



TOWN OF DAYTON, MAINE PLANNING BOARD

Meeting Minutes Tuesday, January 5, 2021, 6:30 P.M. Dayton Town Hall

CALL TO ORDER & DETERMINATION OF QUORUM

Members Present: Shannon Belanger (Chair), Darren Adams, Justin Lord, John Boissonnault, Chris Belanger (Alt)

Town Employees and Selectmen Present: CEO Jim Roberts, Selectman Dan Gay

Public: Peter and Joan Warren, Anthony Belanger, South Street resident

Meeting was called to order by Chair Shannon Belanger at 6:30 PM.

APPOINTMENTS

None

MINUTES

December 1st, 2020

MOTION

John Boissonnault motioned to approve the minutes; Darren Adams seconded. All voted in favor.

PUBLIC HEARINGS

SOLAR ORDINANCE: Proposed changes:

- Section VIII.B: all gated ingress/egress shall have Knox boxes
- Section VIII.F: any herbicide needs to be approved by the ME Board of Pesticides Control
- Section X: change in definition of a small-scale sized energy system

Public Comment:

A resident from South Street asked about size of the recently proposed project on South St/Wadlin Road. Shannon Belanger explained that the public hearing is about the solar ordinance and not projects. The Board is waiting to hear more about the proposed South Street project.

Selectman Dan Gay thanked the Board for its efforts in changing the language in the ordinance and explained that the amendments will be presented for town vote at the next town meeting, likely in June.

Joan Warren asked if projects would be allowed before the town vote happens. Shannon Belanger explained that any projects would be subject to the ordinance adopted in November and would still need approval and a Conditional Use Permit from the Planning Board.

The South Street resident asked about impacts of the proposed South Street project. Board members have discussed noise, glare, etc. but no particulars yet. Project developer Blue Wave held a public hearing in November, which is common practice as DEP will be involved and this will be a long process. Jim Roberts said that he has some of the paperwork and that the project is not scheduled yet for a DEP hearing. The public will be notified, probably through the town website, when the notice of intent to file is received. Abutters will be notified when the public hearings begin.

MOTION

Shannon Belanger motioned to close this hearing at 6:38. Darren Adams seconded, all voted in favor.

FEE SCHEDULE: Revision of application fees, including requirements for Conditional Use Permits and a tiered process based on square footage. There are also fee requirements for amendments and expansions to existing permits.

Public comment: None.

MOTION

Shannon Belanger motioned to close at 6:40 PM. Darren Adams seconded, all voted in favor.

ACCESSORY DWELLING UNITS: Change Zoning Ordinance Section 7.18 to allow an ADU in a detached structure as well as a single-family dwelling. Size and occupant number would not change.

Public comment:

Anthony Belanger asked if the language would affect Section 7.18.4a. Shannon Belanger explained that the intent is for the ADU to not resemble a second dwelling on a single-family property: that is why stairs are restricted to the side or rear. It should also not resemble a modular or a mobile home.

Peter Warren commented that the maximum of 700 sq. ft. seems excessively small and 800-900 sq. ft. would be more appropriate. He also noted that if a couple moved in and then had a child, the occupancy restriction would be exceeded. He suggested that the wording be changed to include a small family to make living in Dayton more attractive. Anthony Belanger agreed.

Joan Warren, an appraiser, said she is glad that the Board is making this motion and noted that many towns and cities are re-visiting their zoning ordinances because the cost of housing is so high. She cited research stating that the median home price has increased to \$319,000 in Dayton, out-of-state people are purchasing Maine properties, and that a way to help people find housing in many areas is to offer ADUs. She wondered if future changes to the ordinance will be necessary. She also felt that the square footage should be larger to accommodate families.

Anthony Belanger said that he and his fiancée have been looking for homes in the area but can only get approved for \$300,000 and some of the homes they have looked at have been unaffordable.

Darren Adams asked for other items of concern that the public would like the Board to consider.

Jim Roberts noted that if the size increased too much and encouraged larger families, it would tax the school system by adding more children. While the town wouldn't kick out anyone because of having a child, larger families would mean a bigger school building, more taxes, etc. Limiting size helps provide housing without overburdening the town.

Peter Warren suggested one child could be permissible. John Boissonnault said it would be easy for that scenario to become two families on one property. He views ADUs as short-term help for adult children or aging parents, not a long-term solution.

Chris Belanger noted that the ordinance also specifies that occupants should be a blood relative and that an ADU isn't allowed to be rented for the purpose of making money.

Justin Lord asked about septic, wiring, and other systems for a single-family home. Jim Roberts explained that allowing an ADU may require existing systems to be upgraded, as septic systems are based on the number of bedrooms.

Shannon Belanger noted that if the property is large enough and zoning permits, one can build another structure without restrictions.

Dan Gay asked what initiated this change and Jim Roberts explained that a couple of people had asked him about ADUs. Other towns are starting to visit this topic too.

Peter Warren suggested increasing the size might be a possibility because of changes in the housing economy. Justin Lord felt that changing the size or number of occupants is a slippery slope. Anthony Belanger said that a larger size is desirable to him if he buys his parents' house and builds an ADU.

Joan Warren noted that Lyman now allows detached units. She pointed out that Maine has the oldest population in the nation, and the idea that there could be more than one nuclear family on a property doesn't seem like a bad idea to her. She felt that young people aren't having as many children and enrollment is dropping in schools, although she hasn't researched that. She also asked about the location of single-family dwellings allowed by zoning. Jim Roberts said that they are not allowed in the Shoreland Overlay, Resource Protection Overlay, and the Commercial zones.

Lyman allows 600 sq. ft, which Shannon Belanger said is common. Joan Warren said that Saco allows 800 sq. ft. She likes the idea of possibly changing the language in Section 7.18.4.c, noting that having an ADU accessible from the ground could be important to an older population. Shannon Belanger and Darren Adams explained that the point of Section 7.18.4 is to avoid a "grand entrance" appearance.

Dan Gay noted that the Selectboard deals with similar situations. Dayton should not be an outlier and can't afford to be the exception to the basic movement of society. The cost of one Dayton student going through one year of school averages \$10,000. He doesn't see that decreasing, and the tax revenue from one ADU won't cover it. That is \$120,000 over one student's educational span. An ADU would never return that much in property taxes, let alone support town roads, the fire department, etc.

Joan Warren asked about actual enrollment. Dan Gay thought the enrollment was relatively stable, but the school budget keeps increasing. Joan Warren felt that Special Ed was a factor in budget increases and Chris Belanger reminded everyone that the State has a part in the budget process too.

Justin Lord asked how many ADUS are in town currently; Jim Roberts thought maybe a dozen. One person who has approached him would like to build something on his garage for his daughter, as adding on to the house isn't a possibility. That prompted him to start looking at other towns. Justin Lord repeated that there is the option of having someone move into the same house or build another dwelling unit on the property if there is enough room.

Shannon Belanger suggested that the Comprehensive Plan should have numbers and projections and more information that would help in making decisions.

Joan Warren expressed thanks for the Board's work.

MOTION

Shannon Belanger asked for a motion to close and Darren Adams motioned. John Boissonnault seconded, and all voted in favor to close the public hearing at 7:18.

DEVELOPMENT REVIEW & WORKSHOPS

SOLAR ORDINANCE: Shannon Belanger reviewed the proposed changes.

MOTION

Darren Adams motioned to submit the changes to the Selectmen for review and consideration as a vote at the next town meeting. John Boissonnault seconded, and all voted in favor.

FEE SCHEDULE:

MOTION

John Boissonnault motioned to submit the proposed changes to the Selectmen for review and approval. Darren Adams seconded, and all voted in favor. This does not have to go to a town vote, as it requires approval by the Selectmen.

ACCESSORY DWELLING UNITS: Members reviewed the public comments regarding size, number of occupants, and exterior appearance. The following items were discussed:

- The term "exterior stairs" could be changed to "entrance".
- The entrance should still be restricted to the side or rear of the building, as eliminating that restriction could allow someone to build the entrance or stairs into the front of the building. Having a front entrance gives the appearance of a second house. The intent is for the entrance to not be visible from the road.
- Size will remain unchanged, as members considered 700 sq ft. to be livable for two people.
- Two-person occupancy will remain unchanged, in part to prevent an ADU from becoming a long-term family residence.
- Safety is affected by size and number of occupants. Egress, electrical systems, and septic systems need to meet building code for the ADU to be inhabitable.
- It is possible that this will change in the future as towns around Dayton implement changes.
- Affordability of housing for older Maine residents is a topic to be considered, but there are other possibilities that may address this better than an ADU can. A better understanding of the Comprehensive Plan may help with that.

SUMMARY: change Section 7.18.2 to include detached structure and change "Exterior stairs" in Section 7.18.4.c to "Entrances."

MOTION

Darren Adams motioned to submit the proposed changes to the Selectmen for review and consideration for a town vote. Justin Lord seconded, and all voted in favor.

OTHER BUSINESS:

TAX INCREMENT FINANCING (TIF) DISTRICT: Planning Board members attended a workshop on January 4th with the Selectmen to discuss a TIF district. Members will be invited to future meetings with the Selectmen, CEO, and town attorney to determine location and language. SMRPC may be involved too. Jim Roberts will determine where 3-phase power is in town. Shannon Belanger reminded members that everything the Board does should comply with the Comprehensive Plan. The current plan was completed in 2017 by the Planning Board and should probably be reviewed.

IMPACT FEES: Board members resumed discussion of impact fees with an emphasis on fire ponds, water tanks, cisterns, and fire department responsibilities. The following points were discussed:

- Now that Apple Blossom Lane is a town road, who is responsible for the tank maintenance?
- Does the fire department have a list of tanks, ponds, etc.? Does it have a list of those in need of repair? Does the town know who is responsible for which tanks, ponds, etc.?
- Do older subdivisions have provisions for the maintenance and care of tanks, ponds, etc.?
- It seems that homeowners’ associations should be responsible for managing common areas and structures such as cisterns, fire ponds, etc. and not pass the expense to the town. If a fire pond is on property owned by the subdivision/landowner, it should be their responsibility.
- While the fire department has the right to use the water, members were unsure about the department’s rights to go on to someone’s property to fix the tanks, cisterns, etc. Does the fire department have a waiver to go on to property that protects the town and the property owner?
- Is the onus on the fire department to bring problems to the town’s attention?
- Every year, money is put into a town hydrant account.
- Impact fees could be a way to help the fire department with testing and maintaining, but it should be specified that the fee is for rural water supply.
- Determining who is responsible for what could be a goal in the Comprehensive Plan.
- Some towns charge a percentage of the building fee. As Dayton doesn’t have the infrastructure that other towns do, adding a small amount to the building fee shouldn’t be a big deal.

LOWELL LANE SUBDIVISION: may be adding three more lots.

ADJOURN

MOTION

John Boissonnault motioned to adjourn at 8:00 PM and Darren Adams seconded. All voted in favor. The next Planning Board meeting will be held on Tuesday, February 9th, 2021, 6:30 PM.

_____ Date: _____
Shannon Belanger, Chairman

_____ Date: _____
Valerie Cole, Acting Secretary

COPIES TO: Jim Roberts, Code Enforcement Officer; Selectboard; and Tax Assessor
THESE MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY.