

**TOWN OF SEBAGO
PLANNING BOARD MINUTES
6:00 PM
Tuesday, January 9, 2024
TOWN OFFICE BUILDING**

Public Hearing #1 – Proposed Town of Sebago Land Use Ordinance and Town of Sebago Shoreland Zoning Ordinance Changes

Susan Thuotte opened the Public Hearing at 6:02 p.m.

Richard Merritt began discussion citing what towns he found to have town planners and what towns he found did not have town planners. He stated that the town planner is another expense and a “misapplication of funds”.

Andrew Plummer said that he did not oppose a town planner, but that he felt it should be an on-call position. He would also would like to see what other towns have the town planner written into their ordinances.

Bev Vucson, member of the Ordinance Review Committee, responded that she did not do an exhaustive analysis into other towns because she did not think that would be the most relevant, it was more relevant that the town voted to have a planner. She said that what she found during her research was that small towns, like Sebago, die in one of two ways. 1) Inadequate ordinances when a large project arises and changes the town entirely. 2) Death by small cuts, and many small projects. She said she wants to see the small businesses of Sebago grow and prosper and that the tool box of 20 years ago is not necessarily going to work for Sebago moving forward. The Planner brings knowledge and education to help the town move forward.

Phil Strike asked what the rush was to change the ordinances and questioned if now was the right time, before doing any sort of test runs with the planner.

Barry Jordan responded that the town planner has been something in the works for 2-4 years now and that the changes will shift the costs of the planner from the town to the applicants. The proposed ordinance changes shift the planning role to the planner and establish guides for escrow accounts. Barry cited that Tim Murphy, legal counsel for the town, had previously said that the ordinances, as they are written, are leaving the town open to lawsuits and appeals.

Phil Lowe announced that Dick Spencer, the lawyer that put the research and thoughts of the Ordinance Review Committee into legalese, was present to answer questions. Phil stated that the town planner brings knowledge and a professional stamp that he is not going to risk by advising the Board erroneously. The Board currently has ordinances that are 20 years old to work with and that is not the Board’s fault. The review of the ordinances was not a complete review, it was a review of things that apply to the planner and more work is needed.

Michelle Strike asked if the planner was supposed to be budget neutral and needed to review all of the applications, how many subdivisions would be needed to cover the planner’s salary.

Phil Lowe responded that the planner will come with some costs that will need to be covered by the town. However, the planner will also be utilized by the town to reduce legal fees.

Annette Thomas asked about who was performing the functions before the addition of the planner to the ordinance. She asked why the planner could not be an on-call position and not a full-time staff.

Richard Merritt stated that he agreed with the knowledge that a town planner would bring and that a planner was not needed full time. He said it seemed as though the changes were undermining the authority of the code enforcement officer and Planning Board. As the current ordinances are written multiple people are reviewing an application, and not just the one that is indicated by the proposed changes.

Andrew Plummer expressed concerns about the increased costs for small project reviews with the ordinance changes calling for the town planner to review all applications.

Barry said that Michelle, the former town manager, and Ann Farley, the former Selectboard Chair, had begun the process of the town planner.

Brandon Woolley said that discussion of a town planner began approximately 18 months ago on June 21, 2022, when Sebago Technics attended a Selectboard meeting and offered the town a discounted rate to provide services on an as needed basis. He reported that he has shared information with George Sawyer, with Sebago Technics, for some time and George had shared information with him, with no charge on either end. The Town signed an agreement to give Sebago Technics first refusal for any third-party review.

Andrew Plummer asked the Town Attorney how many ordinances he had written town planners into the town so deeply and in what towns.

Richard Spencer responded that he had not done this in other towns, a job description for the Town Planner is often created. However, the original ordinance wrote the code enforcement officer into the planning functions. He said that his instruction from the Ordinance Review Committee was to clarify the roles of the code enforcement officer and town planner; and that the code enforcement officer was to do code enforcement functions and the town planner should be written in for planning functions. To him amending the ordinances to remove the code enforcement officer from the planning functions and creating a separate job description for the town planner did not seem transparent enough. He said that the Ordinance Review Committee did not feel that the ordinances were currently written with enough public notice for large projects and that he found substantive review of projects was written in backwards. During review of the ordinances there were also "legal traps" noticed and corrected in an attempt to clean up the language and provide consistency. The applicant will have the burden of proof to eliminate some of the potential chances of litigation. The wording for notifications of major site plan reviews and subdivisions, of five lots or more, was changed to people within 500 feet and not just "abutters".

Tina Vanasse stepped away from the Planning Board table and spoke about the Selectboard and Planning Board communicating, and the Selectboard's communication with the public.

Phil Lowe discussed the variety of services that Sebago Technics, and companies like them, offer, and the discount that was given when the agreement was signed. The planner fee would typically be \$150.00 per hour, the town is receiving a discount at \$125.00 per hour. He proceeded to read the document included with these minutes entitled "A Planner for Sebago" that was originally provided at the Annual Town Meeting when the town planner was voted on by the town and was handed out at his meeting.

John Calarese asked if there had been a financial analysis done on the fees versus the cost of the town planner based on historical data.

Phil Lowe responded that they had looked at Raymond, a town that has had a town planner for 20 years, and last year they budgeted \$20,000.00 and paid \$7,000.00 for town planner services.

John Calarese asked about the division of smaller projects.

Phil Lowe responded that you could be sued into oblivion even on a small project.

Richard Spencer clarified that the amendments are writing the planner into the ordinances for site plan reviews and that the code enforcement officer will still be handling all of the code enforcement applications. The town planner will only be reviewing all of the applications set to go before the Planning Board.

Phil Strike asked if the ordinances would need to be rewritten if the town planner was no longer needed at some point in the future.

Richard Spencer responded that it would require rewriting the ordinances to write the planner out.

Phil Strike said that other towns do not have town planners or code enforcement officers in the ordinances and that they have job descriptions for each position.

Carolyn Calarese commented that Gorham has the town planner written into the ordinances.

David McCarthy said that it is not a lot of money for the approximately one project per month that the Board reviews and a planner gives the Board another tool to use.

Alan Tabor asked Phil Lowe about offering the town an alternate town planner.

Phil Lowe responded that if this does not pass there is no reason to provide an alternate.

David McCarthy made a motion to close the public hearing at 7:33 p.m. David Welch seconded the motion. Motion carried with all in favor.

I. Call to Order

Susan Thuotte called the meeting to order at 7:35 p.m.

Present: David Welch, Susan Thuotte, Tina Vanasse, David McCarthy, Code Enforcement Officer Brandon Woolley, and Planning Board Executive Secretary Keisha Garnett

James Seymour, with Sebago Technics, was in attendance as the Town's Planner.

Richard Spencer, with Drummond Woodsum, was in attendance as the Town's legal counsel.

Guests Present: Michelle Strike, Philip Strike, John Calarese, Carolyn Calarese, Kelly Hale, Kevin Hale, Marie Brume, Andrew Plummer, Claudia Lowe, Phil Lowe, Bev Vucson, Paul Smith, Donelle Allen, Marcy Laliberte, Bob Laliberte, Annette Thomas, Richard Merritt, Barry Jordan, and Alan Tabor.

II. Correspondence – None.

III. Open to Public Questions –None.

IV. Review of Minutes

- a. December 12, 2023** – David McCarthy made a motion to approve the December 12, 2023, Planning Board meeting minutes as written. David Welch seconded the motion. Motion carried with all in favor.

- b. **April 11, 2023** – The minutes for this meeting were completed, however, there were not enough Board Members present at the current meeting that were present at the April 11, 2023, meeting to have a quorum to vote on the minutes. Susan Thuotte announced that the Board will await the return of Paul White to vote on the minutes.

V. Old Business

- a. **Proposed Town of Sebago Land Use Ordinance and Town of Sebago Shoreland Zoning Ordinance Changes – Vote to recommend changes at Town Meeting**

The Board discussed the need for communication within the Boards of the Town. James Seymour discussed another town he had worked with that had a similar issue and how they worked through it.

The Board discussed meeting with the Selectboard regarding clear expectations, respect, constructive criticism, and applicant process.

David McCarthy made a motion that the Planning Board does not have a recommendation.

David McCarthy withdrew the motion.

Tina Vanasse made a motion that the Planning Board recommends that there be more clarity in the scope and definition of when the town planner will be utilized. Susan Thuotte seconded the motion. Motion did not carry, Susan Thuotte and Tina Vanasse were in favor, David McCarthy and David Welch were opposed.

David Welch made a motion that the Planning Board supports the proposed amendments. David McCarthy seconded the motion. Motion carried with all in favor.

- b. **CEO Updates** – None.

- c. **Goal Setting Items**

- i. **Scheduling Workshop (February 13, 2024)**

Tina Vanasse made a motion to postpone the workshop scheduled for January 9, 2024, to February 13, 2024, to further discuss the Planning Board Bylaws. David Welch seconded the motion. Motion carried with all in favor.

Susan Thuotte will send out a communication to the Board members before sending a request for a meeting to the Selectboard.

VI. New Business

- a. None.

VII. Adjournment

David McCarthy made a motion to adjourn the meeting. Tina Vanasse seconded the motion. Motion carried with all in favor.

Meeting adjourned at 8:23 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Keisha Garnett". The signature is written in a cursive, flowing style.

Keisha Garnett
Administrative Assistant/Deputy Clerk
Approved at the February 13, 2024 Meeting