explain the emergency plan and why the new structure needs to be so close to the existing facility.

Mr. Pickering responded that the new building will be an administration and staff facility building. He noted that they are a relatively small staff that often covers for each other for those tasks which need constant maintenance or attention. He specifically noted the belt filter press needs to be checked every thirty minutes, anything done in the facility needs constant attention. He also noted that sometimes staff is called out on emergencies and there is a need for someone to be on site to cover. They have a new administrative assistant who will be covering safety for the staff; this will mean many safety meetings. She will also work as a safety director which means she needs to be available to the facility to monitor the staff for safety compliance.

Mr. Pickering added that they have a break room for the entire staff.

Mr. DeHart asked what the consequences would be if the staff was not close to the plant.

Mr. Pickering responded that, as an example – if they were transferring sludge and were called away on an emergency that kept them from returning quickly there is the potential to overfill the tank causing a spill into the parking area and river. There are also smaller operational errors which could occur as a result of not having sufficient staff available on site.

Mr. DeHart asked if there is a person staffing the facility 24 hours a day.

Mr. Pickering responded that there is someone on call 24 hours a day.

Mr. DeHart asked if there was anything submitted which would give the Board a better understanding of the topography of the area.

Mr. Pickering responded that the topography is very flat, all the way from the North Beach parking lot to the treatment facility there is very little elevation change. The dune area is very close to the beach and is in the designated V Zone where they cannot build. It is all low area, and part of the cost of the facility is to elevate it to a seven foot height. The under space would be for storage of nonessential equipment.

Mr. DeHart asked about the man made dunes and the sea wall.

Mr. Pickering responded that there is a steel seawall built to protect the facility. The dunes were constructed in 1974 and 1975. He noted that the treatment facility was there for several years before the dunes were built. During those first ten years the treatment facility looked directly out onto the beach / ocean. The District has been very cautious of potential ramifications, in the last 100 years there has been a 5.6 inch increase in sea level rise. Storms have been more frequent and flooding from the river has been noticeably increased. The Footbridge Beach parking lot floods almost every high tide. He added that there has been a significant amount of degradation of the dunes due to beach erosion. He has noticed that they have lost another twelve feet over the last three months.

Mr. DeHart agreed with Mr. Griswold that the Sewer District does an amazing job.

Mr. Smith stated that he has never been to the facility and he is interested in the topography. He noted that many of the questions he was going to ask have already been answered:

Is the existing building in a floodplain? – yes

Is the office only for administrative personal? – no, it's for the entire staff

Has the DEP approved the building site? – yes

Mr. Smith also had a question about the future relocation of the facility, however he noted that is is beyond the scope of the Board to ask for strategic long range plans.

Mr. Smith asked if the existing building could be expanded instead of constructing a new structure beyond the perimeter of the facility?

Mr. Pickering responded that they looked at this option and determined that the moment they touch the existing building they will be required to meet FEMA elevation guidelines, which will cost them the loss of ½ of the first floor. The remodeled building would be considerably closer to the beach area and would have to be much higher than the existing building. Currently people walking the beach at low tide can only see the tops of some of the ventilation on top of the largest building. The new office space would be looking down on the beach and would be clearly visible to people on the beach. This would diminish the atmosphere of the area.

Mr. Smith noted that everyone recognizes that the dunes and the beach are a vital natural resource to the community and the State. He expressed his hope that every board do whatever is necessary to avoid destruction of the ecological system. He suggested the board might consider tabling any decision pending a visit to the site to see firsthand the topography and the areas to be disturbed.

Mr. Smith indicated that he would be interested in the topography, the area of destruction to the dunes, the location of the high water mark in the context of the location of the new building. He also noted that there is a danger of flooding to the parking lot which would effect a temporary building being located there. Mr. Smith noted that temporary buildings are a hazard during hurricanes when they have the potential of becoming airborne.

Mr. Smith asked if there is documentation indicating that the DEP has reviewed and OK'd the project.

Mr. Leonard responded that they have had pre-application meetings with DEP, they have had DEP representatives come to the site and the conclusion was that the District could do the project under a Permit by Rule. The Applicant has not submitted an actual application however he has taken the preliminary steps and has received verbal approval for the proposed project.

Mr. Griswold asked Mr. Heyland if there is a letter which goes from his office to the DEP.

Mr. Heyland responded that DEP would be notified.

Mr. DeHart added that the applicant has stated that the DEP has done a site visit so they are already aware of the project.

Mr. Griswold expressed confusion regarding the ZBA's role and the Planning Board's role.

Mr. Smith responded that if the Zoning Board does not approve the variance for relaxation of the zero % coverage, the application ends now.

Mr. Griswold asked if Mr. Pickering was familiar of the 2003 Comprehensive Plan which includes the encouragement of the sewer district to plan for the relocation of its sewer treatment plant if it is ever substantially damaged or needs to be replaced. Mr. Griswold suggested that they may be at a tipping point to spend a great deal of money on a new building and rehab rather than moving the whole plant.

Mr. Pickering responded that to relocate the facility they have to change how they pump all of the waste water to the facility, everything has to be moved, new pumping stations have to be built, new force mains, and new ocean outfall from wherever they relocate too. The proposed plan involves the facility remaining intact; all of the buildings would be reused. They are looking for a mechanical upgrade. The tanks, the buildings, and structures do not have to be replaced. The cost to relocate the facility would be approximately \$28,000,000.

Mr. Smith asked what hardship is created if the variance is denied.

Mr. Pickering responded that the building cost will increase if they try to expand the existing space; the new addition would be significantly taller and would not accommodate a handicapped accessible ramp, so they would have to look at an elevator.

Mr. Pickering responded that they have looked at a remote site; this would cost them at least at one full time staff person. The cost to relocate would be approximately \$50,000 to \$55,000/year for the next twenty years.

Peter Griswold asked how many people actually come to the faculty to pay bills etc.

Mr. Pickering responded that there may be 8 – 10 come in to pay sewer bills, in the spring there are a lot of plumbers coming and going replacing meters, delivery people. The main use is office use and they need to have someone there to assist the public, while they don't have a constant stream of people coming and going, they do have a great deal of administrative activity.

Mr. DeHart asked if there would be a full time staff person assisting people who call or e-mail.

Mr. Pickering responded that there will be a part time person working there five days a week for 6 hours per day. They will also have a remote bookkeeper who will respond to e-mails, as well as someone on call for emergencies 24/7.

Mr. Smith invited the Code Enforcement Officer to address the Board. He noted that there are things the Code Enforcement Office needs to do when an application involves the Shoreland Zone.

Mr. Heyland responded that his office will send a copy of the application to the DEP.

Mr. Smith opened the floor to the public.

Newell Perkins addressed the Board (20 Fieldstone Lane). He confirmed that he received an abutters' notice. Mr. Perkins stated that he would refer to three places in the Comprehensive Plan which he will use as his basis for why the Zoning Board should not grant a variance to expand outside the existing compound fence:

OCP Titled Vegetation: Existing Situation/Conditions:

“the State Planning Office has identified the pitch pine stand near the Sewer Treatment Facility as a significant natural area containing an outstanding example of Pitch Pine Sand Dune plant association”. Mr. Perkins suggested that this refers to the fact that this stand of pitch pines took years to natively establish, and each tree is dependent upon every other tree for support.

In order to construct the proposed building most of the pitch pines would have to be removed or moved and would be unlikely to survive.

C-111 Surficial Geology

Another quote from the Comprehensive Plan: “It is the policy of the Town of Ogunquit to prohibit or restrict future growth and development on swamp and tidal marsh and beach and dune deposits, and to protect from adverse impact the significant groundwater potential of glacial till deposits and end moraine deposits.” Mr. Perkins suggested that as soon as the area is disturbed, and in order for new vegetation to be planted, soil will need to be brought in to keep any new plantings alive.

Mr. Perkins noted the importance of the small pitch pine stand as well as the small patches of very rare Beach Heather, and the fact that foot traffic greatly limits their growth.

Section C – Natural and Marine Resources: C-15 Coastal Policies.

“Sewage Treatment – Consider alternatives to the existing sewerage treatment plant in the event that the existing facility becomes irreversibly inundated”.

Mr. Perkins noted the mandate of the Ogunquit Sewer District Trustees to plan and implement the moving inland of the treatment plant. He also pointed out that this issue has been under consideration since the 1990’s.

Mr. Perkins asked that the new office building be constructed off the beach and on higher ground. He also reminded everyone that all of Ogunquit Beach was purchased by private initiative in 1923. When the bonds were paid off the Ogunquit Beach District deeded all 75 acres of the beach to the Ogunquit Village Corporation with restrictions. One of those restrictions is that this land shall be a public park for the enjoyment of all who live in or visit Ogunquit in perpetuity.

Mr. Perkins went on to say that at the time the Ogunquit Village Corporation agreed to deed over the land currently occupied by the Sewer District it was suggested that the deed covenant had been broken, however the transfer was done anyway because it was in the public’s interest.

Mr. Perkins asked the Board to deny the variance request because:

The project will require the destruction of 37% of the pitch pine tree stand.

It is unnecessary to add 1,400 square feet of roofing, concrete paving and landscaping to the beach.

Mr. Perkins also reminded everyone that Ogunquit Beach does not belong to the Select Board. It belongs to the citizens of Ogunquit and any easements or sale of it have to be accomplished through an article on the warrant at a Town Meeting and by a vote of the citizens.

Mr. Perkins suggested that putting off the relocation of the sewage facility to the mainland is dangerous and now is the time to move on this.

Mr. Griswold asked for clarification regarding who actually owns the beach and what needs to happen to approve this plan.

Mr. Perkins responded that on the beach there is driven steel sheathing which covers only the length of the existing buildings. The proposed structure is planned for an area beyond that and will not have sheathing in front of it.

Mr. Perkins stated that the value of the project is beyond \$3000 which puts it beyond the Select Board's authority.

He added that the Sewer District is totally separate from the Town of Ogunquit and has nothing to do with the Select Board. The Ogunquit Beach District was enabled by a Legislative Act for citizens of Ogunquit to raise money and negotiate and purchase or take by eminent domain all of the buildings on the beach. There had been a plan developed for the construction of houses along the full length of the beach, similar to Moody Beach. This was prevented by a group of citizens (the Beach District) who held the property until the bonds were paid. There was an agreement with the Ogunquit Village Corporation who took title to all 75 acres with an agreement that it was to remain a public park, it was to yield no more money that was necessary to operate it as a park.

Mr. Perkins reiterated that the Select Board cannot grant the easement, it must go before the voters.

Bill Baker from the Conservation Commission addressed the board.

Mr. Baker called this the Devil's Choice: He stated that:

“We spent part of last Thursday afternoon with Phil Pickering touring the present Ogunquit Sewer plant and seeing the problems they are dealing with and their need to find office space in the near future.

Given that the OSD is not planning to move to another site for many years to come, the easy choice, since one of our conservation commission's missions is to protect the dunes, is to just say no to the OSD's wish to build an office building adjacent to their current site.

Of course our sewer district does more than its part for supporting the Conservation Commission's other missions: to ensure clean water, a clean beach, clean waterways and clean wetlands, dealing with about a million gallons of sewage and gray water a day and producing some 7,000 pounds of sludge each day.

An office is a necessity, since the electrical in the current building must be raised 7' to meet new ocean rise standards and current offices will shrink or disappear. The current plan is looking at an area adjacent to the sewer plant. The Maine DEP has approved the OSD's building site.

We had thought that this structure – one that they are now considering to be modular and therefore moved – could easily be placed on the Moody parking lot.

This parking lot though is prone to flooding as is the road into the plant. The building would have to be raised 7' anyway with a foundation built beneath it. The town would lose the revenue from about 25 parking places at currently \$20 a slot, or about \$500/day for each beach day in a season, a loss at current rates of \$25,000- \$30,000 each year to the town.

These offices are mainly for a small staff spending time in both what will be a raised current facility as well as in their offices; there seems to be a lot of back and forth from plant to office since the staff often doubles in various capacities, and to have this small staff walk from a parking lot office site to deal with the machinery in snow, ice, rain, as well as flooded conditions, and back to their offices to deal with customers, with the many deliveries of chemicals and other necessities, and with necessary office work is not a sound fix.

The environmental engineers have estimated the OSD's current site will have to be moved in 25 years; they also estimate about 10 years later the dunes will be inundated.

The Devil's Choice, then, is that there is no good choice between limited options. Do we protect part of the dune next to the sewer facility before it is inundated in 35 years? Or do we allow the sewer district its small building necessitated by new federal regulations?

One thing to keep in mind, though – we want to make sure Phil and his staff can be as close as possible to the sewer plant in case of an emergency – nothing would be more of a disaster for our wetlands, water ways, and beach if there were some major problem there with the staff unable to reach the plant on time, tied up in traffic if their offices were on RT 1.

The town and the sewer district should be making plans to find a new site for the sewer plant and begin devising plans for the necessary move.”

Ms. Smith summarized that there seem to be three thoughts: preservation of the dunes, the reality that the site is in a flood zone, the question of whether the laws of the town require a town vote.

Kirsten Ross (resident of Ogunquit) suggested that any site visit include an examination of the front dunes. She noted that when material is taken away erosion occurs. She suggested that the removal of the tree stand will have an unknown impact. Ms. Ross noted that Ogunquit's Beach is part of the Coastal Barrier Resource System, Ogunquit is the only beach in Maine that has the advantage of intact dunes. She pointed out that no one can predict what type of storm will come next, and if the vegetation is replaced will it have the time it needs to reestablish.

Ms. Ross asked the Board to note that the dunes at the treatment facility site are the lowest point along the beach. She asked if the Town will be required to take nourishment action to protect the area. And if the Town inherits the building in the future will it be taking on a liability?

Mr. Smith asked if there was anyone else who wished to be heard. There being no one he closed the public at 7:55 p.m.

Mr. Smith asked if the other Board members thought a Site Visit would be of value.

Mr. DeHart agreed that a site visit would be helpful.

Mr. Griswold agreed and suggested the Board set specific objectives for the site visit.

Mr. Smith noted that no specific date would be set for the site visit or the next meeting, due to posting and availability requirements. He also pointed out that there are only three Board members present, he felt it is important to have Mr. Deletetsky and Mr. Mayer present.

Mr. Smith reminded everyone that during a site visit the public may attend but not be heard, and abutters can attend and be heard.

Mr. Smith noted that there are over thirty abutters. This is because the parcel involved runs the entire length of the beach from the Norseman to the Moody line. He also pointed out that one of the abutters is the US Wildlife Service who owns the salt marsh.

**Mr. Griswold Moved to hold a Site Visit.
GRISWOLD/DEHART 3:0 UNANIMOUS**

**Mr. Griswold Moved to Table this Application until one week after the Site Visit.
GRISWOLD/ DEHART 3:0 UNANIMOUS**

Mr. Smith suggested the following objectives for the site visit:
Nature of topography;
Nature of the dunes;
Pitch Pine Trees;
Impact on the ecosystem and what has been done to minimize the impact.

Mr. Smith reminded everyone that there are four standards which need to be met in order for the variance request to be granted.

Mr. DeHart asked to have the site properly marked so the Board can see the boundaries.

Mr. Smith responded that he will speak with the Town Office about this.

Mr. Smith concluded this portion of the meeting.

Mr. Horn rejoined the Board

NEW BUSINESS –

Mr. Smith asked Mr. Heyland if there was anything new coming up.

Mr. Heyland responded that the only thing pending is the Public Comprehensive Plan Workshop to take place on April 6th.

Mr. Griswold asked for copies of the map showing the high tide line.

Mr. Heyland responded that there are two maps:
FEMA Maps which can be found on the Town Website;
GIS overlay for the flood zones, the adopted map is the 1992 FEMA Flood Map.

Mr. DeHart reminded everyone that the maps have not been adopted.

Mr. Heyland agreed.

CODE ENFORCEMENT OFFICER BUSINESS – None

OTHER BUSINESS –

Mr. Smith informed everyone that the Comprehensive Plan Steering Committee is looking for members for a standing committee. They have requested the Zoning Board provide them with questions which might be incorporated into a public survey.

Mr. Smith distributed a list of questions he composed from the responses he received from the Board members and asked the members to agree to its submittal to the committee.

Mr. DeHart informed the Board that he is attending the meeting on March 30th however he will not be doing so as a representative of the Zoning Board.

Mr. Horn noted that there has been little interest from the public to sit on a Comprehensive Plan Committee. He reminded everyone that the last Comprehensive Plan Board was made up of members from each of the existing boards.

Mr. Smith responded that the Steering Committee has requested input from the Boards. He also suggested that the planning committee should be approaching key individuals in the community who have key oversight of a particular topic.

Mr. DeHart expressed his opinion that the Board does need to submit questions.

Mr. Smith pointed out Article 6.4 of the Zoning Ordinance states that the powers and duty of the Planning Board is to write, revise, and update the Comprehensive Plan for consideration at public hearing and decision by the voters. As determined by the Board of Selectmen the full

board or a subcommittee of the board in combination with other municipal officials and citizens may act as a Comprehensive Planning Committee. Ultimately the Planning Board owns the job.

Mr. Horn stated that the Comprehensive Plan is an overall idea, it isn't enforceable. Specific items need to be voted on and established in an ordinance.

Mr. Smith agreed that the Comprehensive Plan sets the policy and an ordinance amendment makes it law.

ADJOURNMENT –

**Mr. Griswold Moved to Adjourn.
GRISWOLD/HORN 4:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Recording Secretary