**MINUTES**

**TOWN COUNCIL MEETING**

**STANDISH, MAINE**

**TUESDAY, JULY 12, 2016**

**STANDISH MUNICIPAL CENTER**

**7:00 PM**

**CALL TO ORDER**

The meeting was called to order by Chair Nesbitt and the Pledge of Allegiance was recited.

**ROLL CALL**

Councilors present: Blanck, Delcourt, Higgins, Nesbitt, Pomerleau, Sargent and Sirpis.

**MINUTES OF PREVIOUS MEETING (S)**

Chair Nesbitt explained that the minutes for the previous meetings are not ready, they will be available at the next meeting.

**PETITIONS AND COMMUNICATIONS**

The Clerk read a letter from the Standish Historical Society regarding the status of real estate located on Cape Road. The building on this property was built in 1849 and used in a variety of ways throughout the years including as a church, VFW Hall, GAR post and among other uses. The Historical Society voiced their concerns regarding the future of this property.

**REPORT OF THE TOWN MANAGER**

Gordon Billington welcomed the three new Councilors saying he looked forward to the upcoming year.

Mr. Billington went on to explain that the Recreation Department is having a successful summer through its programs. He noted, however, the Summer Spectacular’s parade caused inconvenience for some while Route 25 was closed. He said that the Summer Spectacular was a success enhanced by the nice weather.

Mr. Billington said that he visited the site of the beach to mark the progress. He explained that we are in the third rotation of Marines Guard Unit whose personnel changes every two weeks. The Marines are here helping us with the construction at the beach and it’s training for them to learn the use of heavy equipment, their final day here is in mid-August. He said that the parking lot is fairly well shaped, electricity to the site and paving will be done as funding allows. Today, privy and port-a-potty enclosures are being built, and work on the ADA ramp to the beach, which has proved to be a difficult project, the engineer that developed the plan will visit the site to give us advice on the ramp. He noted that Roger Mosley our Public Works Director has been a great asset in the construction of the beach. An opening celebration will be planned between mid-August and mid-September.

**PUBLIC HEARINGS**

**82-16 Application Submitted by Daniel Roberts dba Boat Launch Café and Variety for a new Malt and Vinous Restaurant License [Nesbitt]**

Chair Nesbitt said that the proprietor of Maine Street Grill is renting a space in Sebago Lake Village where the South Shore Market was located.

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council Discussion: There was none.

**VOTE: 7 Yeas**

**COMMITTEE REPORTS**

**Councilor Sirpis –** explained that the Economic Development Committee has not met yet, however, he will have information to present at a future meeting.

**Town Manager, Gordon Billington -** noted that the Windham Economic Development Director is spear-heading a program to get broadband service improved in this area. This may be a matter that the Economic Development Committee can work on.

**Councilor Delcourt -** mentioned that he attended the Route 113 Corridor Committee meeting, he said he will confer with the Town Manager to obtain direction on the matter.

**Councilor Higgins –** disclosed that the Beach Committee met yesterday for a site walk, the ramp is taking a lot of efforts to meet the ADA requirements; a poster is being prepared to update residents about the beach.

**Chair Nesbitt –** explained that for years there has been an agreement regarding the use of the Sandbar Beach. Due to the beach construction the terms of the agreement have changed. He disclosed that water testing that formerly been provided by the Portland Water District now is funded by the Town. Previously, Standish residents were able to use the Sandbar Beach from the waterside by presenting their Standish Boat Launch sticker. Now, they must be members of the boating club, pay reduced dues, those dues off-set the cost of the water testing.

**Councilor Higgins** – explained that the beach is a work in progress and more information will be presented as it is developed. She commented that the Marines and the Public Works crew have done an amazing job. She announced that the next Beach Committee meeting will be on August 2 at 6:00 p.m.

**Councilor Sargent** - reported that the Capital Improvements Committee meeting was cancelled due to lack of agenda items.

**Councilor Blanck** - told them that the Ordinance Committee has met twice since the last Council meeting to continue their work to integrate the Form Base Code provisions in the three villages. The second meeting was regarding the Standish Village Form Based Code which is addressed in order 85-16 later on the agenda.

**Councilor Pomerleau –** explained that the Public Safety Committee will meet later in the month.

**Councilor Pomerleau –** announced that the Appointments Committee met this evening at 6:00 p.m., she will be bringing names forward later in the meeting for appointment to various boards.

**Chair Nesbitt –** informed them that the Finance Committee met yesterday to review the Town’s finances. He stated that revenues and expenditures are as to be expected.

**CONSENT CALENDAR**

There were no consent calendar items on this agenda.

**UNFINISHED BUSINESS**

There were no unfinished business items on this agenda.

**NEW BUSINESS**

**83-16 Council Appointments to Various Boards and Committees; Town Council Chair Appointments to Standing Committees [Nesbitt]**

Moved by Nesbitt seconded by Blanck and voted to dispense with the Clerks reading of the order. (Unanimous)

Chair Nesbitt noted that many of these are appointments of Councilors to standing or ad-hoc committees.

Moved by Pomerleau seconded by Blanck and voted to amend the order by adding the following:

Roland Cloutier to the Budget Committee (Until June 2017 Municipal Election)

Timothy Goodwin to the Budget Committee (Until June 2017 Municipal Election)

Monique Sullivan to the Public Safety Committee (June 2017)

Courtney Wescott to the Appeals Board (June 2019)

~~Gordon Billington~~ Michael Blanck to the CDBG Municipal Oversight Committee (June 2017) (Unanimous)

Chair Nesbitt called for public discussion:

William Orr of Kerry Farms Drive said that this order should be tabled, he said at a previous meeting he had requested the right to attend the Appointments Committee meetings, he stated that he had been told by Mr. Billington that the Town had received a written legal opinion that appointment meetings are confidential. It was Mr. Orr’s opinion that he should be able to attend under the provisions of state law.

Chair Nesbitt stated that this matter has been resolved previously and Mr. Billington will get that information to him.

Chair Nesbitt called for Council Discussion: There was none

**VOTE ON ORDER AS AMENDED: 7 Yeas**

**84-16 Authorize Use of Town Council Contingency for Consultant Support for the Planning Board for Form Based Code Workshop [Nesbitt]**

Chair Nesbitt said that this order is to provide assistance to the Planning Board to understand the Form Based Code, he went on to say he was surprised at the cost.

Mr. Billington said the concept is to hold a workshop on Form Based Code was to update Planning Board members to today’s codes requirements. Former Councilor Carolyn Biegel brought this idea forward, she thought that the Form Based Code provisions should be revisited with the Planning Board in a training session. The funding amount is based on the cost to have the consultant that initially presented the code to provide the training. After discussing this matter, the Planning Board Chair and Administrator determined that someone that’s a technician skilled in the code would be the best choice to facilitate the workshop. The Planning Board Administrator would like to have someone to work with to develop future code amendments. An individual provided the Town help on a past amendment to the Standish Corner ordinance which allowed businesses to have drive through services. This individual would be available in September to assist the Planning Board, the costs for this individual are not known at this time.

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council Discussion:

Councilor Higgins said that she agrees that a technician not a sales person is needed to convey the provisions of the code. She questioned if these funds were the cost of bringing the person from Massachusetts that initially presented the code.

Mr. Billington said it would be another person.

Councilor Sirpis agreed that we need some help with this, questioned the amount of $3,250, and is that for one workshop?

Mr. Billington clarified that the individual will be utilized as a consultant for a period of time.

**VOTE: 7 Yeas**

**85-16 Amendment to Standish Town Code, Chapter 181, Land Use, Multiple Sections Regarding “Define Ground Floor and Eliminate Mixed Use Requirement for Existing Structures on Ground Floor”. (Introduction) [Blanck]**

Moved by Sargent seconded by Sirpis and voted to dispense with the Clerk’s reading of the ordinance. (Unanimous)

Councilor Blanck explained that the current Form Based Code doesn’t allow residential use on the first floor in the *Town Center* or *Town Avenue* of the Standish Corner District. He said that prior to June 7, 2011 which was the adoption of the Form Based Code provisions it was allowed. He said that the code penalizes the property owner, this amendment is drafted to remedy this matter.

Chair Nesbitt clarified that when it is a standalone use – just a residential property these provisions are not taken into condensation, the ordinance is regarding mixed use properties. This amendment would allow grandfathered properties to have the residential space on the first floor.

Chair Nesbitt called for public discussion: There was none.

Chair Nesbitt called for Council Discussion:

Councilor Higgins said that this was brought forward based on one property, she explained that the Committee thought this amendment would be beneficial in all of the villages. It allows a little more flexibility.

Councilor Blanck announced that any additions to existing properties would have to comply with the current Form Based Code.

Moved seconded and voted to move this item to First Reading at the August 9, 2016 Council meeting. (Unanimous)

**PUBLIC ITEMS**

Deanna Loring of 166 Oak Hill Road explained that she was here tonight regarding the Form Based Code. She explained her home is in the district that is covered by the code and it is restricting her in making improvements to the property under its provisions. She stated that they want to build an accessory building on their property, their home is approximately 200 feet back from the road. The new structure would be built 180 feet from the road. She said that they were unable to obtain a building permit to build the new structure based on the provisions of the code. She said that she is unable to utilize her property because of the code. She noted that she was confused by the code because they had to go to the Appeals Board to consider a variance to build this accessory building, however, it was denied because the Appeals Board didn’t consider the costs to locate the new building in another location on their property a hardship. She continued to explain that she was confused by the provisions of the code that made her have to go to the Appeals Board in the first place.

Chair Nesbitt said that she had to go before the Appeals Board because their property is residential. He suggested she should speak with the Town Planner, he would be able to explain the requirements of the ordinance to her.

Mr. Billington said in addition the Planning Board cannot grant waivers to code requirements, the Appeals Board is the only board that can grant a variance. He said now that you have a decision from the Appeals Board, to seek a reversal of their decision you would have to go to Superior Court. He said that the Town Council has no authority in this matter.

Mrs. Loring said that you’re spending $3,200 to understand the codes better, she said this is a rural community were many homes are not set twenty-five feet back from the road. She said if she’s reading the code, she could build a porch to the setback requirement but can’t build an accessory building.

Chair Nesbitt explained that there was a design study done to control development in Standish Corner District, so development would happen in a certain way to create a certain look and a pedestrian friendly area. In the code, garages in the district are located at the rear of the building.

Mrs. Loring stated based on a number of reasons her property is in a rural area, and understand that the ordinance is place to control growth, she said that something needs to be done to protect homeowners like herself.

Councilor Delcourt asked how could this be rectified.

Mr. Billington said that the Council does not have the authority overrule the Appeals Board decision.

Councilor Higgins said that this is the problem with the Form Based Code, if its new construction it’s one thing, she said that she sympathized with the speaker and wished it was in their ability to allow their request.

Mrs. Loring said that she was here tonight to let people know more about the ordinance requirements.

Councilor Sargent asked if they would be able to add on to their existing garage.

Mrs. Loring said that was not feasible due to ledge, underground utilities and their septic system. She went on to thank them for listening.

Councilor Sargent congratulated Councilor Pomerleau for her participation in the Trek Across Maine.

**ANNOUNCEMENTS**

There were no announcements at this meeting.

**EXECUTIVE SESSION**

An executive session was not needed at this meeting.

**ADJOURN**

Moved by Sirpis seconded by Sargent and voted to adjourn. The meeting adjourned at 7:50 p.m. by unanimous consent.

Submitted by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Clerk/Secretary