

# TOWN OF HANCOCK

P.O. BOX 68 · 18 POINT ROAD · HANCOCK MAINE 04640  
PHONE: (207) 422-3393 FAX: (207) 422-6705



## MINUTES OF SEPTEMBER 11, 2024 PLANNING BOARD MEETING

Participants: Doug Kimmel, Ken Emerson, Debi Foster, Scott Dyer, Ant Blasi, John Larson, Dan Pileggi, Bill Birdsall, Grady Burns, Carol Lowrie, Sharon Ressler, Jane Finston, James Perry, Jacqueline Hunt, Richard Zerrien, Ed Pare, David Wildes, Carol Skuirer, Paul Fopeano, Lee Fopeano

Doug Kimmel called the meeting to order at 6:00 pm and asked for a minute of silence in memory of those who died in the 9/11/2001 terrorist attacks.

### 1. Conflict of Interest Recusals & Quorum Call

Doug appointed Associate Planning Board member Ant Blasi a voting member in Meredith Akerstein's absence; no conflicts or recusals.

### 2. Approval of Minutes of Planning Board Meeting August 15, 2024

Ken Emerson moved to approve minutes with a corrected typo on p. 4, Debi Foster seconded, and motion passed 4-0. (Scott Dyer abstained because he had been absent.)

### 3. Introduction of persons in attendance

Participants (see above) gave their names.

### 4. Public Comment: Bed & Breakfast at 112 Cross Road

Cross Road resident Jane Finston expressed concern that the permit for a B&B annex to the Crocker House approved by the Hancock CEO would allow Crocker House owner Robert Noddin to build a "wedding barn" that would create undue congestion and noise and adversely affect the residential neighborhood. Although she emphasized that she had no objection to a B&B, only to a wedding barn, Finston also noted that the Town ordinance requires that a B&B owner/operator reside on the property (which Noddin does not). Acting CEO John Larson said the permit had been issued "in error" and the septic system is inadequate. John and Town attorney Dan Pileggi agreed this was an enforcement issue, not a Planning Board issue. Doug and Ant said a wedding barn was not permitted in a residential zone.

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Bill Birdsall pointed out the Town's inconsistency in regulating B&Bs but not Air B&Bs and short-term rentals. Dan urged the Town to develop short-term rental ordinances.

Ant moved and Debi seconded a motion to remand the Cross Road permit to the CEO. Against Dan's legal advice that the Planning Board lacked authority to do *anything*, the motion passed 5-0.

## 5. CEO report

John said in his temporary capacity he had no report.

## 6. New Business

- James Perry's application to build a warehouse on Gilman Electric's Lot # 204/16 (fee paid).

Asked why he had not requested DOT approval of the entrance to the property or filled out the entire application, Perry said the Hancock CEO had not told him either was necessary. Ken moved to table the application until the Planning Board receives a complete application. Doug seconded, and the motion passed 5-0. John Larson offered to help Parry fill out the application, but Parry said that by the time the application was approved it would be too late to complete the project within Gilman Electric's time frame. He withdrew the application.

- Edward Pare's application to revise the subdivision of Lots #204/16 and 204/18.

Acknowledging that he did not know exactly what he was requesting, Pare explained that in the 1990s minor changes had been made to the property lines in the Grickis subdivision that the Town never reviewed or approved. Lacking that approval, title insurance companies are reluctant to issue coverage, making it all but impossible to sell or transfer the affected properties.

Dan and John recommended that Pare meet with the CEO and negotiate with the Select Board an amendment to the subdivision and a consent agreement to the property line changes that would facilitate the sale of the subdivided properties.

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- Richard Zerrien/Patriot Homes' application to build a storage annex on Lot #217-001 (fee paid).

The board found the application incomplete and said it needed a site plan. Ant moved to table the application until it receives a complete application and site plan. Ken seconded, and the motion passed 5-0.

## 7. Discussion of amendments to the ECO following Aug. 28 public hearing.

John Larson advised the board it should review the Maine Department of Environmental Protection's Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances and recommend changes in the Town's shoreland ordinances to comply with the DEP guidelines. This is especially urgent because of new regulations (and requests for permits) regarding rip-rap. Doug said the board would attend to this.

Ant and Doug asked for several changes in the minutes of the Aug. 28 hearing, which Ken recorded. Ant moved to approve, with those changes, the minutes of the Aug. 28 public hearing. Ken seconded, and the motion passed, 5-0.

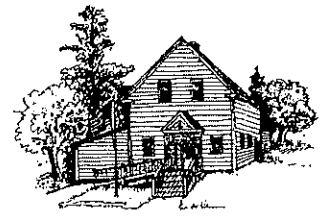
During the discussion, Ant reiterated his belief that the Town does not have an operating Comprehensive Plan or a Designated Growth Area. [Recommendations for the location of a Designated Growth Area appear in the 1992 Comprehensive Plan, but were not amended into the ECO.] Hancock County Planning Board member Greg Piduch confirmed this at the Town's August 28 public hearing, Ant noted, quoting from the minutes: "Greg said the old one [comprehensive plan] had expired long ago."

The board reviewed its latest version of amendments to the ECO, making some changes and raising one question:

- Section 2: Non-conformity F. e (p. 13): Hyphenate "non-conformity" in lines 2 and 4; change color of blue ( in line 4 to black (.
- B. 2. Affordable Housing Developments 3) (a) (p. 29): Insert "or it successors" after "by a party...."
- B. 2. Affordable Housing Developments 4) d) (p. 30): Delete period after d)
- B. 2. Affordable Housing Developments 5) b. (p. 30): Delete "items" after "Bonus."

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- B. 8. c. Additional Dimensional Requirements 6) (p. 37): The board considered striking the words “or calculations to the area” and decided it should call the Select Board’s attention to this seemingly sweeping statement.
- Section 5 B. 22. OFFSTREET PARKING 21) (p. 46): Delete “off-street.”
- MANUFACTURED HOUSING (p.105): Change “a single family dwellings” to “as single-family dwellings.”

The board discussed when and how it should consider drafting ordinances regulating short-term rentals and agreed with Dan that this should be “part of a comprehensive regulatory scheme.”

Doug moved to approve the amended ordinances and send them to the Select Board, Ken seconded and the motion passed, 4-1, with Ant opposed.

## **8. Executive session to consult with counsel regarding pending application.**

Doug moved to go into executive session. Ken seconded, and the motion passed, 5-0. The session began at 7:52 and concluded at 8:10.

## **9. Continuation of review of Coastal Estates proposal: *Tax map 219 Lot 024, Route Discussion 1, Zoned Commercial/Rural; Five lots added to the original 85-acre 115-lot subdivision***

Noting receipt of an updated traffic report and a letter confirming DOT approval of its entrance, Ken moved to find Coastal Estates’ application complete. Ant seconded, and the motion passed 5-0.

Doug raised the question of whether Coastal Estate’s original permit had expired because the development had not been substantially (85%) completed within 3 years. Coastal Estates attorney Grady Burns said that work has continued with ongoing communication with and the acquiescence of the CEO, and that “85%” appears under Definitions in the ECO, but not in the ordinance itself. He also said the validity of the permit was a code enforcement issue outside the purview of the Planning Board.

Ant moved to conduct a “substantive review” of Coastal Estate’s application at its Oct. 9 meeting. Ken seconded, and the motion passed, 5-0.

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Grady suggested, and Dan agreed, that in conformance with the Town ordinance the next Planning Board meeting should include a public hearing on the application, advertised beforehand.

## **10. Adjourn**

Ant moved to adjourn, Debi seconded, and the motion passed 5-0. The meeting adjourned at 8:42.