

Newcastle Planning Board Meeting

Thursday, February 16, 2023

6:30 PM

Hybrid Meeting: Clayton V. Huntley Jr. Fire Station, 86 River Road & via Zoom

Join Zoom Meeting: <https://us02web.zoom.us/j/87852494026>

Meeting ID: 878 5249 4026

Passcode: 04553

AGENDA

- 1. Call to Order & Introductions**
- 2. Review of Minutes:** January 19, 2023
- 3. Applications:** None
- 4. Public Comments**
- 5. New Business:**
 - a. Public Hearing:** Remote & Hybrid Meeting Policy
- 6. Planner's Report**
- 7. Adjourn**

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Clayton V. Huntley Jr. Fire Station · 86 River Road · Newcastle

Thursday, January 19, 2023
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MINUTES

Board Members Present: Ben Frey – Chair, Peter McNaughton – Member, Kevin Houghton – Member, Lee Emmons – Member, Lucas Kostenbader – Member

Staff Present: Isabelle Oechsle – Town Planner

1. **Call to Order & Introductions:** Chair Ben Frey called the meeting to order at 6:30PM.
2. **Review of Minutes: November 17, 2022:** Peter McNaughton moved to accept the minutes of November 17, 2022 as presented. Kevin Houghton seconded, and the motion carried unanimously.
3. **Applications:** None.
4. **Public Comments:** No members of the public present.
5. **New Business:**
 - a. **Nomination & Election of Vice Chair:** Ben Frey moved to nominate Lee Emmons as Vice Chair. Kevin Houghton seconded. Lee Emmons noted that he accepted the nomination. Nomination of Lee Emmons passed unanimously.
 - b. **Discussion of work plan for tackling identified ordinance amendments:** Isabelle presented the spreadsheet that she had put together and included in the Board’s meeting packet, including both ordinance amendments or policy projects identified by the Planning Board and those recommended by staff. Isabelle noted that she has attempted to prioritize projects based on her understanding of the Board’s priorities, but she welcomes comment or discussion. If the Board is in favor of the work plan as drafted, a formal motion is not necessary, but staff will take the Board’s guidance and will begin drafting the amendments as noted.

Ben Frey noted that historic preservation will be an item of utmost importance to the community and might be something better suited to an ad-hoc committee of members with ties to the Town’s historic districts or with knowledge of historic preservation. The remaining members of the Planning Board agreed. Ben asked if any members of the Planning Board would be interested in potentially serving on the Committee. Hearing from no other members, Ben noted that he would be interested in serving on the Committee.

Isabelle reminded the Planning Board that Committees are “beasts of the Selectboard” and must be appointed by the Selectboard. If the Planning Board is interested in this Committee, the motion would be to recommend to the Selectboard forming such a Committee.

Ben Frey moved to recommend that the Selectboard creates a five-member Historic Preservation Committee, with at least one member from each of the Town's three historic districts. Kevin Houghton seconded, and the motion carried unanimously.

The Planning Board continued to discuss a draft work plan, noting the following "Top 6" high priorities, in order of tackling:

1. Update subdivision section to latest State standards
2. Update Shoreland Zoning Ordinance to State's Chapter 1000 standards
3. Update standards related to short-term rentals
4. Miscellaneous updates related to development review administration
5. Amend existing Sign Ordinance (adopted 2014) to complement the Core Zoning Code
6. Historic Preservation Ordinance

c. Discussion of draft amendments to Core Zoning Code, Article 7, Section 12: Subdivision

- 6. Planner's Report:** Ben asked Isabelle to provide an update on conversations that Isabelle and Ben had had previously regarding implementing a program to adopt "pre-approved" building designs. Isabelle noted that pre-approved buildings are being used across the country to allow developers or property owners the ability to construct high-quality, intentionally designed buildings while also saving on "soft costs" associated with Planning Board review and the drafting of building plans. Pre-approved buildings could be one tool available in the toolbox to allow for an expedited permitting process for buildings that are consistent with the standards outlined in the Core Zoning Code. Additionally, the act of pre-approving buildings would enable surrounding property owners to have a voice upfront in buildings that could be built on vacant lots abutting them.

By working with a professional architect or draftsman, the Town would be able to design a series of buildings that already meet the design standards of the Core Zoning Code and that would allow property owners and developers to save on the costs of drafting up front. The plans would be made available to property owners who wish to use them at no charge and would allow the property owners to be reviewed under an expedited administrative review by Town staff (either the Planner or the Code Enforcement Officer) rather than coming before the Planning Board.

It is staff's recommendation that the pre-approved building program idea is limited to infill development in the Town's designated growth areas (per the Conservation & Settlement Map included in the 2018 Comprehensive Plan and shown below). (Note: The term infill development refers to building within vacant or underutilized land within existing, established development patterns. Infill development is critical to accommodating growth and reducing sprawl.)

All in all, the purpose of the pre-approved buildings would be to make it convenient to build housing at scales appropriate to existing neighborhoods and would lead to soft-cost savings for property owners and developers. Staff suggests creating four pre-approved building types to start. Final details can be discussed going forward, but Isabelle asked for initial reactions from Planning Board members.

Isabelle suggested discussion of a Remote and Hybrid Meeting Policy to be included on the next agenda of the Board, which could be used in instances where members cannot participate in person due to illness or other emergencies. The Board was supportive since they had experience with remote meetings during the pandemic and providing applicants or members of the public

greater opportunity to participate is favorable. Isabelle noted that a remote meeting policy is required to be adopted by all boards and committees of the Town, per changes in State Law in 2022. Ben asked Isabelle to draft something up.

7. **Adjourn:** Meeting adjourned without objection at 7:29PM.

DRAFT

Newcastle Planning Board

Remote Participation Policy

POLICY: In accordance with Title 1, Section 403-B of the Maine Revised Statutes, it is the policy of the Newcastle Planning Board (“the Board”) to allow Board members to participate remotely in Board meetings under certain circumstances and using certain methods of remote participation.

1. Board members are expected to be physically present for Board meetings except when being physically present is not practicable. Except as permitted by this Policy, only those Board members who are physically present at the physical location of a Board meeting may participate in the meeting.
2. Circumstances and conditions under which remote participation is permissible.
 - a. Existence of an emergency or urgent issue.
 - i. If, as determined by the Planning Board Chair, an emergency or urgent issue arises that requires the entire Board to meet remotely, the Board Chair in consultation with the Town Manager may authorize the Board to conduct a virtual meeting without a physical location. Board members would participate in such a virtual meeting from remote locations, and the public would be permitted to attend remotely.
 - b. Circumstances in which physical presence of Board member is not practicable. A Board member may participate in a Board meeting from a remote location under the following circumstances:
 - i. The Board member has an illness or other physical or medical condition that causes the member to face significant difficulties traveling to and attending the Board meeting or that is contagious and would pose a substantial health risk to others if the Board member attended in person;
 - ii. There is a reasonable chance that the Board member’s health or safety will be compromised by attending the Board meeting in person;
 - iii. The Board member will be absent from the State at the time of a meeting and face significant difficulties traveling to and attending the Board meeting in person;

- iv. When events or occurrences out of the control of the Board member or the effects of such events or occurrences make travel by the Board member to the physical location not practicable.
3. Form of remote participation. When one or more Board members will be participating remotely or the Board will be conducting a virtual meeting, the Board will schedule a meeting using an internet-based virtual meeting platform (e.g., Zoom) that provides simultaneous audio and video reception for all participants. The Board will provide notice of the means of remote participation consistent with 1 M.R.S. § 406 and applicable Town ordinances, policies and practices and shall inform members of the public the means in which to contemporaneously:
 - a. Remotely view the video and audio of the meeting through internet streaming or other means;
 - b. Provide remote oral testimony in a manner that allows Board members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means;
 - c. Obtain copies of packet materials; and
 - d. If a hybrid meeting, list the specific location of the public meeting site at which members of the public may attend in person and where at least some of the Board members will be present in person.
4. Responsibilities of Board members who participate remotely. Any Board member who participates remotely must:
 - a. Have the technology, including internet access, in their remote location sufficient to be seen and heard during the meeting and participate in the same capacity as those members physically present and be responsible for any costs associated with obtaining and maintaining the technology and equipment necessary to participate remotely.
 - b. Maintain decorum to the same extent as those Board members physically present. The Planning Board Chair, in consultation with the Town Manager and after an oral or written warning, may deny a Board member the option to participate remotely pursuant to this Policy if the member has failed to comply with this subsection on more than one occasion.
5. Procedures applicable when Board members participate remotely.
 - a. A member of the Board who participates from a remote location in accordance with this Policy is present for purposes of a quorum and voting.
 - b. If any Board member is participating in a Board meeting from a remote location, all votes taken by the Board during the meeting must be taken by roll call vote that can be seen and heard by the other members of the Board and the public.
 - c. If any Board member is participating from a remote location, the Board shall make all

non-confidential documents and other materials, electronic or otherwise, considered by it during the meeting available to the public who attend by remote means to the same extent customarily available to members of the public who attend Board meetings in person, so long as no additional costs are incurred by the Board.

6. Disruptions and adjournment. If during the conduct of a remote or hybrid meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of members. If the interruption cannot be resolved within 15 minutes, and the Planning Board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically adjourned. If the meeting being conducted is a hybrid meeting with no remote participation by individual Board members and a remote connection to the public location identified in the Planning Board's notice pursuant to Section 3(b)(4) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.
7. Hybrid Meetings with No Remote Participation by Board members: The Planning Board is not required by law to offer this type of meeting format but will endeavor to conduct a hybrid meeting, even when there is no remote participation by individual Board members, as often as practicable when the Planning Board meets in-person.

This Policy was adopted by the Newcastle Planning Board on [DATE] following a public hearing held on [DATE].