

**MINUTES  
TOWN COUNCIL MEETING  
STANDISH, MAINE  
TUESDAY, JUNE 4, 2019  
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: Leclerc, Libby, Nesbitt, Pomerleau and Sirpis.  
Councilor Delcourt was excused.

**MINUTES OF PREVIOUS MEETING (S)**

Moved by Sirpis seconded by Leclerc and voted to approve the minutes from the May 14 Town Council meeting minutes, were accepted as presented by unanimous consent.

**PETITIONS AND COMMUNICATIONS**

There were no petitions or communications at this meeting.

**REPORT OF THE TOWN MANAGER**

Mr. Giroux thanked Boy Scout Troop 875 and troop leader Jamie Conley for the roadside trash clean-up that they did in the Sebago Lake Area of town.

Mr. Giroux noted that the legislature has voted to increase state revenue funding from 2% to 3% which translates to approximately \$140,000 in funding to the town. In the next state budget, it is proposed to go up to 3½ %.

**PUBLIC HEARINGS**

**30-19 Amendment to Standish Town Code, Chapter 187, Licenses and Permits, Add Section 187.25 Mobile Food Services [Libby]**

Moved by Libby seconded by Sirpis and Voted to dispense with the Clerk's reading of the ordinance. (Unanimous)

Councilor Libby explained this would allow mobile food service units to operate in town. He noted that the committee reviewed neighboring town's mobile food service units record of licenses issued, and neither Gorham or Windham have many, however the opportunity to have a mobile food service unit license is a good for a small business person.

Chair Nesbitt called for public comments, hearing none, he called for Council comments.

Councilor LeClerc said that this a good thing, he was eager to have more diverse food choices in the area.

Chair Nesbitt asked if mobile food service units could operate in a residential area?

Councilor Libby said that they are allowed, noting that all the requirements of the ordinance must be met; licensing approval is provided by the Code Enforcement Officer.

Chair Nesbitt called for additional Council comments, hearing none the hearing was closed and he called for the vote.

The Town of Standish hereby ordains as following amendments to the standish Town Code, effective immediately upon adoption (additions are underlined, and deletions are ~~struck-out~~):

## **CHAPTER 187**

### **LICENSES AND PERMITS**

#### **§ 187-25. Mobile Food Services.**

##### **A. Definitions.**

As used in this section, the following term shall have the meaning indicated:

MOBILE FOOD SERVICE UNIT or MFSU -- Includes only a food service establishment that has all utilities and facilities contained within it, other than a power source, that has no fixed location, and that provides edible goods to be primarily consumed immediately.

##### **B. License.**

No person, firm, corporation, association or other entity shall operate as a MFSU in Standish without first securing a license under this section. Any person seeking such a license shall annually make application to the Town Clerk on a form provided by the Code Enforcement Officer (CEO). Upon receipt of application by the Town Clerk, s/he shall refer it to the CEO, who shall review the application for completeness based on the requirements set forth herein and then, if the application is complete, the CEO shall review the application on its merits and recommend approval, approval with conditions, or denial of the license. The CEO shall put said recommendation in writing to the Town Clerk. The Town Clerk, as agent pursuant to § 187-2 of this Chapter, shall issue the license without the necessity of a public hearing and based upon the recommendation of the CEO. Any license issued shall be for a term of one year and shall expire on May 31st of each year. License fees shall not be prorated. In the event that an applicant is denied a license, the applicant shall be provided with the reasons for the denial in writing.

##### **C. Application.**

The application shall be on a form provided by the CEO and shall require the applicant to furnish the following information:

- (1) The name, address and telephone number of the owner;
- (2) The name, address and telephone number of the operator if different from the owner;
- (3) Identification of sites where MFSU will operate. Applicants operating without a fixed location and who are operating as a traveling vendor shall be required to submit a statement outlining their proposed route;
- (4) A description of those items that the applicant proposes to sell and dispense;
- (5) A signed permission form, or provide notarized affidavit, from the private property owner granting permission for unit placement;
- (6) Valid and current vehicle/trailer registration of MFSU;
- (7) A certificate of insurance as required by § 187-25(F) below;
- (8) A photograph of the MFSU;
- (9) A mobile eating place license issued by the Department of Health and Human Services of the State of Maine; and
- (10) An appropriate release executed by the applicant, granting all persons and governmental agencies having information relevant to the above items permission to release the same to the CEO.

##### **D. Operating Requirements.**

- (1) A licensee under this section shall be authorized to sell and dispense only those items that have been described in the application and that the MFSU is equipped to dispense pursuant to the rules adopted by the Maine Department of Health and Human Services, as they may be amended from time to time. MFSU licenses shall be issued for the sale of food items only, and those food items shall be primarily intended to be consumed at the time of purchase.
- (2) A mobile food service vendor may operate only on land that is owned by the operator or land which he/she/it has written permission to use. If the mobile food service vendor is to be operated on land that is not owned by the operator, a copy of

the written permission to use the land of another property owner must be submitted to the CEO along with the original application on such forms as the Town shall require.

- (3) Mobile food service vendor license applicants must demonstrate to the CEO that there is sufficient access, parking and maneuvering space available at the site on which the mobile food service vendor will operate. The location and adequacy of approaches shall be first reviewed by the CEO. Suitable, safe access by pedestrians must also be provided.
- (4) Mobile food service vendors and any mobile food service vendor ancillary facilities, such as parking, shall be located at least ten (10) feet from the nearest edge of the roadway surface and ten (10) feet from the adjacent side lot lines, unless written approval is received from the abutter to locate less than ten (10) feet from the side lot line.
- (5) The approved MFSU registration sticker/placard issued by the Town of Standish must be conspicuously displayed on the unit. This sticker/placard is non-transferable.
- (6) The MFSU will be subject to inspection upon license application through the CEO, the Health Officer and the Fire Department, and may be subject to random inspections during the license term and upon renewal of the license.
- (7) Mobile food service vendor signs. Mobile food service vendors must comply with the Town of Standish sign regulations as set forth in Chapter 181, Land Use.
- (8) Hours of operation shall be from sunrise to sunset. The MFSU shall be removed from the site and relocated in a safe and suitable place between the hours of sunset and sunrise.

#### **E. Rubbish containers required.**

A sufficient number of covered rubbish containers shall be provided at each site immediately adjacent to the MFSU to hold material discarded by customers. In no case shall such containers be more than ten (10) feet from the unit. A licensee shall keep sidewalks, roadways and other public or private spaces adjoining and adjacent to the MFSU's location clean and free from paper and refuse of other kind that may be generated by the operation of the unit.

#### **F. Insurance required.**

Mobile food service vendors shall provide, at their own cost and expense, and keep in full force and effect during the term of their license, with a responsible insurance company or companies authorized to do business in the State of Maine, commercial general liability insurance in the amount of at least \$400,000. The mobile food service vendor shall deliver certificates of such insurance to the Town at the time of application.

#### **G. Grounds for suspension or revocation.**

A license granted under the authority of this Article may be suspended or revoked pursuant to the procedures set forth in § 187-4 of this Chapter by the CEO. It shall be grounds for suspension or revocation of the license if it is determined by the CEO that the licensee has violated any provision of this section, any other applicable ordinance of the Town, or any condition of the license granted to licensee. It shall be grounds for suspension or revocation of the license if, for any period during of the term of the Town-issued license, the licensee's mobile eating place license issued by the Department of Health and Human Services is suspended or revoked.

**VOTE: 5 Yeas – 0 Nays**

### **51-19 Application Submitted Country Pubs of Maine, LLP dba Two Black Dogs Country Pub for a Malt, Vinous and Spirituous Restaurant License Located at 1 Ossipee Trail East [Nesbitt]**

Chair Nesbitt announced that this is a renewal of the license for the applicant.

Chair Nesbitt called for public comments, hearing none, he called for Council comments, hearing, none the hearing was closed, and he called for the vote.

ORDERED that the application submitted by Country Pubs of Maine, LLP for renewal of a Malt, Spirituous and Vinous Restaurant License is approved by Council located at 1 Ossipee Trail East, is approved by the Town Council, to expire as determined by the Department of Public Safety.

**VOTE: 5 Yeas – 0 Nays**

**52-19 Application Submitted Matthew J. Pemberton and Shannon R. Pemberton dba PW Eateries, LLP for a New Malt, Vinous and Spirituous Restaurant License Located at 380 Pequawket Trail [Nesbitt]**

Chair Nesbitt said that he hoped that this would be opening soon.

Chair Nesbitt called for public comments, hearing none, he called for Council comments, hearing, none the hearing was closed and he called for the vote.

ORDERED that the application submitted by Matthew J. Pemberton and Shannon R. Pemberton dba PW Eateries, LLC for a new Malt, Spirituous and Vinous Restaurant License located at 380 Pequawket Trail, is approved by the Town Council, to expire as determined by the Department of Public Safety.

**VOTE: 5 Yeas – 0 Nays**

**53-19 Application Submitted Matthew J. Pemberton and Shannon R. Pemberton dba PW Eateries, LLP for a New Special Amusement Permit Located at 380 Pequawket Trail [Nesbitt]**

Chair Nesbitt noted that this is the same applicant from the previous order.

Chair Nesbitt called for public comments.

Matthew Pemberton, one of the applicants, explained that they will offer pub style fare and music on Sundays.

Chair Nesbitt questioned when would they be opening?

Mr. Pemberton said that they hope to have soft opening in July and the official opening in early August.

Councilor Pomerleau asked if they will be opened year-round?

Mr. Pemberton explained that they hope to be opened year-round, however currently there is not a heating system in the building.

Chair Nesbitt called for additional public comments, hearing none, he called for Council comments, hearing, none the hearing was closed, and he called for the vote.

ORDERED that the application submitted by Matthew J. Pemberton and Shannon R. Pemberton dba PW Eateries, LLC for a new Special Amusement Permit located at 380 Pequawket Trail, upon approval of the Code Enforcement Officer, Health Officer and Town Manager, is approved by Council and will expire the same time as the applicant's liquor license.

**VOTE: 5 Yeas**

## **COMMITTEE REPORTS**

Councilor Leclerc – MSAD 6 BAC - explained that MSAD 6 had their Budget Meeting last week and all 19 articles passed.

Councilor LeClerc – Finance Committee - will meet next week.

Councilor LeClerc - Recycling Committee – provided a workshop presentation from the Garbage to Gardens group on May 28. The group provided a very good presentation and fielded many questions.

Chair Nesbitt questioned the schools budget in regards to the elimination of a guidance counselor.

Councilor LeClerc said that he believed that position will be eliminated, however MSAD 6 staff are mindful of meeting the student's needs.

Councilor Libby – Ordinance Committee – plans to review the Form Based Code to make it more user friendly.

Councilor Nesbitt - Appointment Committee – met this evening and have agenda items this evening.

Councilor Nesbitt – Finance Committee – will meet next week.

Councilor Pomerleau – Capital Improvements Committee – No report

Councilor Sirpis - Economic Development – No Report

## **CONSENT CALENDAR**

There were no consent calendar items on this agenda.

## **UNFINISHED BUSINESS**

There were no items of unfinished business on this agenda.

## **NEW BUSINESS**

### **54-19 Approve Warrant for Annual Town Meeting [Nesbitt]**

Chair Nesbitt noted that he reviewed the numbers against the budget and they line-up. He explained that the Annual Town Meeting will be held on Saturday, June 15, 2019 starting at 9:00 a.m.

Chair Nesbitt called for public comments, hearing none, he called for Council comments, hearing none, he called for the vote.

ORDERED that the warrant for the Annual Town Meeting is approved by the Town Council, said meeting will be held on June 15, 2019 beginning at 9:00 am at the Standish Municipal Center.

## **VOTE: 5 Yeas – 0 Nays**

## 55-19 Town Council Appointments to Various Boards and Committees [Nesbitt]

Moved by Nesbitt seconded by Sirpis and Voted to dispense with the Clerk's reading of the ordinance.  
(Unanimous)

Chair Nesbit explained that this is an annual order to make appointments to the town boards.

Moved by Nesbitt seconded by Pomerleau and voted to amend the order to add the name of Jeff Cutler to the Appeals Board through June 2022. (Unanimous)

Chair Nesbitt said that the names on the order are of those who re-applied for their position. He continued to explain that there are many boards that need additional members.

Chair Nesbitt called for public comments, hearing none, he called for Council comments, hearing none, he called for the vote.

ORDERED that the following Town Council Appointments are made through the dates given:

SEAT	CANDIDATE	
APPEALS BOARD	<u>Jeff Cutler</u>	Jun-22
APPEALS BOARD	Vacant	Jun-22
APPEALS BOARD	Vacant	Jun-21
ASSESSMENT REVIEW BOARD	Vacant	Jun-22
ASSESSMENT REVIEW BOARD	Vacant	Jun-22
ASSESSMENT REVIEW BOARD	Vacant	Jun-20
ASSESSOR	Joseph Merry	Jun-20
CATERING FUNCTION AUTHORITY	Mary Chapman	Jun-20
CATERING FUNCTION AUTHORITY – Alt	William Giroux	Jun-20
CDBG MUNICIPAL OVERSIGHT COMMITTEE	TBD by New Council	Jun-20
CEMETERY EXPLORATORY COMMITTEE (Ad-Hoc)	TBD by New Council	Jun-20
EMERGENCY MANAGEMENT DIRECTOR	Robert Caron	
FAIR HEARING AUTHORITY	Terence Christy	Jun-20
FINANCE DIRECTOR - <i>Tax Collector / Treasurer</i>	Scott Gesualdi	Jun-20
GPCOG	William Giroux	Jun-20
HISTORIC PRESERVATION COMMISSION	Vacant	Jun-22
HISTORIC PRESERVATION COMMISSION	Vacant	Jun-22
HISTORIC PRESERVATION COMMISSION-Alternate Mbr	Vacant	Jun-21
HISTORIC PRESERVATION COMMISSION	Vacant	Jun-21
HISTORIC PRESERVATION COMMISSION-Alternate Mbr	Vacant	Jun-21
HISTORIC PRESERVATION COMMISSION	Vacant	Jun-20
HISTORIC PRESERVATION COMMISSION	Vacant	Jun-20
LEGISLATIVE LIAISON	Louis Stack	Jun-20
OLD RED CHURCH LIAISON	TBD by New Council	
PUBLIC ACCESS OFFICER	Mary Chapman	
PUBLIC ACCESS OFFICER-alt	Ruth LaBrecque	
PUBLIC SAFETY COMMITTEE	TBD-Council Rep	Jun-20
PUBLIC SAFETY COMMITTEE	Kathleen Schofield- Community Member	Jun-20
PUBLIC SAFETY COMMITTEE	Ian Moriarty -Community Member	Jun 20
PUBLIC SAFETY COMMITTEE	Vacant-Community Member	Jun-20
PUBLIC SAFETY COMMITTEE	Vacant-Community Member	Jun-20
RECREATION COMMITTEE	Janet Harriman	Jun-22
RECREATION COMMITTEE	Tyler Dunphy	Jun-22
RECREATION COMMITTEE	Vacant	Jun-22
RECREATION COMMITTEE	Vacant	Jun-21
RECYCLING COMMITTEE	Jessica Roberts	Jun-22
RECYCLING COMMITTEE	Mary Chapman	Jun-22
RECYCLING COMMITTEE	Vacant	Jun-21
SACO RIVER CABLE COMMITTEE	Tony Vigue	Jun-20
SACO RIVER COMMUNITY TV BOARD OF DIRECTORS	Maurie Hill	Jun-20

SACO RIVER COMMUNITY TV BOARD OF DIRECTORS  
TOWN AUDITOR  
WATCHIC LAKE LIAISON  
WELFARE DIRECTOR

Deborah Boxer - Alt Member  
Berry Talbot Royer  
TBD by New Council  
William Giroux

Jun-20  
Jun-20  
Jun-20  
Jun-20

## **VOTE ON ORDER AS AMENDED: 5 Yeas – 0 Nays**

### **56-19 Confirmation of Town Manager's Appointments to Various Town Positions [Nesbitt]**

Chair Nesbitt called for public comments, hearing none, he called for Council comments, hearing none, he called for the vote.

ORDERED that the following Town Manager's appointments are confirmed through the date given:

Robert Caron	Director of Public Safety (Fire Chief and EMS Chief)	June 30, 2020
James Paul	Code Enforcement Officer	June 30, 2020
James Paul	Building Inspector	June 30, 2020
James Paul	Local Plumbing Inspector	June 30, 2020
James Paul	Electrical Inspector	June 30, 2020
Jacklyn Dyer	Code Enforcement Officer-Alt	June 30, 2020

FURTHER ORDERED that the following Fire Chief nominations are confirmed by the Town Manager:

James Paul	Health Officer	June 30, 2022
Brandon Ruel	Animal Control Officer	June 30, 2020
Edward Potter	Animal Control Officer-Alt	June 30, 2020
William Watson	Animal Control Officer-Alt	June 30, 2020
Robert Caron	Harbor Master	June 30, 2020

## **VOTE: 5 Yeas – 0 Nays**

### **57-19 Confirmation of Town Clerk's Appointment of Election Warden [Nesbitt]**

Chair Nesbitt called for public comments, hearing none, he called for Council comments, hearing none, he called for the vote.

Chair Nesbitt asked how long had Mrs. Allen served as election warden?

The Clerk said from the late 1990's.

Chair Nesbitt said that was quite the track record and definitely appreciated, and then called for the vote.

ORDERED that the Town Clerk's appointment of Cheryl Allen to serve as Election Warden through June 30, 2020 is confirmed by Council.

## **VOTE: 5 Yeas – 0 Nays**

## **58-19 Accept Resignation from Planning Board and Recycling Committee [Nesbitt]**

Chair Nesbitt called for public comments, hearing none, he called for Council comments, hearing none, he thanked Mr. Higgins, and then called for the vote.

ORDERED that the Town Council accepts Adam Higgins' resignation from both Planning Board and Recycling Committee, effective as of May 23, 2019.

**VOTE: 5 Yeas – 0 Nays**

## **59-19 Authorize All Necessary Actions for Collection of Outstanding Personal Property Taxes [Nesbitt]**

Chair Nesbitt called for public comments, hearing none, he called for Council comments.

Councilor LeClerc said in principle he is against personal property taxes so he cannot support this, however he said that he understands that the town needs the collection process.

Chair Nesbitt called for additional Council comments, hearing none, he called for the vote.

WHEREAS the Town of Standish has adopted a policy for the collection of outstanding personal property taxes, and

WHEREAS the policy requires that at the June Town Council meeting the Town Council authorizes the Town Attorney, or such collection agency or collection services as the Town Attorney and Finance Director recommends, to take all necessary actions, including filing civil lawsuits, to collect any and all delinquent personal property taxes, including interest and costs of suit, for the municipal tax year 2017 against those named on the attached list, and

NOW BE IT ORDERED that the Town Attorney and Finance Director can determine the best course of action for the Town of Standish to pursue in the collection of these outstanding personal property taxes.

**VOTE: 4 Yeas – 1 Nay, Leclerc**

## **60-19 Approve Renewal of Waste of Hauler Licenses [Nesbitt]**

Councilor Pomerleau said that the Waste Hauling was discussed at the Capital Improvements Committee meeting due to the removal of the silver-bullet recycling containers.

Chair Nesbitt called for public comments, hearing none, he called for additional Council comments, hearing none, he called for the vote.

ORDERED that the following Waste Hauler License application renewals, upon approval of the Director of Public Works are approved by Council to expire June 30, 2020:

Casella Waste

RW Herrick

Troiano Waste Services, Inc

Waste Management Portland

**VOTE: 5 Yeas – 0 Nays**



## **61-19 Amendment to Standish Town Code, Chapter 181, Land Use, Section 181-4, Article III, Rural Residential Districts, Regarding Daycare Homes (Introduction) [Libby]**

Moved by Libby seconded by LeClerc and voted to dispense with the Clerk's reading of the ordinance.  
(Unanimous)

Councilor Libby explained currently daycares are not allowed on a non-conforming lot in the Rural Residential Districts. He said that the Ordinance Committee discussed this matter and thought it would be prudent to allow them with Planning Board approval.

Chair Nesbitt called for public comments.

James Sturdivant an abutter of the property in question voiced his opposition to the ordinance amendment. In addition, he announced that he had a letter of opposition to the amendment from a majority of the residents of the neighborhood of Pond Road, Pond View Road and Hannarin Drive. According to Mr. Sturdivant, Mr. Peter Libby a former Planning Board member and resident of the neighborhood was unable to attend this meeting was appalled by this amendment and believed the Town would be opening a *can of worms* for other business who might say why can't I do this too.

Chair Nesbitt asked that he read the letter, so it becomes part of the record.

Mr. Sturdivant then read the following letter from the neighborhood regarding the proposed amendment:

RE: AMENDMENTS TO STANDISH TOWN CODE, CHAPTER 181, LAND USE, SECTION 181-4,  
ARTICLE III, RURAL RESIDENTIAL DISTRICTS, REGARDING DAYCARE HOMES

The neighborhood of Pond Road, Pond View Road and Hannarin Drive are opposed to the proposed change to the zoning ordinance that requires a Conforming Lot for Home Day Cares within this RR zone of Standish, Maine.

This Zoning Ordinance has been in place for many years and should continue to remain in place to protect the people who live, walk and travel in an affected neighborhood. The proposed ordinance will adversely impact this neighborhood due to a current Site Plan before the town Planning Board. This council proposal is simply a blatant attempt to circumvent the fact that the proposed site plan does not remotely meet the "Conforming Lot" requirement. In point of fact the Proposed Daycare before the Planning Board is an excellent example of why the Conforming Lot ordinance is and should remain in place:

- The Lot on 9 Pond View Rd only has 15% or less of the Conforming Lot requirement of road frontage, which will affect nearby properties.
- The tiny road frontage is on a narrow cul- de-sac with 3 adjoining homes and 4 nearby.
- Pond View and the connected Pond Road are dead end roads. This means vehicle traffic will double versus a through street.
- Traffic for a 12 child Day Care will have the effect of more than doubling the traffic on Pond View and Pond Roads. Day Care vehicles passing each driveway will result in 260 per week, 1,040 per month and a total of 12,480 annually.
- With or without a short driveway turnaround, it is inevitable that the small 65ft radius cul de sac will crowd up with vehicles. Two cars will snarl it up.
- No matter what plan is in place for children drop-offs and pickups, it is inevitable that congestion will occur in the cul-de-sac and Pond View Rd in general. Its human nature.
- Winter conditions will greatly exacerbate all the above, especially on or around the cul- de- sac.
- MSAD 6 will not deliver children to the property on normal scheduled bus runs. Per MSAD 6, the current consolidated bus stop will remain in place at the Pond View/Pond Rd junction.

The current law protects the public and should not simply benefit one owner. This neighborhood is vehemently opposed to the proposed change. Please do what is right for the greater good of our quiet neighborhood and the affected zone.

Respectively,

The Neighborhood of Pond View Rd, Pond Rd and Hannarin Dr.  
All Signatures below signed on 2 June 2019  
Original Letter attached to the end of these minutes

Chair Nesbitt called for additional public comments.

John Sargent, Panarin Drive, former Budget Committee Member and Town Councilor, who served on the Ordinance Committee for years. He explained that the two-hundred-foot sighting requirement is for safety of entering and exiting a driveway. He said that he can sympathize and emphasize with the applicant, however the applicant could have reviewed the code that has been in effect for many years before the property was purchased. He expressed from his experience if the amendment is adopted first they will have a line of people saying I was turned down now allow my use. Secondly, abutting property owner will ask for property abatements, noting that this will double the traffic on the seven lot cul-d-sac. He said that this is a safety issue and if the ordinance is changed it will cause problems in the future.

Chair Nesbitt called for additional public comments, hearing none, he called for Council comments.

Councilor LeClerc said that his question was addressed by the speakers.

Councilor Pomerleau asked if the amendment came forth by the applicant or the committee?

Councilor Libby said that it was brought forward based on the applicant's request.

Town Manager, Bill Giroux said that the application for this daycare was turned down by the Planning Board due to the non-conforming lot and sighting issue. He continued to explain that there is no relief for the applicant before the Appeals Board on the sighting issue, in fact, it is specifically prohibited. He said that an amendment to the ordinance would be the only relief for the applicant. He went on to explain that when the subdivision was created the developer lots were saved at the end of the cul-d-sac for the developer's children. A note from the Code Enforcement Officer at the time directed the developer to file a deed at the registry to record the right-of-ways – these recording cannot be found. The applicant states that she was told by the Code Enforcement Officer that the application for a daycare wouldn't be a problem. Mr. Giroux says that staff doesn't make those kinds of comments because they would know how the board would decide on a matter. He said that relief and only be granted by the amendment, and then, the applicant would have to go before the Planning Board for approval.

Councilor Pomerleau asked if the property owner purchased the property knowing that it was a non-conforming lot?

Councilor Libby said that he did not know if they researched the property.

Councilor Sirpis said that he has not been to the property, however it was his opinion that they did not have enough information to make an informed decision, he would be in favor of a site walk.

Chair Nesbitt said that a specific property is being brought forth, but we have to look at the whole situation. His opinion was that a site walk is a Planning Board action and the Council has to look at all properties and what that might mean.

Councilor Leclerc questioned what was the typical drop-off and pick-up time at a daycare?

Councilor Pomerleau suggested a time schedule of 5:30 a.m. to 5:30 p.m.

Councilor Leclerc noted that the evening pick-up time could be a problem, but the morning – no so much.

Councilor Nesbitt said that there are other matters to consider, what if the non-conforming lot doesn't have enough acreage or other criteria. He said that daycares always go before the planning board because they are that important, we want to make sure they are done right and they are safe. For those reasons he cannot support this amendment.

Councilor Sirpis asked if the Committee brought this forward or did the applicant make the request.

Councilor Libby said that this was brought forward by the applicant. The Committee brought it to the Council to get their decision on the amendment.

Chair Nesbitt called for additional Council comments, hearing none, he called for the vote.

The Town of Standish hereby ordains as following amendments to the standish Town Code, (additions are underlined, and deletions are struck out):

**CHAPTER 181  
LAND USE**

**Part 1  
Zoning**

**Article III**

**§ 181-4 RR-Rural Residential Districts.**

These areas are generally rural now and are intended to remain in that character. The purpose of the district is to provide for an area of predominantly single-family housing to be developed at low densities consistent with the capacity of the land to absorb growth.

- A. Land uses in this district shall require written approval from the authority, as indicated, prior to issuance of a permit by the Code Enforcement Officer.
- B. Permitted uses, not requiring site plan review, shall be as follows. Such uses shall require approval from the Code Enforcement Officer only.  
[Amended 3-10-1998 by Order No. 10-98; 7-8-2008 by Order No. 164-07]
  - (1) Accessory apartment.
  - (2) Accessory uses and buildings.
  - (3) Agriculture.
  - (4) Family apartments.
  - (5) Forestry management.
  - (6) Home Care Services.
  - (7) Home occupations, Level 1.
  - (8) Manufactured housing units.
  - (9) Single-family dwellings.
  - (10) Timber harvesting.
- C. Permitted uses requiring site plan review shall be as follows. Such uses shall require Planning Board approval, in accordance with Part 2 of this chapter.
  - (1) Adult day-care.

- (2) Animal husbandry.
- (3) Business and professional office less than 2,000 square feet.
- (4) Cemeteries.
- (5) Churches.
- (6) Day-care home. \*\*
- (7) Home occupation, level 2.
- (8) Home retail sales.
- (9) Meteorological tower and small wind energy systems, as defined in § 181-49.21. [Added 5-11-2010 by Order No. 23-10]

\*\* 28. Editor's Note: Intentionally Omitted. Conforming lot required (see definition).

**VOTE: 0 Yeas – 5 Nays, Leclerc, Libby, Nesbitt, Pomerleau and Sirpis**

### **62-19 Authorize Use of Town Council Contingency for Appraisal of Property and Computer/Operating System Upgrade [Nesbitt]**

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

Chair Nesbitt noted that that this is the last month before the end of the fiscal year and there is \$8,000 remaining in the Town Council Contingency Account. The Contingency Account is for emergencies or unexpected projects. He said that recently an appraisal was required on property on Moody Road and Microsoft has announced that Windows 7 will no longer be supported so there is a need to upgrade town computers.

Chair Nesbitt called for public comments, hearing none, he called for Council comments, hearing none, he called for the vote.

WHEREAS the Town of Standish requires an appraisal of real estate, and

WHEREAS a consultant has provided an appraisal of the real estate, and

WHEREAS the Town's computers and operating system need to be upgraded, and

WHEREAS the budgeted FY 19 Town Council Contingency Account is \$8,000 and no funds have been incumbered, now be it

ORDERED that Town Council Contingency Funds are expended as not to exceed the following amounts:

Costs involved in the appraisal of land - \$4,500

Cost involved – computer/operating system - \$3,500

**VOTE: 5 Yeas – 0 Nays**

### **PUBLIC ITEMS**

There were no public items brought forth at this meeting.

### **ANNOUNCEMENTS**

Upcoming meetings were announced.

Chair Nesbitt announced that after the Annual Town Meeting a Special Town Council Meeting will be held to swear in the newly elected Councilors and conduct some business items.

### **EXECUTIVE SESSION**

Moved by Nesbitt second by Sirpis and voted to move into an executive session for the purpose of discussions of Personnel matters pursuant to 1 M.R.S.A. §405(6)(A), the Town Manager will join the Council in the executive session noting that no further business will be conducted after the executive session. (Unanimous)

**ADJOURN**

Moved seconded and voted to arise from the executive session. The Councilor arose from the executive session at 8:30 p.m. and the meeting adjourned.

Submitted by: Mary Chapin  
Clerk/Secretary

Peter and Linda Sturdivant

7 Pond View Road  
Standish, Maine 04084  
Tel: 207 648-4219

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To: Standish Town Council

Date: June 4, 2019

RE: AMENDMENTS TO STANDISH TOWN CODE, CHAPTER 181, LAND USE, SECTION 181-4,  
ARTICLE III, RURAL RESIDENTIAL DISTRICTS, REGARDING DAYCARE HOMES

The neighborhood of Pond Road, Pond View Road and Hannarin Drive are opposed to the proposed change to the zoning ordinance that requires a Conforming Lot for Home Day Cares within this RR zone of Standish, Maine.

This Zoning Ordinance has been in place for many years and should continue to remain in place to protect the people who live, walk and travel in an affected neighborhood. The proposed ordinance will adversely impact this neighborhood due to a current Site Plan before the town Planning Board. This council proposal is simply a blatant attempt to circumvent the fact that the proposed site plan does not remotely meet the "Conforming Lot" requirement. In point of fact the Proposed Daycare before the Planning Board is an excellent example of why the Conforming Lot ordinance is and should remain in place:

- The Lot on 9 Pond View Rd only has 15% or less of the Conforming Lot requirement of road frontage, which will affect nearby properties.
- The tiny road frontage is on a narrow cul de sac with 3 adjoining homes and 4 nearby.
- Pond View and the connected Pond Road are dead end roads. This means vehicle traffic will double versus a through street.
- Traffic for a 12 child Day Care will have the affect of more than doubling the traffic on Pond View and Pond Roads. Day Care vehicles passing each driveway will result in 260 per week, 1040 per month and a total of 12,480 annually.
- With or without a short driveway turnaround, it is inevitable that the small 65ft radius cul de sac will crowd up with vehicles. Two cars will snarl it up.
- No matter what plan is in place for children drop-offs and pickups, it is inevitable that congestion will occur in the cul de sac and Pond View Rd in general. Its human nature.
- Winter conditions will greatly exacerbate all the above, especially on or around the cul de sac.
- MSAD 6 will not deliver children to the property on normal scheduled bus runs. Per MSAD 6, the current consolidated bus stop will remain in place at the Pond View/Pond Rd junction.

The current law protects the public and should not simply benefit one owner. This neighborhood is vehemently opposed to the proposed change. Please do what is right for the greater good of our quiet neighborhood and the affected zone.

Respectively,

The Neighborhood of Pond View Rd, Pond Rd and Hannarin Dr.  
All Signatures below signed on 2 June 2019

Signatures

PRINT NAME

John Qualley

John Qualley

PRINT NAME

Bernard Dubendris

Bernard Dubendris

PRINT NAME

MARY Dubendris

Mary Dubendris

PRINT NAME

John Delaney

John Delaney

PRINT NAME

CHRIS TRUSLOW

Chris Truslow

PRINT NAME

PETER M LIBBY

Peter M Libby

Peter Sturdivant

Peter Sturdivant

Jeanne Walton  
Jim Walton

PRINT NAME

PAUL D. BURNHAM

Paul D. Burnham

PRINT NAME

John M. Sargent

John M. Sargent

PRINT NAME

Carol Sargent

Carol Sargent

PRINT NAME

Janice Toomey

Janice Toomey

PRINT NAME

James Toomey

James Toomey

PRINT NAME

Spencer Dyzik

Spencer Dyzik

Signatures

PRINT NAME *Linda Sturdivant*

*Linda Sturdivant*

PRINT NAME *Benjamin Moreland*

*Benjamin Moreland*

PRINT NAME

*Linda Ann  
Sandra Dumas*

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