

**Fryeburg Planning Board Meeting Minutes**  
**March 28, 2023 at 6:00 p.m.**  
**David and Doris Hastings Community Center**

**Present:** Patrick Emery   Stephen Chase   Edy Kizaki   Tom Rebmann   Eli Goodwin

Emery called meeting to order and declared a quorum.

Emery opened the public hearing on the proposed LD 2003 related regulations, Section 16, 17, & 25. Hannah Bonine of Southern Maine Planning Development Commission was present and spoke briefly about the state regulations to expand affordable housing opportunities. Tom Klinepeter asked how many homes would be allowed on a 1-acre lot with an existing dwelling and if Planning Board approval would be needed to do this. Numerous people responded with varying opinions/interpretations. There was discussion about the applicability of the affordable housing density bonus in Fryeburg since we do not have public sewer. Bonine noted that there is confusion in the law about this and that a "centrally managed" water or sewer system may trigger the allowance of a density bonus in Fryeburg.

Goodwin asked about the status the efforts to put off the July 1<sup>st</sup> deadline for LD 2003 to be applicable. Klinepeter (speaking as a resident) stated his opposition to the ordinance revisions and statute. He understands that the town may not have a choice in adopting it but believes that it takes away local control. Kimberly Clarke is supportive of affordable housing but believes that a better understanding of the law is warranted.

Emery opened the public hearing on the Proposed Solar Regulations, Section 5, 17 AA., & 25. Chase noted that there are some lingering items that the Board has been considering, including the proposed 50-acre size limitation for solar. Goodwin noted that the Board has received comments both for and against the 50-acre size limit. There was much discussion about grid capacity in Fryeburg and the potential for upgrades in the coming years that would provide more capacity. David Andrews said that the size of the project is not as important as the location; a small project in the wrong location is worse than a large project in the right location and there should not be arbitrary limitations. Property taxes were discussed. Rebmann and Chase both agreed that the size limitations should be reconsidered. The timing of the moratorium was reviewed. Jim Tyrrell noted that the board had considered allowing a waiver for the acreage limitation; this led to a conversation about waivers. Tom Kingsbury noted that he is speaking as a resident and stated that there should not be a size limitation but that there needs to be a very thorough review of applications.

Emery opened the public hearing on the Proposed Short Term Rental Regulations, Section 5, 17 BB & 25. Kizaki stated that the Board had received letters of objection to the proposal that question the need for more rules but that she does not believe that the ordinance is prohibitive. Marilyn Bennett had numerous comments on the draft regulations; she noted that she has short and long-term rentals and is not negligent. She believes that rentals are an important part of our community and believes that the police and code enforcement should deal with bad landlords. The Board noted that they are considering regulations based on hearing from people that have neighbors that operate STRs.

Chris Randall noted that he has a STR but it is owner occupied and believes that there should be relaxed standards for owner occupied STR's. There was lengthy discussion about this. Clarke supports the ordinance but offers a couple of minor revisions. Rachel Damon stated that many of these performance standards are redundant to what VRBO and AirBNB require. Christy Mackee also stated her belief that there needs to be separate rules for owner-occupied STRs. Jim Knight asked specific questions about how the STR regulations would apply to him as an STR owner.

There was discussion about application fees and the length of STR licenses (annual, biannual, every 5-years). The public hearings were closed.

The Application for Land Use Authorization submitted by Sue D'Agostino to convert a single-family residence to apartments at 77 Portland Street (Map 42, Lot 8) was withdrawn.

Goodwin made a motion to approve the minutes from the January 23 Planning Board Meeting, which was seconded by Rebmman and passed unanimously.

Public Forum: Dale Knapp encouraged the Board to increase the allowable size of solar development and outline a few reasons, including the ultimate reduction in consumer cost of electricity. Property tax exemptions were discussed. There was also discussion about the grid's ability to handle varying sized solar projects.

Katie Haley asked the Board to consider the next steps for each draft ordinance and outlined the timing constraints based on needing to have the annual town meeting warrant finalized by April 27<sup>th</sup>.

Haley noted her discomfort with proceeding with the LD2003 related ordinance revisions. The potential ramifications of not adopting the revisions was discussed as was the potential next steps. Haley noted that these revisions need to remain on the table but that the Board can see what develops with legislature this session. Emery noted that he was not comfortable proposing this to the town voters given the lack of clarity in the specifics of the ordinance/statute and the inability to clearly answer questions. Emery made a motion to table proceeding with the LD 2003 ordinance revisions. The motion was seconded by Chase and passed unanimously.

Haley asked the Board of their intentions with the solar ordinance. Emery stated that he believes that the size of projects should not be limited. There was discussion about this. Emery made a motion to strike the 50-acre size limit (Section 17.7.a), which was seconded by Chase and passed 4-1 (Goodwin opposed).

Kizaki made a motion to request that the Select Board proceed with an annual town meeting warrant article to ask voters to approve the proposed solar energy facility ordinance related regulations. The motion was seconded by Rebmman and passed unanimously.

Haley asked the Board of their intentions with the short-term rental ordinance. There was discussion about some simple changes that could be made based on comments received at the public hearing, notably related to the evacuation plan, refuse disposal standards, and maximum occupancy. There was also discussion about fees (annual vs. biannual) and about differing standards for owner-occupied STR's. The timing of moving ahead with a town meeting vote, given the need to have legal counsel review the draft and the need for an additional public hearing with specific noticing requirements was debated. Goodwin made a motion to request that the Select Board proceed with an annual town meeting warrant article to ask voters to approve the proposed short-term rental regulations. The motion was seconded by Kizaki and passed 4-1 (Chase opposed). After continued discussion about timing and the potential of changes based on legal review, Goodwin made a motion to rescind the previous vote, which was seconded by Kizaki and passed unanimously.

Chase made a motion to adjourn, which was seconded by Emery and passed unanimously.