

Vinalhaven Planning Commission

In Person Meeting

July 12, 2023

4:04 pm

Present: Matthew Eddy, Professional Land Use Planner, Mid Coast Council of Governments and Claire Jackson (Via Zoom); Elin Elisofon, Wes Reed, Chuck Gadzik,; Banner Moffatt, Planning Board Chair.; Marjorie Stratton, Town Manager; and Dan Cross summer resident.

The purpose of this meeting was to clarify issues raised at the public hearing for ordinance revisions on June 29, 2023.

Individuals attending the public hearing were: Bruce Cohen (Appeals Board), Lisa Lewis, Jeff Aeonson, Linnell Mather, Hooper Brooks (Housing Committee) Erin Creelman, Amy Lear, Daniel Cross, and George Kendrick and Mat Eddy via Zoom. Members of the Planning Commission present were: Elin Elisofon. Wes Reed, Chr., Chuck Gadzik. Marjorie Stratton, Town Manager and Elizabeth Bunker, Assistant Clerk were also in attendance and took notes.

Public Hearing Issues raised:

Wes explained that the summary of the ordinance revisions includes our focus on housing densities and revisions to be in compliance with state law. He noted the synopsis does not include every change.

The Planning Commission was asked by the Select Board to address commercial uses in the RM1, residential zone, which is most of the island. There are small areas of commercial use around the island. The purpose is to make the ordinance reasonable. Some uses have upset neighbors so a separate permit process was created for commercial uses in residential neighborhoods.

Erin expressed concern about there possibly being confusion between a home occupation and a commercial use. She asked if a non-resident could get a home occupation license.

The septic setback change is proposed to be reduced from 125' to 100' to be in accord with the state law. Soil evaluators working on the island have to remember our setback is greater than all other places and it creates a difficulty for them.

Dan Cross, who sent a thoughtful letter raising concerns after the public hearing, suggested tightening the language in RM1 for Lodging Facilities 3. Was he required to get a commercial permit to rent his house for 2 weeks?

George Kendrick suggested licenses for non-owner occupied B&Bs, as they would be lodging facilities. Owner occupied Lodging Facilities 1 & 2 would not need a permit.

Erin raised concern about empty storefronts on Main Street which have an adverse effect on all the businesses. Would insurance for B&B's in the flood zone be an issue? She suggested

registration for long term rentals for public safety reasons. Is there a limit on the number of B&Bs?

Rental of homes for 6 weeks is permitted in most homeowner insurance policies. If for longer, a different policy is needed. Erin advocated for residential use on the first floor of Main Street buildings, as she believes that would be better than their being empty. Erin suggested applying for CBDG (Community development Block Grants) funds to promote uses on Main Street. This would be administered through the Town Office.

Dan suggested tax abatements to foster commercial uses.

Discussion regarding ADU's being limited to single family lots per state law. The community is to decide whether for seasonal and/or long term rental. Over 30 days is a seasonal rental which would benefit stern men, short term rental would be less than 30 days. Year round is defined as 7 months and a day.

The **DWELLING UNIT definition needs correcting** as it does not include plumbing, cooking facilities, etc.

Erin suggested there should be scrutiny of all rental units. Elin said if we did that now many people wouldn't have even a roof over their heads. New/rehabilitated housing is needed in order to provide decent housing.

The addition of the option for **Contract Zoning** for special uses that are not covered in the ordinance was explained. **A definition is needed.**

Permits for demolition was discussed. As was the reasoning for allowing a one acre lot in the village area served by town water and sewer to be divided into 20,000 sq ft lots. Many lots in that area are very small; .1 and .2 acres. Wes said there are only about 10 properties that would qualify.

Chuck mentioned his concern about so much well drilling on the island.

Revisions need to go to the Select Board and then be voted on by the community.

End of notes on June 29th public hearing.

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There was a lengthy discussion about registration of short term rentals. Even though this isn't addressed in the ordinance revisions, the definition should remain for future use.

Is renting a dwelling a commercial use? That was not the intention. Banner said, "Renting a dwelling does not require a commercial permit". There is no Planning Board approval for short term or seasonal rentals. They are not part of the land use ordinance. That would be a separate administrative issue and for the CEO to enforce.

If new houses are created for rental that is one thing, it is another if short term rentals supplement an owners use.

Lodging 1,2,3,4 permits are only needed when there is a change of use. If new, it is a commercial use unless it is multi-family housing. Under non-owner occupied, commercial use criteria for noise, parking, etc. would apply.

Under Lodging Facility 1 and 2 a PB permit for new facilities would be required.

The State mandate for ADU's is pushed back to Jan 2024.

An empty/vacant building for 1-2 years being assessed a fee was discussed.

Mat will work on a definition for "lodging performance standards when they constitute a change of use".

The 190 sq ft dimension only refers to Tiny Houses.

Dan suggested lower property taxes for Main Street commercial spaces to incentivize renting them. Mat said that isn't legal in Maine.

TIF (Tax Incentive Financing) was discussed. It assumes an investment, when the assessed value goes up, the funds are reinvested for improvements.

Chuck said George Kendrick and Erin were concerned about the change from the first 30 ft of commercial buildings being restricted for commercial use to the entire first floor. The issue was revisited. Chuck made a motion, seconded by Wes. The vote was 3 to 1, Approved. Elin voting against.

Building height limit to be raised to 35' to maintain the historic angle of peaks in the village.

Dan was assured his house at the airport where two families live could have 2 ADU's on the 2 acre parcel. Two units do not constitute multi-family.

The meeting ended at about 5:30 pm. The next meeting is **July 27th at 5 pm.**

Respectfully submitted,

Elin Elisofon, Sec.