

Planning Board Minutes

Town of Chelsea

Meeting of the Planning Board

At Chelsea Town Office

February 11, 2014

Members Present: Elizabeth (Beth) Cousins, Chair
Timothy (Tim) Coitrone
Doug Crochere
Craig Hitchings
Maria Jacques (non voting – to be sworn in)

Members Absent: Palmer Sargent – excused
Marshall Swan

Others Present: Gary Quintal – Code Enforcement

1. **Call to order:** Chairman Beth Cousins called the meeting to order at 7:02 PM. Gary Q. made point of order that a quorum was not present (3 voting members present – a minimum of 4 are required). Those present agreed to proceed with an informational meeting. Doug arrived at 7:07 PM constituting a quorum.
2. **Review of Minutes:** Tim moved to accept the minutes of the January 10, 2013 meeting as written, seconded by Doug, no discussion, vote was 4-0 to approve.
3. **Public comment:** No public comment.
4. **Old Business:**
 - a. Review Subdivision Ordinance (addition of fire ponds or cisterns): Chief Ramage was not present to provide a final draft. Item tabled.
 - b. Subdivision Ordinance amendment for open space and clustered mailboxes: The language adjusting the Subdivision Ordinance was deemed ready for presentation to the Selectboard and public hearing. Tim made a motion to move this forward to the Selectboard, Craig seconded. Motion approved 4-0. Beth will add the language to the ordinance and provide to the Selectboard for public hearing.
 - c. Long range planning for site plan review: The Town has a comprehensive plan approved at town meeting in 2003, but deemed non-conforming by the State Planning Office due to lack of a Future Land Use Plan (e.g. zoning). The plan was specifically found to not be consistent with the State Planning and Land Use Regulation Act in a letter to the Town dated October 10, 2003. The current comprehensive plan calls for a site plan review process. Several board members expressed an interest to update the 10 year old comprehensive plan prior to development of a site plan review process/ordinance. Craig made a motion the Selectboard be approached by the Board to recommend appointing a committee to update

the 2003 Comprehensive Plan, including provisions to allow a zoning ordinance in the Town. Seconded by Tim. Motion passed 4 – 0.

5. New Business:

- a. Upcoming review of Junkyard ordinance: Some terms in the junkyard ordinance need to be better defined due to inconsistencies in the land use ordinance specific to well heads and the distance from a junkyard. Some specific terms including the definition of a commercial vehicle, special vehicle, or operational vehicle. Gary would like to wait until a ruling from the State Liquor Commission regarding consistency with the junkyard ordinance in the issuance of a liquor license to a local business.
- b. Abbotts Market rehab of apartment and fuel tanks: Gary advised the new owners would like to remodel the apartment behind the market for rental. The total property is comprised of 1.02 acres and also has underground fuel tanks. DEP has been involved with this and other properties to ensure fuel storage tanks are in compliance with state statutes. DEP is assessing the tanks at the market to determine if they are compliant. It was reported by Gary there is 5,000+ gallons of contaminated water in the tanks. Also, property boundary lines proximity to adjacent shoreland preclude future use of the fuel tanks on this non-conforming lot unless if the tanks have been used within the prior year. The new owners have the burden of proof regarding last use of the tanks. Gary can issue a permit to fix up the apartment, but will not issue a permit for reopening the business with fuel operations without approval from the Planning Board. No further action required at this time.

6. Correspondence: Town Manager Report (copies distributed) and Townsman.

7. Next Meeting: March 11th at 7:00 PM.

8. Adjournment: Meeting adjourned at 8:25 PM.

Pertinent correspondence since February 11th meeting

1. Email from Scott Tilton dated February 16th:

As a housekeeping matter could you indicate which Planning Board members are not present at the meeting on the minutes. Providing the name of absent members on the minutes could prove helpful in the future. The members absence should always say excused if that is the case.

Action: These minutes reflect who was absent from the meeting, including who was excused.

2. Email from Craig Hitchings dated February 18th confirming current planning board members and requesting clarification on number of members present required to pass a motion:

Is this the baseline list of who is actually on the Board?

Beth C.

Craig H.

Tim C.

Palmer S.

Doug C. (there was some confusion re: Doug's standing on the Board, but he is attending again)

Maria J. (Maria attended the last meeting, but had not been sworn in)

This is 6 members, and I understand 7 are required by charter...who is the 7th? If we have 6 members will 3 present at a meeting constitute a quorum to conduct business or do we need 4?

Also... we have a "rules" question re: what constitutes a majority to pass a motion. At our February meeting, Gary Q. informed that since the charter requires a 7 member board, we would always need a minimum of 4 or greater "yes" votes to pass a motion regardless of the number of board members attending a meeting. Please confirm if this is correct, or we need a simple majority...

3. Email response from Scott Tilton dated February 18th:

I would say that there is no reason to add to the previously approved minutes.

The seventh member is currently Marshall Swan. His term expires this June.

My understanding of what Maine Municipal Association indicated is that 4 members must be present for a meeting quorum. In order to pass a motion there would need to be a minimum of 4 voting in the affirmative. A simple majority will not work.