

Planning Board Meeting Minutes

Meeting also Recorded

December 11th, 2023

7:00 PM

8:15 PM

Board members Keisha Garnett, John Bonanno, Guy Lehouillier, Carol Goode, & Myles Heard were present. Dustin Bachelder was unable to attend.

Jan Williams was present for the meeting as well.

Meeting minutes from November 13th meeting approved with a vote of 3-2, Carol and Myles abstained since they were out for that meeting.

Motion was made to have Myles be a voting member for the meeting tonight, in place of Dustin. Motion passed unanimously.

The board reviewed a Conditional Use Application submitted by Abner Stoll within the Amish Community, requesting to run a sawmill on his property located at 28 Sunrise Lane on tax map R02 Lot 11-10. Motion was made to accept application as complete, passed unanimously. Public Hearing date was set for January 15, 2024, at 7:00 PM. Myles will not be able to attend.

Jan Williams – Jan was present on behalf of the Appeals Board. He discussed with the Planning Board that State Law issues 4 different types of variances for applicants to choose from when requesting a variance with the Appeals Board. Two of the variances, Undue Hardship & Disability Variance for Access to Ingress/Egress from a Dwelling are applied to all municipalities. The other three types, Disability Variance for Storage/Parking of Noncommercial Vehicle, Setback Variance for Single-Family Dwellings, and Practical Difficulty Dimensional Variance are only available if the municipality adopted an ordinance to authorize those variances. In this case, Hiram has not adopted the three additional types of variances, however the application for a variance that has been provided to applicants throughout the years, includes those three variances for the applicant to choose from. The application that the town has was a sample one that was pulled from the MMA website back in 2019 but was never adjusted to fit Hiram's ordinance. Jan explained that the Appeals Board just went through an appeals process for a large garage to be built on a private road within the shoreland zone and faced two problems; one being the fact that the applicant chose a Practical Difficulty Dimensional Variance, which the town has not adopted in their ordinance and state law specifically states that if the town does in fact adopt that type of variance, it is prohibited within the shoreland zone. The other fact being that the town's Shoreland Ordinance is silent on setback requirements for PRIVATE roadways. The town's Zoning Ordinance does state setback requirements of 50 feet from the right of way line or 75 feet from the centerline on public and private roads, however, this property was within Shoreland Zone, and the Zoning Ordinance states that if there is a conflict between two ordinances, the stricter of the two is to be applied. Which, in this case, would be the Zoning Ordinance. Jan explained some background of the appeal to the Planning Board and explained that at the initial Public Hearing for the variance, the Appeals Board approved the variance for a Practical Difficulty Dimensional Variance,

WITHOUT being aware that the town had not adopted that type of variance, thus making it not in effect for an applicant to use. After that meeting, Jan, Emma, and Guy all did some research and contacted MMA Legal and other colleagues to get some guidance on the issue. Terry Day, the previous Secretary for the Appeals and Planning Board was contacted by Emma, and she told her that in her 30 years of doing this, there were never any setback requirements on private roads because the property owner owns to the center of the road, unless otherwise stated in a deed. MMA Legal stated the same thing. Terry also stated that in previous years if there was a variance request for a property within shoreland zone, the only “setback” that the applicant needed to meet was that the structure would not be within 100 feet of the high-water line, which is stated in section 12 of the town’s Shoreland Ordinance. The Appeals Board met again on December 5th to discuss these issues and a motion was made to reconsider the approval of the variance, however it was voted down, therefore the approval of the variance stood. The board agreed that wording in the Ordinance needed to be changed or a “rule of thumb” should be voted on so that for future variances like that one, there would not be any confusion. Jan volunteered to come before the Planning Board to discuss these issues and try to come up with a resolution and hopefully bring something to the Town Meeting to be voted on. Discussion continued between the Planning Board about the options they had to avoid this in the future and compared the town’s Shoreland and Zoning Ordinance. Guy is going to draft proposed changes to the Shoreland Ordinance referring to setbacks from the centerline or from the right of way on private roads and present them to the board at a later date.

Marijuana Ordinance – No discussion tonight. Will reconvene at next meeting after board members have attended Cannabis webinar on Wednesday.

LD2003 – Guy will email the board members a draft that he has drawn up for ADU’s and the board will discuss at the next meeting.

Meeting adjourned at 8:15 PM.

Respectfully Submitted,

Emma Quелlette/Keisha Garnett

Minutes written by Keisha. Transcribed from audio and typed by Emma