

**Bucksport Planning Board**  
**6:30 P.M., Tuesday, August 5, 2014**  
**Bucksport Town Office**  
**50 Main Street**

**AGENDA**

- 1. Call to Order**
- 2. Roll Call**

<input type="checkbox"/> Daniel See	<input type="checkbox"/> Steve Feite	<input type="checkbox"/> George Hanson
<input type="checkbox"/> Brian MacDonald	<input type="checkbox"/> Rosemary Bamford	<input type="checkbox"/> Edward Belcher
<input type="checkbox"/> David Grant		
- 3. Review and Acceptance of Minutes:** Minutes from the July 1, 2014 meeting.
- 4. Chair's Report**
- 5. Code Enforcement Officer's Report**
- 6. Limited Public Forum:** An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.
- 7. Unfinished Business:**
  - A. Consideration of a request for a Contract Zone to allow the principal occupancy of a building at 84 Main Street to be residential.  
Applicant: Michael Jacques  
  
A public hearing will be held during this review.
- 8. New Business:** None
- 9. Administrative Business**
- 10. Discussion**
- 11. Adjournment**

**Bucksport Planning Board  
6:30 P.M., Tuesday, August 5, 2014  
Bucksport Town Office  
50 Main Street**

**MINUTES**

1. **Call to Order:** 6:30 P.M. by Rosemary Bamford, Chair

2. **Roll Call**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Daniel See      | <input checked="" type="checkbox"/> Steve Feite      | <input checked="" type="checkbox"/> George Hanson  |
| <input checked="" type="checkbox"/> Brian MacDonald | <input checked="" type="checkbox"/> Rosemary Bamford | <input checked="" type="checkbox"/> Edward Belcher |
| <input checked="" type="checkbox"/> David Grant     |  |  |

Staff present : Jeffrey Hammond, CEO

3. **Review and Acceptance of Minutes:** The draft minutes from the July 1, 2014 meetings were reviewed by the board.

MOTION(Belcher): To approve the July 1, 2014 meeting minutes.

SECOND(Grant)

DISCUSSION: None.

VOTE: 7-0 Motion adopted.

4. **Chair’s Report:** No report.

5. **Code Enforcement Officer’s Report:** The CEO provided the board with an updated schedule for completion of the comprehensive plan update. The CEO also updated the board on the progress being made on updating the town’s flood maps.

6. **Limited Public Forum:** An opportunity for the Public to address the Board on matters related to land use or planning in the Town of Bucksport.

No public comments were made.

7. **Unfinished Business:**

**A. Consideration of a request for a Contract Zone to allow the principal occupancy of a building at 84 Main Street to be residential.**

**Applicant: Michael Jacques**

**A public hearing will be held during this review.**

Michael Jacques was present. The chair began by asking the board if new member Brian MacDonald should participate in this matter due to his absence at the last meeting when the matter was first taken up. It was noted that there would be an explanation provided by the CEO of the purpose of the zone change request, and that the review of the request had not actually begun. After discussion, a motion was made:

MOTION(Hanson): To accept Brian MacDonald’s participation in the contract zone change request..

SECOND(Grant)

DISCUSSION: None.

VOTE: 6-0-1 (MacDonald abstained) Motion adopted.

The CEO conducted a presentation to inform the board of why the zone change was being requested. There were two issues that prevented Mr. Jacques from adding two apartments to his property. The first issue is the inability of the property to meet dimensional requirements for lot size and frontage. The second issue was the restriction limiting residential uses to a secondary status in commercial buildings on Main Street.

The board was shown photos of the front and rear of the property. The requirements for granting a contract zone change were reviewed. The CEO informed the board that the contract was reviewed by the town's attorney and no changes were proposed.

The CEO advised the board that the zone change was subject to review for conformance with applicable development standards, and the only standard found to be applicable was parking. The property does not provide any off-street parking, but on Main Street public parking spaces are deemed to satisfy the parking needs for any land use in an existing building.

Mr. Jacques was invited to speak to the board. He stated that he would like to be able to add two apartments in his building. He noted that he was working on obtaining an easement to allow access to his proposed basement apartment, but is also considering other options for access including an interior stairway. He also noted that the improvements required by the agreement for the alleyway enclosure should be no problem.

The chair opened the meeting to public comments. No public comments were made.

Comments from department directors were reviewed. Parking concerns raised by the police department were discussed. The opposition from the economic development director was discussed. It was noted that the board will need to determine if the proposed contract zone change will comply with the purposes of the comprehensive plan.

Comments from DEP were discussed. The CEO explained that DEP did not approve of using contract zone changes to circumvent the variance process. In response to that concern, the proposed contract zone requires Mr. Jacques to obtain a variance from the board of appeals before any changes to the property can be permitted. It was noted that DEP will have an opportunity to participate in the variance review. They will also review and approve or deny the contract zone change if it is finally approved by the town council.

The board reviewed the language in the comprehensive plan that was relevant to allowing residential uses in the downtown area, as well as the conditions in the land use ordinance that must be met before a contract zone change can be approved.

The chair asked if the board wanted to conduct a reading of the proposed contract zone change. The board agreed that a full reading was not necessary. The chair proceeded to review each section of the agreement and allowed board members to comment. No changes were proposed, except for a correction to add "of the Zoning Ordinance" in the "whereas" section pertaining to Section 14.9.1. Member Hanson questioned the condition that the proposed dwellings are to be in compliance with the Life Safety Code. The CEO explained that the code addressed egress and fire protection, and the dwelling units would be inspected by the CEO and fire department. A reasonable degree of safety would be expected because 100% compliance is often not achievable in existing buildings.

The chair polled board members for their opinion on whether or not the contract zone change would be consistent with the purpose of the comprehensive plan. Members See

and Feite stated that allowing residential uses in commercial storefronts goes against the spirit of the comprehensive plan. Member Belcher stated that the comprehensive plan was not enforceable. Member Feite stated that all of the town’s ordinances adhere to a certain spirit reflective of the purposes of the comprehensive plan, and granting approval of the contract zone change would set a precedent and a slippery slope that would violate that spirit. Member See agreed with the comment. Member Hanson stated that he believed that the purposes of the comprehensive plan would be satisfied if all of the conditions of the contract zone agreement were met. Member See noted the difficulty of the situation, but at the end of the day, he opined, the town’s designation as a business-friendly community would not be harmed by the contract zone change.

After further discussion, a motion was made:

MOTION(Hanson): To recommend approval of the contract zone change request..

SECOND(Grant)

DISCUSSION: None.

VOTE: 4-2-1 (Feite and MacDonald opposed, See abstained) Motion adopted.

Member See noted in his abstention that he remained confused about the zone change.

Mr. Jacques was advised of the board’s decision and his next step to take, which is to apply for a dimensional variance from the board of appeals.

**8. New Business: None**

**9. Administrative Business:**

The board discussed scheduling a public presentation of the draft preliminary flood maps provided by FEMA. After considering the options of presenting the maps in an electronic format overlaid on the current flood maps or displaying paper copies of the maps, it was decided to use the paper maps. A public presentation will be held at the board’s September meeting. It will not be conducted as a public hearing.

The board reviewed the annual report prepared by Secretary Belcher. The board was satisfied with the content and it will be forwarded to the town manager.

The chair inquired if the town manager received the board’s letter regarding the application review concerns expressed by business leaders at the board’s March meeting. The CEO replied that he did receive the letter, and copies of his email response were provided to the board.

**10. Discussion:** The chair asked new member Brian MacDonald to share a little about his background with the board. Brian has experience working in power plants and as a boiler inspector. He currently is the facility director for the Brewer School Department. His involvement in attending municipal meetings in Brewer inspired him to serve a civic duty as a citizen of Bucksport and being a planning board member was his first interest.

**11. Adjournment: 8:53PM**

Minutes prepared by  
Jeffrey Hammond  
Recording Secretary