



# **OWLS HEAD BOARD OF SELECTMEN**

## **Minutes**

### **August 02, 2021 @ 4pm**

**Live on YouTube**

#### **CALL THE MEETING TO ORDER**

4:00 pm Chairperson Thomas Von Malder calls the meeting to order. Also, present Select Person's Linda Post and Gordon Page.

Also present were Chuck and Sally Allen, Bob O'Hara, Meredith Leiter, Lynn Chaplin, Maria Devery, Christina, and Jeff Woodman, Deborah Damon, Lauren Dillard, Paul Rosen, Carl Woodman, Bill George, Dick Carver, Tirrell Studley, Debra Studley, Carole Wright, Ken Wexler, Russ Wolfertz, Kristin Collins, Patrick Voit, and Kathryn DerMarderosian, and recording Secretary Eleanor Stone.

#### **APPROVE MEETING MINUTES**

**MOTION: 4:02 pm Gordon makes a motion to accept the minutes as amended for the meeting held on July 06, 2021. Linda seconds the motion.**

**Vote passes 3-0**

#### **OLD BUSINESS**

Budget Committee member, Bill George, request permission to speak with Fire Chief, Frank Ross, to do inventory on everything we currently have insurance. George states that there are several items currently insured that cost less than what the current deductible is. He also requests to speak with other local town EMS services to see if there is an alternative for what we have with Rockland. Page states that he helped with finalizing the EMS contract and would like to sit down with George to discuss it, he says we shouldn't "rock the boat." Page says that we have very good mutual aid for Knox County as it relates to fire and rescue.

The Select Board scheduled a meeting to review the Town Warrant for August 05, 2021, @ 10 am.

The Town of Owls Head received a petition from Jeff and Christina Woodman regarding an ordinance to allow certain events on agricultural parcels of over 15 acres in the rural residential zone. (see a copy of the petition attached) The Woodman's would like their request for a proposed Event Center to be on the warrant for August 30, 2021, Annual Town Meeting. (see attached)

According to an email from Attorney Ben McCall to Planning Board Chair, Russ Wolfertz, "The submittal of this petition certainly changes the dynamics of the situation. The first thing to do is for the Town Clerk to certify that a sufficient number of proper signatures have been submitted to force the issue. On its face, it appears that there are enough, but that situation must play out regardless. Assuming that there are a sufficient number of signatures then the Select Board has two options – it can either call a special town meeting to consider only this proposed ordinance amendment, or they can place the ordinance on August 30, 2021, warrant. Assuming the latter, then you're correct – by statute, the Planning Board must hold a public hearing before the town meeting. Notice of that meeting must be

posted at least 13 days prior, and notice must also be published twice in the typical newspaper of general circulation, with the second date being at least 7 days before the hearing. This is all spelled out in 30-A M.R.S. Sec. 4352(9). This would be an exceedingly tight turnaround, but I suppose it's doable. Unfortunately, if things can't be straightened out in time, the statute requires that a second town meeting be called within 60 days – so by the end of September.

As to the Ordinance itself: as with any other proposed zoning amendment, the Planning Board reviews and makes a recommendation of the ordinance. *However*, because this amendment has been initiated by petition, neither the Planning Board, nor the Select Board, nor town meeting, may propose or adopt amendments. It's a simple yes or no proposition. As such, while I would be happy to explain the basic principles of zoning to the Planning Board, it makes less sense for me to dive into the specifics of compatibility with the comprehensive plan at this point. Ultimately, the ordinance will go to the voters one way or another, and they will be the ultimate decider.

However, I would note that the Town does have a Rural Residential I & II Overlay zone, which this proposed amendment affects. As such, as proposed, these types of operations would be allowed in all non-shoreland Rural Residential properties, so long as the parcel is at least 15 acres in size, 5 of those acres are devoted to agricultural use (as defined in Section 7.2) and the operation complies with all of the applicable performance standards contained in new Section 3.5(W).

Finally, I would note that all registered voters of Owls Head can sign a petition asking for the inclusion of an article on a town meeting warrant. That is the only requirement; holding elected or appointed position in town will not affect that."

**MOTION: 5:07 pm Gordon makes a motion that the Select Board approved the article written as such, shall an ordinance to allow certain events on agricultural parcels of over 15 acres in the Rural Residential Zone to be enacted, as written. Linda seconds the motion.**

**Vote passes 3-0**

Patrick Voit, CMP Representative, presents Select Board with a street light conversion contract for approval, (see attached).

**MOTION: 5:25 pm Gordon makes a motion to approve the agreement for street lighting for the Town of Owls Head with Central Maine Power as present in the document provided. Linda seconds the motion.**

**Vote passes 3-0**

## **NEW BUSINESS**

Bob O'Hara states that Meredith Leiter would like to donate a memorial bench for the Richard Carver Harbor Park. They would like to place it to the left of the pier overlooking the water. Page asks what the bench would say, and Leiter says that her daughter is still working on that, it is a memorial for her son who fished out of the harbor.

Richard Carver says he spoke to Bob and Meredith down to the park and his afterthought maybe there shouldn't be any, maybe there should be some. He recommends putting regulation on allowing memorial benches if perhaps there are many requests.

Russell Wolfertz says he believes that the Planning Board and Code Enforcement Officer should weigh in on this decision based on the fact that it is a structure placed in the shoreland zoning as well as the flood zone.

**MOTION: 5:33 pm Gordon makes a motion that the town accepts the gift of a memorial bench from the Leiter family pending appropriate approvals from the Planning Board. Linda seconds the motion.**

**Vote passes 3-0**

Ken Wexler Chairman of the Owls Head Airport Committee (OHAC) would like to appoint Lauren Dillard to the committee for a full 3-year term.

**MOTION: 5:38 pm Linda makes a motion to appoint Lauren Dillard to the OHAC for a 3-year term. Tom seconds that motion.**

**Vote passes 3-0**

Charles Allen requests having signage put on his property to avoid people from accessing his property from the Plaisted Preserve. He says there is a map with incorrect information mapping a part of Plaisted Preserve on his property.

Katheryn DerMarderosian states that this discussion is on the agenda for the Conservation Commission the following week and invites Mr. & Mrs. Allen to come to the meeting.

Chairman Von Malder says that he sees no problem with the Allen's putting up a sign on their property. They are advised to see our Code Enforcement Officer Scott Bickford for Shoreland Zoning Ordinances before installing a sign.

The Select Board ask recording secretary, Eleanor Stone to resend the application for ARPA for further discussion at the Select Board meeting on 16 August 2021.

#### **ADJUSTMENTS TO THE AGENDA**

Page requests Fire Chief Frank Ross resend an annual town book report, rather than a quarterly report. Post states she also does not understand the purpose behind sending a quarterly rather than an annual. The Select Board asks that Ross be invited to the Select Board meeting on August 16, 2021, with an updated quarterly report. Page will be reaching out to Ross with that invite.

#### **OTHER BUSINESS**

#### **PUBLIC COMMENT**

Ken Wexler would like to thank the Select Board for the positive remarks about the Planning Board earlier.

He apologizes for raising his voice earlier, but he states there were many inaccurate comments.

#### **APPROVE AND SIGN THE MUNICIPAL WARRANT**

**MOTION: 6:42 pm Linda makes a motion to approve and sign the warrants as presented.**

**Gordon seconds the motion.**

**Vote passes 3-0**

#### **ADJOURN THE MEETING**

**MOTION: 6:43 pm Linda makes a motion to adjourn. Gordon seconds the motion.**

**Vote passes 3-0**