



# Town of Eddington

906 Main Road Eddington, Maine 04428

## PLANNING BOARD

October 10, 2017

6:00 pm

## MINUTES

**CALL TO ORDER:** Mark Perry called the meeting to order at 6:00 pm.

**ROLL CALL:** Members present were Mark Perry, Susan Dunham-Shane, David McCluskey and Craig Knight. David Peppard and James White, Alternate have excused absences.

**MINUTES:** Motion that we accept the minutes of September 12, 2017 as written.

**By Susan DS/David M 2<sup>nd</sup>. Vote: Yes 4-0**

**UNFINISHED BUSINESS:** The Board will continue their work on the Zoning Ordinance Revisions. Charles Norburg addressed the issue of whether the Code Enforcement Officer could issue variances and he said no they cannot. He continued that the Planning Board Manual, Chapter 4, Variances and Waivers states that "As a general rule, any ordinance provision which attempts to authorize the planning Board, code enforcement officer or municipal officers to grant variances from zoning requirements violates 30-A M.R.S.A. 4353, since that statute gives the board of appeals the sole authority to grant a zoning variance." Charles N gave the board members wording he wrote for the Bradley Ordinances for them to review to decide if they want to add it to the Eddington Ordinances. The Board will table the discussion and will review Charles N's paperwork and determine where it should go in the ordinance.

Mark P had sent the board information on right-of-ways. He would like to wait until they have a full board to discuss this.

Craig K researched permit fees in regards to whether or not there were any fees for Charles N to oversee a project after a permit has been issued and they tabled the discussion so Charles N could have input also. Charles N said the fee set for the permit should cover that. Craig K called towns in the area. In the city of Bangor, at the end of the project they have a state certified inspector go out at the builders expense. Charles N said we do not have a building code and he is dependent on the contractor to use best construction practices. There is a state wide building code in Maine for towns with more than 4000 inhabitants. Mark P said that nothing needs to be done with this.

David M researched accessory structures and found that it is included in the Zoning Ordinance on page 22 in the District Use Chart, under Residential Uses.

Motion to add this definition of accessory structures to the definition section of the Zoning Ordinance: "An accessory structure is one that is customarily incidental and subordinate to the principal building on the property and is physically detached from the principal building. Accessory structures must be on the same property as the building or use to which they are accessory. Some common examples of accessory structure would be a garage, workshop, garden shed, gazebo, carport, pool house or cabana. This list is not inclusive. Other structures may be considered accessory structures."

**By David M/Mark P 2<sup>nd</sup>.**

Discussion: David M wants this to apply to residential uses. Mark P said it says it is permitted in all zones with CEO approval. David M wants to leave it under just residential uses because when he was researching this he found a lot of litigation for cases in which the accessory uses was used in a way that they wouldn't want it to be used. Susan DS, Charles N and David M all say that the accessory uses and

structures are allowed in all zones, but only under residential uses for residents. Mark P does not see any reason to argue what is already in the Ordinance. **Vote 4-0**

Charles N wanted the board to consider the Gary Fogg property on which he has box car trailers. He wanted to build a garage on the property to house his cars, but he was stopped because they said the garage is an accessory use and there is no principal structure on that property. Charles N wanted them to take into consideration when is an accessory structure not an accessory structure. Mark P and David M agreed with that ruling. Charles N further explained that that is why we have the four trailers over there instead of a garage. Mark will look at the property.

Susan DS brought up the previous discussion regarding 100 square feet and less sized buildings not requiring a building permit. She said Russell Smith had brought it up because the assessor would not be notified of the buildings and landowners could have more than one on their property. Susan said originally this was to exclude play houses and dog houses. Charles N said that the only time he has any control of 100 square foot buildings is when it is an increase to an existing structure. Mark P would leave it as it currently is. Susan DS asked if there was a point at which there would be too many of these structures on a piece of property. Charles N has not found it to be a problem.

**NEW BUSINESS:**

**AGENDA FOR FUTURE MEETINGS – HOUSEKEEPING:**

**DATE OF NEXT MEETING:** The next scheduled meeting will be on October 24, 2017.

**PUBLIC ACCESS:**

**ADJOURNMENT:** Motion to adjourn at 6:30 pm.

**By Craig K/David M 2<sup>nd</sup>. Vote 4-0**

Respectfully Submitted,

Denise M. Knowles,  
From the Recording