

**TOWN OF CUMBERLAND
PLANNING BOARD MEETING MINUTES
Tuesday, May 15, 2018 - 7:00 pm**

A. Call to Order: Chairman Moriarty opened the meeting at 7 pm.

B. Roll Call: Present: Steve Moriarty - Chair, Gerry Boivin, Jeff Davis, Bill Kenny, Joshua Saunders & Peter Sherr. **Staff:** Carla Nixon - Town Planner **Absent:** Paul Auclair & Christina Silberman - Administrative Assistant.

C. Approval of Minutes of the April 17, 2018 Meeting: Mr. Kenny moved to accept the minutes of the April 17, 2018 meeting as published, seconded by Mr. Sherr and **VOTED, 4 yeas, 2 abstained (Boivin & Saunders) - motion carries.**

D. Staff Site Plan Approvals - Smartlink, LLC - AT & T, Antenna replacement, 159 Range Way cell tower: Ms. Nixon reported that this item is for the tower on Range Way. They are replacing 6 antennas, a couple of radio heads and surge arrestors.

E. Minor Change Approvals: None.

F. Hearings and Presentations:

1. Public Hearing: Shoreland Zoning Designation of Code Enforcement to conduct reviews under the Shoreland Zoning Ordinance, Section 226-14(A)(2), (B) and (C).

Chairman Moriarty introduced the item. Ms. Nixon explained that in reviewing the ordinance to assist a property owner who was looking to do something in the Shoreland Zone, she came across language that said that the Planning Board had to review and approve certain activities within the shoreland zone. These are very unusual activities that do not happen very often. Shoreland zone training isn't provided to the Planning Board or to Ms. Nixon but is provided to the Code Enforcement Officer. The ordinance allows a designee of the Planning Board to handle these things rather than applicants waiting to come before the Planning Board. Ms. Nixon said this action would allow the Code Enforcement Officer to be the Planning Board's designee for these specific types of Shoreland Zoning items. Ms. Nixon said that there is a memo from Bill Longley indicating that he would be pleased to do this for the Board.

Chairman Moriarty added that it is proposed that the CEO would have the authority to conduct review of the following:

1. The review of a new, enlarged or replacement foundation under section 226-14(A)(2) of the Shoreland Zoning Ordinance.
2. The relocation of a non-conforming structure under section 226-14(B) of the Shoreland Zoning Ordinance.
3. The reconstruction or replacement of a non-conforming structure under section 226-14(C) of the Shoreland Zoning Ordinance.

Mr. Boivin asked if there would be an agenda item for these approvals such as with the staff site plan approvals. Ms. Nixon replied that there would not be an agenda item for

these. Mr. Boivin asked about increases in the square footage. Ms. Nixon said that it would be up to what the State would allow which is 30%.

Mr. Saunders asked if appointing the designee is under the Boards purview or would this go to Town Council. Ms. Nixon said this does not go to Town Council and the Planning Board appoints the designee. She referred to the memo from the Town Attorney re: this process. Mr. Saunders asked if the Board is naming an individual or a position. Ms. Nixon said the designee should be the Code Enforcement Officer.

Mr. Davis asked if the Code Enforcement Officer needs to have the State of Maine certificate that Mr. Longley provided indicating that he is certified in Shoreland Zoning. Ms. Nixon said that all Code Enforcement Officers have to be trained under the State Shoreland Zoning Ordinance. Mr. Davis suggested noting that the appointment is for a Code Enforcement officer with the proper certification.

Chairman Moriarty opened the public hearing. There were no comments from the public. Chairman Moriarty closed the public hearing.

Mr. Saunders moved that the Planning Board designate the Town of Cumberland's Code Enforcement Officer, subject to proper certification in the field of Shoreland Zoning, as the Planning Board's designee to conduct reviews under the Shoreland Zoning Ordinance Section 226-14(A)(2), (B) and (C), seconded by Mr. Davis. Mr. Davis asked what happens if the Code Enforcement Officer does not have the proper certification. The consensus of the Board is that the reviews would come before the Planning Board. The motion was then **VOTED, 6 yeas, unanimous - motion carries.**

G. Administrative Matters/New Business: Chairman Moriarty said that the next Planning Board meeting will be June 19, 2018 and the Heritage Village CZA will be on the agenda. Ms. Nixon said that the Orchard Road subdivision will also be on the agenda.

Chairman Moriarty noted that the Town Council approved a contract for a 4 acre solar array on the capped landfill adjacent to the Drowne Road School. This will come to the Board for site plan approval at some point and the Board can expect intense neighborhood involvement.

Chairman Moriarty said there is also the OceanView project pending and asked if this will be coming in June. Ms. Nixon said she does not expect OceanView for the June meeting.

I. Adjournment: Mr. Boivin moved to adjourn the meeting at 7:10 pm, seconded by Mr. Sherr and **VOTED, 6 yeas, unanimous - motion carries.**

A TRUE COPY ATTEST:

Stephen Moriarty, Board Chair

Christina Silberman, Administrative Asst.