

**Fryeburg Planning Board Meeting
January 22, 2019 - American Legion**

Members in Attendance: Patrick Emery, Ed Price, Robert Ricks, Barry Woodbrey, Edy Kizaki, Tom Rebmann (Alternate)

The meeting was called to order at 6:00 and it was determined that there was a quorum.

Public Hearing- Property Maintenance Ordinance: Emery read the purpose statement of the draft property maintenance ordinance, reviewed ground rules for public hearings, and asked for public comment.

Judy Redding asked where the ordinance came from. Woodbrey responded that it was a mix of ordinances from other towns. Redding asked for a more specific answer.

In the meantime John Hastings asked who would govern the ordinance. He commented that the closure of mills and manufacturing businesses resulted in job losses in the area and requiring people to maintain their properties might be a hardship. This would be unfair. He also asked if farms are exempt since there are a lot of old barn buildings that would seemingly be regulated by this ordinance.

Kizaki stated that the Planning Board is asking for feedback and is not looking to impose this ordinance without comments. She noted that this ordinance is not intended to be a tough ordinance.

Woodbrey responded to Redding's previous questions; the draft was a combination of ordinances from Old Town, Alton and a couple of other towns. He pointed out that these ordinances are in effect in these other towns.

Carol Brooks asked for an explanation of what is a nuisance. Woodbrey directed her to the definitions section.

David Hastings asked if this proposal originated from the Planning Board and asked if the Planning Board is supportive of the ordinance. Kizaki stated that the proposal was initiated by a couple of residents, the draft was completed by a board member and that it is a trial. Woodbrey declared that he supports the ordinance. Price abstained from commenting on his support until hearing more from the public. He noted that property values are affected by unmaintained properties.

Brian Gillette applauded the Boards efforts but believes that much of language in the draft is unnecessarily vague and subjective and not directed to the actual problem of chronic disrepair.

Lynette Anderton recalled filling out the Board sponsored survey about property maintenance and stated that the property next to her is a consistent problem.

Kimberly Clarke spoke. She lives in the village area and has seen similar ordinance in other towns that apply to village or industrial zones due to the close proximity of buildings but believes that the draft ordinance is going too far in applying to rural areas. She noted that hazard buildings and junkyards can be addressed via other ordinances or statutes. She would be more supportive of the ordinance if it was limited to village and industrial properties.

Woodbrey explained that the original draft did only apply to the village area but the Board made a decision based on feedback to have the ordinance apply town-wide. He would gladly change it back if that makes a difference.

Clarke also noted that there is lack of staff to enforce such an ordinance.

There was a brief discussion about the feedback the Board received from the Selectmen related to the topic of property maintenance. Ricks feels that the Selectmen were ambiguous in their direction.

Tom Kingsbury said that trashy lawns are an issue but that the majority of the houses in Fryeburg would not meet these ordinance standards. He also has issues with the penalties and inspection process in the draft ordinance.

Elbridge Russell asked the Board to have a show of hands to see who supports the ordinance among the Board. Emery turned the question around and asked the audience who supports the ordinance as written. No one responded. He then asked who would support it for the village commercial and again no one seemed to respond.

Kristine Gould indicated that the ordinance protects residents who have problem neighbors but should not apply to things like crooked shutters.

Dave Lyons thanked the board for their service but he has problems with the way the ordinance is written and he would not support it. It is too ambiguous. He complimented the current CEO but has had experiences with other CEO's that are very severe and this draft leaves too much room for enforcement abuse.

Jennifer Regan stated her support of much of what is drafted for the village area. She pointed out that there are many knowledgeable people in the audience who might be able to formulate a better draft ordinance. She believes that safety concerns in the village should be addressed; these issues are not as important on large open lots in other areas of town. She asked people who are speaking to work with the board and help with the ordinance.

Anderton again stated that she lives next door to a trashy property and she wants to be able to sit outdoors and wants people to take care of their property.

Eric Bernabei spoke. He knows the board put time into drafting the ordinance but believes Section 4 needs more work and more specificity. He stated that ordinances are to protect people and action based on this ordinance might help people ask for help. He would be happy to assist in working on the ordinance.

Redding spoke about this being an ongoing issue and that it should be a community project.

Kingsbury noted that the painting requirements in Section 6 should only apply to businesses.

Hastings believes that there should be less house maintenance standards and more lot related standards to make the ordinance less threatening.

Allison Leach responded to a previous comments about property values and questioned whether people will now complain that their property (change values to taxes) are rising due to the (change "efforts to clean up abutting properties" to "rising property values due to neighborhood cleanup") Kizaki responded with some comments about market value versus (change perceived to assessed) value and stated that taxes are based on assessed value whereas sales price is based on market value which can be lowered by very poorly maintained neighbors' homes or yards.

Ricks admitted that the Board debated a lot about this ordinance and opted to take on the challenge of drafting an ordinance based on complaints. The intent is to avoid gentrification and it is up to the community to determine what the community wants.

Clarke reiterated her stance and observations that comments are related to in-town issues. She believes that most people want to maintain their property and only a few really don't care.

Gillette noted that there is nothing in the ordinance that states how enforcement will be triggered or how it will be determined that a violation exists.

Redding is concerned that this is turning into a witch hunt about specific properties and that property owners are being publicly criticized. She opined that this should be the selectmen's job not the Planning Boards.

Gould suggested forming a committee of people who want to help others and asks about how to form such a committee. Kizaki brought up having work sessions to work on the ordinance and stated that the Board did go to the selectmen for guidance.

Woodbrey clearly stated that he did not draft this ordinance with any specific properties in mind.

Regan talked about how the Town and the selectmen should be serving as an example and taking care of town-owned properties.

Anderton and Bernabei spoke in support of the idea of community efforts. Leach spoke about how it might be a good idea to ask the Selectmen for the reformation of a beautification committee.

Mike??? Noted specific concerns with the draft. He questioned the maintenance of fences and stone walls, the storage of wood while letting it season, composting operations, and the vagueness of the ordinance.

Regan stated that the improvements in the Legion were done as a community effort and people should be able to go to the Town to ask for help maintaining their property in private.

Stephen Smith commented that Section 5 related to ground maintenance standards is very vague and asked who would establish what a violation is.

The board, at Regan's request, introduced themselves.

Emery asked for more comments. Upon receiving none he closed the public hearing.

Approval of Minutes: Price made a motion to approve the December meeting minutes. This was seconded by Kizaki and passed unanimously.

Public Forum: n/a

CEO Report: The CEO presented a spreadsheet of permits issued and violation notices sent and answered specific questions. Price made a motion to accept the CEO report which was seconded by Woodbrey and passed unanimously.

Other Business: The Board discussed the process moving ahead related to the property maintenance ordinance. Price commented that he feels that the selectmen “threw the Planning Board under the bus”. Kizaki is happy to see people involved. The idea of having a committee formed was discussed. Ricks inquired if the intent would be to have this committee draft an ordinance. Price thinks that the board should bring this up to the Selectmen.

Rebmann noted that proponents of the ordinance want community standards and opponents do not want people telling them what to do with their property. He has a problem with the town requiring people with limited finances to fix their house. There was a brief discussion about the maintenance of rental properties. Rebmann thinks this is a political issue and questions the board’s involvement, Woodbrey acknowledges that it is controversial. The board debated as whether to continue to work on the ordinance, whether to drop the issue and let citizens request that the Selectmen take some sort of action or whether to initiate a request with the Selectmen to form a committee. A potential procedure moving ahead was discussed.

Kizaki made a motion to have the CEO send a copy of the minutes to the Select board with note about this conversation and that we think it would more that they are the ones to decide whether to form a committee of citizens that would discuss and hash out some of these issues before continuing to refine ordinances or deciding not to.

The next meeting will be February 26th.

Woodbrey made a motion to adjourn which was seconded by Ricks and passed unanimously.

A workshop of medical marijuana ordinances followed.