

ST. GEORGE SELECT BOARD & ASSESSORS

St. George Town Office

MEETING MINUTES

October 3, 2022 - 7p.m.

The Select Board meeting was called to order at 7:00 p.m. Present were Richard Bates (Chair), Randy Elwell, Steve Cartwright, Van Thompson, Wayne Sawyer, Irene Ames, and Richard Erb.

Present by zoom: Bob Oliveri, Michael B. Jordan, Terry Brackett and Loreen Meyer.

REGULAR SESSION

Public Comments

There were no public comments.

Adjustments to the agenda

There were no adjustments to the agenda.

LD 2003 – Possible changes and implications

Bates

Rick, please give us your assessment of LD 2003 and how it might affect us.

Erb

Everyone here probably knows about LD 2003, the affordable housing bill. The Maine Legislature earlier this year determined they would address the shortage of housing in Maine, and in particular the shortage of affordable housing. It was a contentious issue not quite split along party lines, but it definitely was strongly favored by the Democrats. There was a fair amount of opposition raised by the Maine Municipal Association. Many legislators resented the MMA position. They felt as if they had been obstructionist over the years and the legislature was determined that something would be passed this year. For years, it has been discussed that something needs to be done regarding the housing situation, but nothing was getting done. It raised quite a few local control issues and there was a lot of pressure to do something this session and after about four months of debate, they passed LD 2003. As is the case with bills of this type, everyone goes away feeling as if it is flawed but there will be the opportunity to fix it which might be

why most of the major parts of LD 2003 were put off for a year and will not take effect until July 2023. I was at a meeting of MMA's Legislative Policy Council, and they came to the conclusion that it is too complicated for a group of roughly forty people to hash out and they are putting together a subgroup to work on those issues. What is likely to happen is around January there will be several bills filed to amend LD 2003 before it even takes effect. We will see what comes of that, but I will give some highlights here. It creates an affordable housing density bonus for affordable development. It allows two to four housing units per lot, where now a single house could be built. It would allow one accessory building per existing home and the accessory building can be any size unless the town decides to regulate it otherwise. The bill also has some additional requirements for statewide regional housing goals. It still remains to be seen how that works. Some things do stay the same such as the site plan review process, where shoreland zoning remains the controlling factor. Things like water and sewer capacity are still requirements. It may be possible to build in greater density, but in places like St. George, sewer capacity may be the deciding factor on what can be done. Accessory dwellings will be allowed but the criteria for those shall be set by the municipality. There was some discussion in the bill about regulating short term rentals. There is concern about the impact on housing stock for permanent residents. The Town's land use laws obviously did not reflect any of this because it's all brand new, so like most other states and communities, there is work to do on our own land use regulations in order for this to work. There will probably be a dozen or so amendments that will come up starting in January. Our Town warrant has to be completed sometime around March and there may be many unknown factors at that point because the law may still be changing. I exchanged some emails with Maine Municipal Association's attorney, and he concurred that we may not know enough to be able to amend our own ordinance as we won't know what the final product is going to look like for the state's statutes until June or July. At that point, we may need a special Town meeting because we will then finally have the information on what the State law is going to look like. We can't really afford to wait too late into this year or early next year without at least exploring these things. I know that the Planning Board has had some discussion on this, and I am interested in what their board member, Michael Jordan's take is on this. It's a really big issue in the State and as people learn more about this, they're going to think it's pretty important when we start having accessory buildings popping up. It will definitely change the landscape of the town. It may address some issues and some problems but it's going to involve change and we know that people particularly when it comes to their own land and property values will want to have a say.

Wayne Sawyer

I'm not opposed to affordable housing but we're sitting on a rock so septic is an issue for St. George; is this ultimately going to force us into having a treatment plan?

Erb

The State can't force the Town to build a treatment plant so it may ultimately restrict the amount of new development that we see.

Wayne Sawyer

Even with additional housing, the State is not going to make us put in a treatment plant?

Erb

I do not believe so. There are going to be State and regional housing goals. The question might be, if we can't reach those goals, what are the repercussions? My guess is that there won't be any. If the land does not support the septic systems, I don't think anything will change.

Bates

I was looking in the Affordable Housing Density Bonus section in the note that Rick sent out this morning and in the residential areas issue where up to four dwelling units are allowed. Both allude to the fact that issues are either settled by being in the growth area or in areas which are served by water systems and sewer.

Wayne Sawyer

That's one of my concerns because if a homeowner plans on building four houses per lot, and isn't concerned about the septic requirements, what is our authority to stop it.

Bates

We may stop it via the Planning Board. Michael, what have you gleaned from this and other readings?

Jordan

I've been puzzled about this ordinance. The material that came in today might help to make more sense of things, but I haven't had the time to figure it out.

Erb

I did receive an email from Anne Cox and she's unclear on the difference between dwelling units and accessory dwelling units, especially since an accessory unit may be unattached. I would also point out that there is a 20% lot coverage limit in St. George, and she wonders how that will be dealt with. She agrees that more precise descriptions of the designated growth areas of Tenants Harbor and Port Clyde need to be arrived at. She's wondering how greater densities will play out in the Shoreland Zone, which both of those areas are clearly in?

Jordan

The question I have is that I cannot tell the difference between the law permitting two to four housing units and the laws regarding accessory housing units.

Bob

Just to give some background, my family has been going up to St. George for 99 years. I live in California and am a member of the California Association of Realtors. I worked on the ordinance for the State of California which is very similar to the one that was passed in Maine. You are asking excellent questions. An accessory dwelling unit is an extension of the primary unit, whether attached or detached; it's not considered a separate unit. This is also important when you start thinking about assessing. In California, what we've done is limit the accessory dwelling unit to be no more than 50% in size of the main unit. If the main unit is 2000 square feet, then the accessory dwelling cannot be more than 1000 square feet. Also, there's a cap on the accessory building of 1200 square feet so even if the main house is 3000 square feet, then the accessory dwelling unit cannot be more than 1200 square feet. After the initial legislation came out, we also had to go through what Maine is going through now. It changed some things. Some municipalities have outlawed accessory dwelling units as short-term rentals. If you had an accessory dwelling unit in the past, you could still use it as a short-term rental but if you are applying for a new application, which most of them wouldn't be in this case, they outlawed the use as a short-term rental. I'm just telling you what's been going on here (in California). Also, you'll notice this bill is really more geared towards high density areas like Portland, Augusta and Bangor. It doesn't quite fit for a more rural area. I think that's some of the things they need to work on.

Erb

Bob, I know of at least one bill that is being filed that would eliminate towns of fewer than 5000 people from these requirements.

Bob

We came across the same thing here. The last thing I'd like to discuss is private property rights versus what the state is mandating. "Hey, this is my property, I should be able to do what I want with it." On the other hand, if the state's allowing something extra on that property, people feel that they can dictate the use of it. I'm happy to help if you need any resources or if you want to see some samples of ordinances that we have. This is a nationwide thing; a lot of states in this country are enacting similar laws.

Bates

That is interesting. Well, thank you Bob. Before we can get started with these growth areas, we must have our villages defined. A few years ago, when we were revising the Comprehensive Plan and were required to define growth areas, there was language in the plan stating the growth areas are the villages of Port Clyde and Tenants Harbor but on further inspection, there are no boundaries for these villages. You can't define it by the post office because of all the places that people decide to pick their mail up. One possibility is to determine these areas by the water district, but I don't think we can do that arbitrarily. I think we would have to go to a public vote before that could even be settled. The Comprehensive Plan was voted on by the voters and the nebulous descriptions were never really inspected.

Cartwright

Another issue that I thought of when you mentioned growth is how much do we want growth in the village. Do we want the town to get bigger? I think we have no control over that and just one other issue I want to mention is that the conversion of year-round homes to seasonal houses has been going on in our villages in Town for a while. That isn't addressed by this bill but it really has changed the character of the community. Full disclosure, I'm a former summer person. It does change the character of the community but also the affordability of the community because a lot of the people that that own seasonal homes here are very affluent which is fine but doesn't help affordable housing.

Randy Elwell

Will this affect the whole town or just the growth areas?

Erb

Some of the bonuses for affordable housing will only apply in areas that are designated as growth areas. There is a higher density of houses in those sections. In theory, you're choosing the section of the town that can absorb the growth best. In our case, we don't have sewer, but we do have town water. It will be better served in a dense location where people are on town water as opposed to wells and septic systems being jammed into the same location.

Bates

Terry Brackett, our Code Enforcement Officer, do you have any comments at this stage?

Terry Brackett

I am learning like the rest of you. I've heard some very good comments but a lot of this is going to depend on the septic system. I visited two residences in Tenants Harbor today. One had a little over two acres of

land, and the other one was on a half-acre of land. The house on a half-acre of land could support probably two more dwelling units but the septic system may not allow for that.

Bob

I believe LD 2003 is very specific about that. You do have to have the septic for however many bedrooms you have there. If you don't have the septic capability, you cannot build a unit.

The existing setbacks requirements and even Shoreland Zoning requirements still exist. Just because someone has a big lot doesn't mean they can build more units. There's more to it than that.

Terry Brackett

That is correct; it also says that it must abide by all the Shoreland Zoning rules.

Jordan

For both types of expansions, I think they both say that you have to comply with the Shoreland Zoning ordinance and the Shoreland Zoning ordinance says that whatever the minimum lot size is, you have to satisfy that separately for each dwelling unit on a lot. Currently we have one acre zoning. To have two lots you need two acres. One of the provisions says you need to do that and the other one is not so clear.

Bob

That's why it's important to draw a distinction. An accessory dwelling unit is actually an extension of a main unit.

Jordan

That was not obvious from how the laws were written.

Randy Elwell

Does this take away the property line setback?

Bates

I think Michael said the property setbacks remain as they are.

Randy Elwell

Does an accessory dwelling have to be livable like an apartment?

Bates

The accessory dwelling units must be at least 190 square feet in size and municipalities may set a maximum size by ordinance.

Erb

Is the accessory unit something that could be rented but not sold?

Bob

Correct. It's not a separate unit if it's an ADU. It's an extension. It's like a room addition that may be separate, or it could be attached. It cannot be sold separately.

Cartwright

Have you run into the issue of people building in California and then trying to rent them as Airbnbs?

Bob

Yes. Some of the municipalities have made laws that new accessory dwelling units may not be used as Airbnbs or short-term rentals; they cannot be rented out for less than 29 days at a time. Some of the resort communities around Coronado Del Mar, around the ocean have made very strict regulations, such as limiting short-term rentals to a total of 120 days out of the year, but we're in a year-round environment. I don't think that would work in St. George.

Bates

In the note that Rick sent out this morning, it mentions that as long as the actions are consistent with LD 2003, municipalities may regulate short term rentals in their community.

Bates

The timing of this concerns me. Rick was saying that it's likely in January there'll be a number of bills filed to amend LD2003 but by March of that year, we're going to have to set the town warrant. That's when we usually have voting on the Planning Board ordinances. That may mean that we're going to go into July without a complete legal set of ordinances in which case, what takes precedence? Presumably what the state has settled on in January will be overwritten by July 1st and the State might change these dates.

Jordan

The state law would override the town ordinances if it were inconsistent.

Bates

So maybe we just resign ourselves to that.

Jordan

I think if they make significant changes, they will have to change that July 1st date.

Erb

Some of the changes that we've discussed will be hard to push through. Some people really don't want to see change for the most part, but they may have no choice because the state so far is saying they are going to impose it. But for a vote it will be a hard sell.

Jordan

The Town has a libertarian streak, and this expands the ability of people to deal with their property in ways they cannot now. There are people who really do like one acre zoning and most of those people are not year-round residents.

Erb

There's another group of people who really do think we need to do something to make more affordable housing.

Van Thompson

Indeed. The business community really feels strongly.

Bob

We're three years into it. We thought when the law passed there would be a big rush to build ADUs and there really wasn't. The municipalities fought a lot of the state law.

Cartwright

Do you think the regulations accomplished what they set out to do there?

Bob

No, they haven't. People are building accessory dwelling units for extended family. That's where we're seeing most of these being used.

Cartwright

We read about homeless people in a housing crisis in California.

Bob

It's not helping those people at all. It's a ladder effect. If we can get an older person on fixed income living with their adult children, that frees up maybe another small apartment. Most ADUs are about 750 square feet. The cost was about \$125,000 two and a half years ago. The costs now are \$250,000 - 275,000 to build a custom built ADU. Maine is very advanced with modular building so I think Maine could do it for a lower price. The cost of these things really jumped.

Bob

Many areas placed architectural standards, requiring structures to look a certain way so if your house is designed a certain way your ADU has to follow that same architectural standard. Some people have tried to use shipping containers as ADUs, adding bathrooms, etc.

Randy Elwell

Regarding the subject of low-income housing, some people might try to make money by renting out ADUs at a high cost, so how is that affordable housing?

Erb

The Maine Municipal Association was waiting for guidance to come out from the State before they put out their own guidance to the municipalities and although the information they sent out was helpful, it leaves a lot to be desired. I think that in the next week or so, you'll see something from MMA. My question is, is this something we put back in the hands of the Planning Board? It's a big enough issue that I thought it was worthwhile to have the board discuss it tonight. Should we wait for additional information before the Planning Board reviews?

Bates

Yes.

Wayne Sawyer

We have got a year before it becomes law. This will give us a chance to learn as much as we can.

Bates

Michael, I think you're going to be the point person on the Planning Board. I think the information Bob can send from the California law regarding how that's developed will probably be helpful. I think this has been a useful discussion. Bob, thank you for joining us from California. And Michael and Terry, thank you for being on this call.

Minutes Review

A motion was made by Elwell to approve the Select Board Meeting September 26, 2022 minutes as corrected, seconded by Sawyer. After a 5-0 vote, the motion carried, and the minutes were approved.

A motion was made by Elwell to approve the General Assistance Ordinance Public Hearing dated September 26, 2022 minutes as corrected, seconded by Sawyer. After a 5-0 vote, the motion carried, and the minutes were approved.

Communications

There were no communications.

Warrant**Irene Ames**

A check for the correct amount was issued to the CPA. The payment to IWorQ is for a software program for the Code Enforcement Officer that will work better than what they have currently. We have issued the check to the County. That amount is a onetime annual payment.

Other than that, there were two property taxes payments and then one wanted a refund.

Bates

Is that because it was previously paid by the bank?

Irene Ames

That that was true for Benjamin Lipson. For Stephen Barr, he had sold the property but paid the taxes and then requested a refund for the tax payment on the property that he had sold.

Bates

That makes sense. Thank you, Irene.

Town Manager Report**Erb**

I don't have a lot to report as we met a week. The paving was completed. We had a few traffic control issues so it could have gone better but we'll deal with that going forward.

Steve Cartwright

There were wide pavers on the road. The bus couldn't get by.

Erb

I really don't have anything else.

Committee Reports**Bates**

Planning Board 7:00pm September 27 Meeting

The application for a change of use for the non-conforming building at 14 Vannah Road was reviewed and various items were identified as necessary in order for it to be considered complete.

Conservation Commission**Steve Cartwright**

The Conservation Commission meets Thursday.

Old Business

None.

New Business**ICS 402 Training and Emergency Operations Plan****Bates**

Yvonne, Rick and myself sat through most of the training on Wednesday. It had particular relevance thinking about and seeing what Hurricane Ian did in Florida. Things can really change if you have some bad weather and a situation that you think you have under control can suddenly change. It's been a while since we've looked at the emergency operations plan, and I asked Randy if he would take this task on to update it, working with Tim and Rick to bring our operations plan up to date.

Randy Elwell

Tim has been working on it with Andrew from the MEMA office. The list of people that really should be included are Timmy because he's the MEMA Director, Mike Smith as Fire Chief, Amy Drinkwater and Ryan who is the Harbor Master. Timmy said that Van should be included as well because he might replace you (Chair Bates) at the end of the year. He says it's a boilerplate. I told Timmy we would talk about it tonight. He's going to get everybody together to start the process.

Bates

One thing came up at the training session on Wednesday. It is not mandatory, but I remember that several years ago, when Wayne was on the board, we had a tabletop exercise and we went through some artificial scenarios that John followed to realize how it might work out if there was such a disaster and it brought home some of the interlocking pieces that we have and people that we will need to depend upon and how we need backups.

Randy Elwell

I was representing the fire department and ambulance. The problem with St. George is that there is only one way in and one way out by car and in recent years we've had two or three car accidents, and no one could get out.

Bates

After we've got a new up to date operations plan with all the right people specified, I think such an exercise will be very valuable.

Randy Elwell

Yes, it's a good idea.

Bates

So, Randy, we look to you to make this happen. Thank-you.

Three Towns Joint Proposal to Study Potential of Working Waterfront Infrastructure

Bates

The last thing on the agenda was a plan that came from Meg Rasmussen. She wanted a letter of support from the town for a proposal that the Midcoast Council of Government is putting forward for three towns: Thomaston, Owls Head and Saint George. It looks at the vulnerability of our working waterfront and if they are successful in getting this grant, they will get some mapping done and it would be able to look at the impacts of storm surges and, and sea level rise and begin to figure out how the stakeholders might be able to address this. At this stage, they're asking for support from the town. My sense is that this is a good idea and I think we should do it.

Randy Elwell

I think so. The recent hurricane that went into Nova Scotia was one of the biggest surges they'd had in decades. Sanibel Island registered over 100-foot surges and the same thing could happen here. Port Clyde is vulnerable. I think it's a good idea. It's just going to get worse.

Van Thompson

How does this dovetail with the work Sebago Technics is doing?

Bates

That was a question that I had. I thought it would be a positive. Meg seemed to think it would complement that program. I think inevitably, there will be some overlap with what we hope to get from the Sebago Technics grant but Owls Head and South Thomaston aren't part of that so for them, it would be completely new. Perhaps some of it is duplication.

A motion was made by Elwell to issue a letter of support to Meg Rasmussen and the Midcoast Council of Government to study the working waterfront infrastructure and was seconded by Cartwright. By a 5-0 vote, the motion carried.

Adjourn

A motion to adjourn was made by Sawyer, seconded by Elwell and by unanimous vote, the motion carried, and the meeting adjourned at 8:10p.m.

Respectfully Submitted,

Tammy Taylor

Recording Secretary

Town of St. George, Maine