

Mt. Vernon Select Board Meeting Minutes

December 06, 2021

1997 North Road, Mt Vernon, ME 04352

Board Members Present: Paul Crockett (Chair), Anna Libby, Robert Grenier

Support Staff & Guests: Alice Counts (Administrative Assistant), Mark Gilbert (Ch 7), Kerry Casey (Treasurer), June Cauldwell (Community Center Chair), Greg Cauldwell (Planning Board Chair), Bill Butler (CEO), Sue Herman (Ordinance Review Committee Chair), Tom Brady, Jason Beckler (Fire Chief)

Select Board Members Signed Weekly Warrant (6:30-7:00)

Meeting Called to Order

- SB Meeting was Called to Order by SB Crockett at 7:03pm

Meeting Minutes of 11-22-21

- Meeting Minutes to be amended from "Select Board Approved Alice Counts Request for a new computer" to "SB Crockett was going to see about an estimate for a new computer."
- Motion by SB Crockett to accept the meeting minutes as amended, 2nd by SB Libby. Motion Carried. Vote was 3-0. **PASS**

Planning Board Class

- Alice Counts is Signed up to take the Planning Board Class. SB Crockett asked PB Cauldwell if he had other members that would benefit from taking this class. Jon Railo and David Sanders were mentioned as needing this training.

Town Lawyer

- PB Crockett reported that David Sanders suggested we use Tom Carey since he is familiar with the area.

Fire Department

- Fire Chief Beckler inquired about any complaints with regards to the new Fire Department signage. He mentioned that the sign was donated to the Fire Department by the Fire Company at a cost of \$18,000. SB Crockett assured him there were no issues.
- Chief Beckler reported an incident that happened earlier today with a Big Rig that jack knifed on North Road just south of Church Road. Leonard Heavy Rescue out of Lewiston was called in and mentioned that the Town should bill for the Fire Departments time as the insurance will cover this. In addition, Apparatus is covered at \$200/hr. Treasurer Casey stated that we should make a policy to bill non-resident vehicles which require the use of our Town services. The Heavy Rescue operator offered to help the Town with our billing. Treasurer Casey would like a copy of whatever is submitted to the insurance company. DOT and DEP were involved as there was fuel spillage.

NIMS – National Information Management Systems

- Chief Beckler mentioned that the FEMA and Maine Forestry require NIMS compliance as a condition to qualify for their Grants as do many other government entities. Future Federal money is in jeopardy if we are not NIMS compliant.

XMAS Lights

- June Cauldwell requested permission to hang lights on the Community Center and Rescue buildings. She also asked Chief Beckler if he would like to decorate the Fire Station as well.
- Motion by SB Crockett that the Select Board has no objection to XMAS lights, 2nd by SB Grenier. Motion Carried, Vote was 3-0. **PASS**

Road Closures

- SB Crockett reported that they will vote to close portions of the following two roads to winter travel:
 - Cottle Hill
 - Mooar Hill

Policy Updates

- Kerry Casey reported that she would like to combine some of the Policies into the following categories:
 - Financial
 - Personnel
 - Smoking, Drug & Alcohol

Ordinances – Possible updates for the Ordinance Review Committee (ORC) to work

CEO Bill Butler Reported the following:

- **Definition of Structure.** Town should consider rewriting the structure definition to exempt seasonal and portable items such as lawn chairs, tables, unsheltered fire pits, satellite dishes. This definition needs to be tightened up. For example Campfire Pits have a setback of 100 feet, but then they will want to add pavers and then possibly a roof and before you know it you have increased the impervious area. Currently the pit would have to be removed unless established before 1989. How is going to chase this down for each non-compliant fire pit? Is this really what we want our CEO to be spending his time on? Bill mentioned that the Shoreline Zone has no minimum size unlike the 100 sqft minimum elsewhere. Bill would like to exempt Seasonal Use Fire Pits. He further mentioned that anything affecting the Shoreline should go to Collin Clark for his feedback. SB Crockett asked ORC Herman to have her team look at this. ORC Herman stated that in 2009, the DEP told her that Shoreline Structures had no minimum size and were not allowed within 100 feet of setback
- **Front Steps.** China's land use ordinance allowed for 3 foot by 6 foot .footprint for the installation of front steps even if the steps encroached into a buffer setback. The town should consider the same.
- **Seasonal Docks.** Seasonal docks should be delegated to the CEO for permitting regardless of size, length, or configuration. Another area of concern is Docks turned into Decks. Again is this where we want our Towns efforts to be spent, inspecting properties for these type of non-compliance that is everywhere on every property on every lake? PB Cauldwell stated that the ordinance only allows for a 4 foot wide dock section but in reality, manufacturers are all making their docks 4 foot 2 inches and greater. Standard width needs to be updated. Bill mentioned that state guidelines require docks to be permitted by the CEO. but CEO can also manage seasonal if the Planning Board agrees under the current ordinance. Planning Board needs to make finding regarding extension at Public Hearing. ORC Herman stated that she received a lot of push back when she tried this in the past.
- **Well Setbacks.** I have seen where drilled wells too close to another well can cause a fracking effect to occur. In China we had a 10 foot setback from side and rear property lines and maximum extent possible from the water body. This needs to be looked at further.
- **Non-conforming Structure.** DEP guidance interprets a non-conforming structure as only that portion of the structure less than 100 feet to the water body. Our definition should be revised to reflect DEP guidance. ORC Herman voiced her doubt that the State would allow this. ORC Herman stated that the DEP minimum guidelines were taken directly from the state and would need to be looked into further.
- **Recreational Vehicle Definition.** This definition should be improved to clarify the RV is road worthy (good serviceable condition) in order to qualify as a vehicle and not a structure. Bill stated that a Travel Trailer is not a structure if it has wheels, is road worthy and registered, else it becomes a structure.
- **The ordinance** currently allows applicants to submit planning board applications directly to the planning board bypassing the code officer. The ordinance should be changed to require submittal of the application to the code officer or his/her designee so it can be reviewed for application completeness and scheduling for the agenda. This will also give the code officer the opportunity to provide copies of the application to the planning board prior to the meeting. PB Cauldwell, agreed that this would make both of their jobs easier and streamline the process. CEO Butler stated that there would need to be a positive finding on each item by the Planning Board, but that he would in no way dictate to the Board what they should do, he would only give his recommendations. ORC Herman agreed that the Planning Board needs to make a finding that application is complete. PB Cauldwell would like to run this by the Planning Board first so that all are in agreement.
- **Backlot Driveway or Flag Lot width** – Part of the table is missing in Section 9D p.172 for the minimum width. ORC Herman found the reference in the 2009 (White) Land Use Ordinance to be 30 feet minimum width. Admin Asst Alice Counts to check the formatting of the table in the new update.

- **Rural Areas** –SB Grenier inquired about allowed uses in the rural areas. SB Grenier questioned whether a permit was needed if it was an allowed use. ORB Herman stated allowed uses would still require a permit. She made an example of a small scale industrial operation which would be allowed if under 1600 sqft but would still need a site plan approval from the planning board.
- **Home Occupations** – are only allowed if they are operated in the home or attached to the home.
- Additionally, on the topic of docks, I checked a few other local ordinances for comparison:
 - Readfield - no permit required
 - Belgrade: wharves, piers, and docks shall comply with all applicable local, state, and federal regulations;
 - Fayette - only permanent pier needs permit and no dimensional requirements. Also says: F: The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.

Solar Farms

- SB Crockett went on the record, the Ordinance Review Committee needs to look at the possibility in support of this for incoming tax revenue. This will go in front of the Town for approval. There needs to be differences between the requirements for small scale versus commercial scale. SB Crockett recommends lessening the restrictions to make it easier to obtain. ORC Herman stated her concerns were Visual Impact, buffers, setbacks, Glare and Decommissioning. For larger scale you would need 3 phase power She asked if the Town wants to add restrictions. SB Crockett said No, we don't want to legislate it out of existence. ORC Herman mentioned that they would need to research whether a Public Utility Facility would be allowed in a rural area. SB Crockett said we should follow general building practices. ORC wants to be proactive. Treasurer Casey mentioned that Belgrade has a moratorium.
- Bill commented that “the ordinance would currently require planning board approval for any solar farm. The primary issues are access control, stormwater management, adequate perimeter vegetated buffers, fire hazards, and reflection distractions near major highways. The solar arrays are classified as a structure therefore the total structure coverage would be applicable. Tweaking the ordinance to exempt solar arrays from the definition of a structure might be useful.”

Fire Works Ordinance

- SB Crockett stated that this has become a huge problem. He suggested putting something in the Ordinance although it would not be enforceable but would hopefully be a distraction and should make an exception for the fourth of July and New Years Eve. Treasurer Casey asked whether or not civil action could come out of an ordinance. ORC Herman did not think so. CEO Butler said this would fall under the State Law Title 17 §2802, Miscellaneous Nuisance which can be tricky to use. SB Crockett asked ORC Herman to look into this.

Water Extraction Ordinance

- SB Crockett tabled this under Select Board can look into this further. ORC Herman requested to have authorization for an MMA account. SB Crockett volunteered to make this happen.

Emergency Manager

- We are still looking for someone to fill this spot. SB Libby reported that Mike Wenzel has shown interest in this position.

Blake Hill Rd Bridge project

- Alice Counts reported that she reached out to the Engineering Department at the University of Maine at Orono to see if there was interest for their students to look at this project. The Engineering Department responded and are looking at the 2022 schedule.

Mail Box Regulation

- SB Crockett penned a letter to the Belgrade Postmaster regarding an incident whereby a resident was asked to raise her mailbox to a height of 58 inches to accommodate the postal carrier's new truck. It currently is at 43-1/2 inches within the acceptable range between 41 and 45 inches. Although this is not

within the Town's jurisdiction, he wanted to pass on this elderly residents concern as she depends on her mail to get and pay her bills.

Transfer Station

- SB Crockett reported that the Transfer Station will be closed on Christmas Day.
- Tom Brady has obtained a bid from Hammond Lumber and negotiated a 10% discount for a Manager's Shed. Alice Counts provided two more bids. All bids are for an 8x12 Smart Siding. Windows would need to be added as follows:
 - Hammond Lumber - \$2475 after 10% discount, including delivery.
 - Hillview Mini Barns - \$2760 base price, delivery not included
 - Tuff Shed - \$3768 base price, delivery not included
- SB Crockett asked Treasurer Casey where we currently stood with the Transfer Station Budget. The Treasurer reported that we should be at 46% and are currently at 32% so are doing very well so far this year.
- SB Crockett asked Tom Brady if he would be willing to install the windows, Tom agreed.
- SB Crockett motioned to allow up to \$3500 for the purchase of the shed from Hammond to include 2 windows. 2nd by SB Grenier. Motion Carried, Vote was 3-0. **PASS**

Trio –

- SB Grenier asked where we are with regards to Trio. SB Crockett said he wasn't able to look at it yet and tabled it until next meeting.

Other Business

Planning Board Training

- The Select Board approved Alice Counts' request to attend the Planning Board training.

Fire Station Paving

- Fire Chief Beckler needs new pavement in the Fire Station parking area and is wondering if this can be added to the paving contract. PB Crockett said he would get Road Commissioner Lee Dunn to look at this and get bids in before the budget is in and include it.

Adjourn

- Motion by SB Libby to Adjourn at 9:07, 2nd by SB Grenier, Motion Carried. Vote was 3-0. **PASS**