

Amended minutes

1/4/90 The meeting of the Town of Portage Planning Board was called to order at 7:00 p.m. by Chairman Calvin Adams. The minutes of the 11/2/89 meeting were reviewed by the members and accepted as written.

The revised ordinance was proofread by the members. Minor changes were necessary and were noted by the secretary. A map of the Town's zoning districts will be included in the final draft. Ron Fowler made a motion to accept the revision, Betty Dumond seconded. All members voted to submit the revised ordinance to the townspeople at a public hearing. The revised ordinance will not be voted upon at this public hearing. Public input may require further changes to the revisions. The final revision may be voted upon at a special town meeting or may be included as an article on the warrant at the March Town Meeting.

A zone for low income housing and/or mobile home park was briefly discussed. A floating zone may be considered. No decision was required at this time.

Richard Hoppe discussed a complaint received by the Department of Inland Fisheries concerning the proposed senior citizen housing project being located in the vicinity of a deeryard. (Minutes amended to include this paragraph at the 2/1/90 meeting)

Betty Dumond made the motion, Ron Fowler seconded and the members voted to adjourn at 9:15.

Members present were Betty Dumond, Malcolm Nason, Ron Fowler, Calvin Adams and Jeanne Currier. Town Manager James Nadeau and Richard Hoppe also attended this meeting.

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Members present were Betty Dumond, Malcolm Nason, Ron Fowler, Calvin Adams and Jeanne Currier. Town Manager James Nadeau and Richard Hoppe also attended this meeting.

2/1/90 The meeting of the Town of Portage Planning Board was called to order at 7:00 p.m. by Chairman Calvin Adams. The minutes of the December meetings were presented for the record, neither meeting was held due to a lack of a quorum. The minutes of the January 4 meeting were read and discussed. Betty Dumond made a motion (Ron Fowler seconded) to amend the minutes to mention that Richard Hoppe discussed a complaint received by the Department of Inland Fisheries regarding the proposed elderly housing project being located in the vicinity of a deeryard. Cal noted at the 2/1 meeting, that this area is not designated as a deeryard. The minutes were accepted as amended.

Town Manager James Nadeau has sent the revised ordinance to the Maine Municipal Association for judicial review and critique. When the revision is returned, the date can be set for the public meeting.

Peter St. Peter would like to build two apartment buildings for elderly housing. Each 30' X 120' building would contain three units and would have a separate heating system and separate leach fields. Mr. St. Peter would like to start construction as soon as possible. The first step is to obtain Planning Board approval for the preliminary plan. Ron Fowler made a motion (Mac Nason seconded) to accept this preliminary plan with a soil scientist;s approval. At this point, the Planning Board's approval would only be necessary for the preliminary plan, a formal application will be necessary before any work can begin. All members voted to accept this preliminary plan.

Greg Cyr spoke about recreation in the Town and presented a rough plan for a ski slope located on West Mountain. The area could include snow mobile trails, cross country skiing, snow shoe trails and a skating area. Mr. Cyr presented a plan drawn up by Sal Hanna. His accompanying study detailed the project. Mr. Cyr was looking for ideas to either put the project forward to the community or to find it unacceptable. Ron Fowler made a motion (Betty Dumond seconded) to accept the proposal with more information being required. All members voted to accept this motion. Greg asked if tax money would be available to support this project. Mr. Nadeau will seek grant money and will bring this proposal to the Board of Selectmen but advised that this does not need town support unless town money will be spent. Public support is not required to seek grant money. Cal offered Planning Board assistance but no motion was made by the members. Mac Nason requested that Greg Cyr present his proposal to the townspeople after Town Meeting on March 30. An informal opinion poll could be conducted before any more time or money are involved. (Amended at 3/1/90 meeting)

Betty Dumond made a motion that someone locate a copy of State Mobile Home Park Law. Mac Nason seconded. Cal said that he would do this. ~~Ron Fowler was opposed but~~ All other members voted in favor and the motion carried. (Amended at 3/1/90 meeting)

The Chairman will issue an agenda every month, to be included when notices of the meetings are sent. These will be sent four business days prior to each meeting.

Betty Dumond made the motion, Kathy Hoppe seconded and the meeting was adjourned at 8:45 p.m.

Members present were Calvin Adams, Betty Dumond, Malcolm Nason, Ron Fowler,

Kathy Hoppe and Jeanne Currier. Town Manager James Nadeau attended the meeting as did the following: Peter St. Peter, Christy Dicker, Gregory Cyr and Rick Nannicelli.

Lake
S

Main
Road

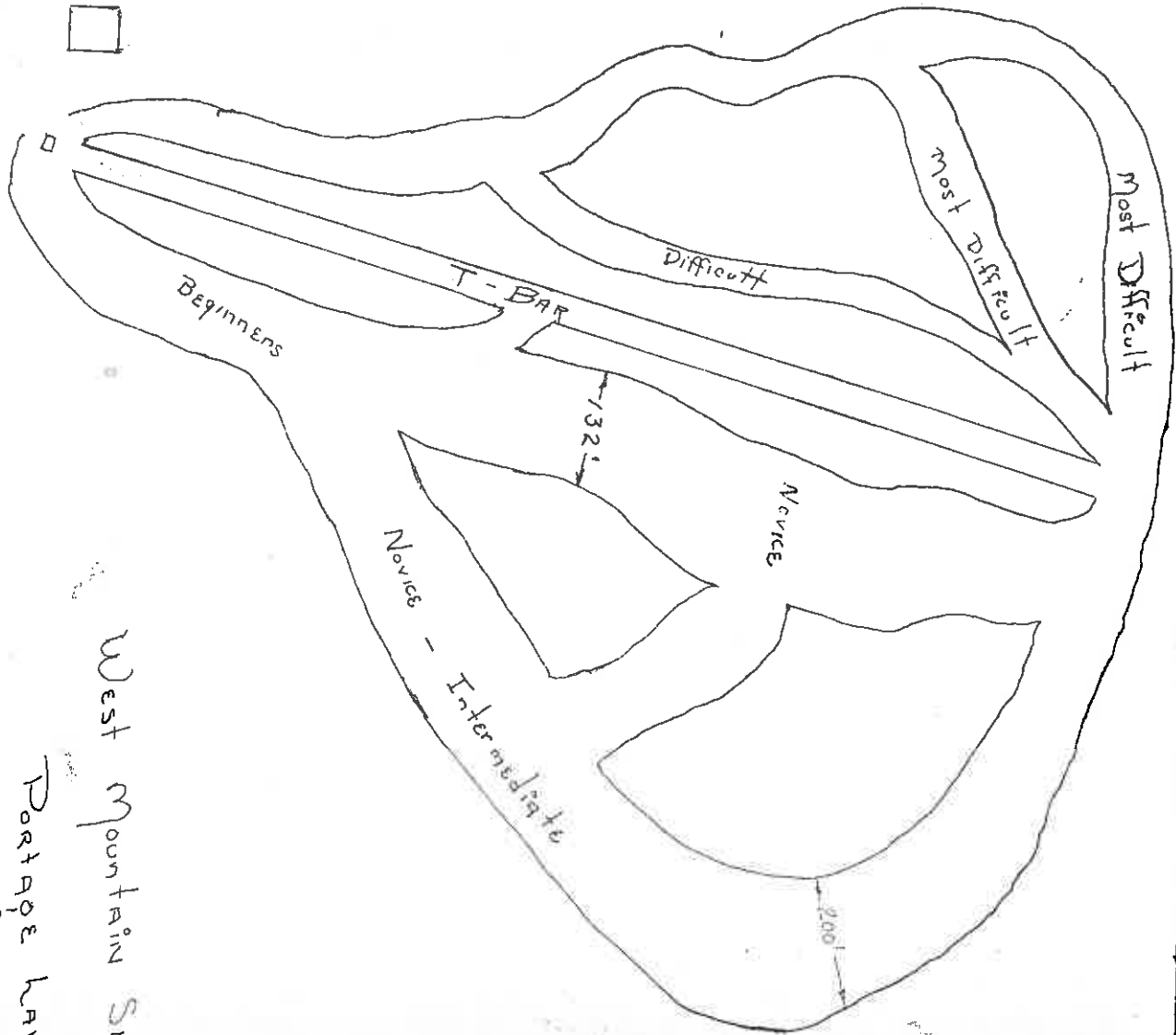
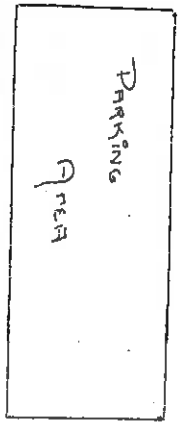


Lodge



Parking
Area

Parking
Area



West Mountain Ski Area
Portage Lake

Not to Scale

Planning Board Adgenda
March 1, 1990

1. Minutes of previous Meeting.
2. Report of Ordances
3. Sanitary District--Forming Committies and guiding .
4. Shèrèling zoning change by State.
5. N M R P C Survey. *Complete + Return 3/1/90*
6. Low Income Housing . Zoning .
7. Rezone area on the west cottage rd.
(Salt & Sand Bldg., Deer Yard, Housing dev.)

3/1/90 The meeting of the Town of Portage Planning Board was called to order at 7:00 p.m. by Chairman Calvin Adams.

The minutes of the February 1 meeting were read and discussed. Ron Fowler asked that they be amended to read that he did not vote to oppose the motion of the Planning Board obtaining copies of the State Mobile Home Park Law. Mac Nason reminded the secretary that he had requested that Greg Cyr present his proposal to the townspeople after Town Meeting on 3/30. An informal opinion poll could be conducted before any more time or money were involved. Kathy Hoppe made a motion (R. Fowler seconded) to amend the minutes to include these changes. Members voted unanimously to do so. Mac Nason made a motion (K. Hoppe seconded) to accept the minutes when amended. Again, the members voted unanimously to accept this motion.

Cal spoke with Maine Municipal Association's Becky Seals and found out that the review of our revised ordinance is nearly finished. MMA will send a written critique and the Planning Board will discuss and revise the ordinance.

Organizing a sanitary district in the Town of Portage was discussed. Dan Higgins, Betty Dumond, Mike Bartlett and Cal Adams have been studying the details. Cal has contacted the offices of Senators Mitchell and Cohen and also the FMHA for information.

Cal distributed copies of an article from the Portland Sunday Telegram discussing recent changes to the State's Shoreland Zoning laws.

Mobile home parks and low income housing were discussed. All members had a booklet highlighting the state laws but the Board lacks a copy of the law itself. Cal will request copies of this State Law #506. He will also request information on the floating zones for low income housing.

Cal presented a map from the Department of Inland Fisheries showing designated deeryards. The area chosen for the elderly housing project is not located within a deeryard. Kathy Hoppe made a motion (C. Adams seconded) that the Planning Board accept the map from D.I.F. as part of our records and keep it on file. Members voted unanimously in favor of this motion.

The sand and salt shed building was briefly discussed. Further information will be presented at Town Meeting. The building site is located in the general zone and will not have to be rezoned.

A representative of the Boliden (mining) Company contacted Cal and advised him that their Portland consultant John Caesar would be available to speak to the Planning Board. Members showed interest.

Kathy Hoppe discussed the description of our role as a planning board. Jim Patterson of L.E.A.D. would be available to discuss fulfilling our role. Joan Wright of New England Rural Leadership is also available. Kathy made a motion (G. Morris seconded) that we request help in defining our role and increasing efficiency in running the meetings according to our Ordinance. This motion was unanimously accepted. It was noted that a copy of the Planning Board bylaws would be helpful.

The meeting was adjourned at 8:06 p.m.

Members present were Calvin Adams, Ron Fowler, Malcolm Nason, Gene Morris, Kathy Hoppe and Jeanne Currier.

MAINE MUNICIPAL ASSOCIATION

Legal Services
Community Drive
Augusta, Maine 04330-9411

Telephone (207) 623-8428

WILLIAM W. LIVENGOOD
REBECCA WARREN SEEL
RICHARD P. FLEWELLING
ELLERBE P. COLE
JOSEPH J. WATHEN

March 8, 1990

Calvin Adams, Chairman
Portage Lake Planning Board
Town of Portage Lake
P.O. Box 255
Portage Lake, Maine 04768

Re: Review of proposed zoning ordinance

Dear Calvin:

This is in response to the request originally received from Jame Nadeau on February 5, 1990 and a follow-up to our telephone conversation on February 26th. I'm very sorry that it has taken so long to submit comments to you. Although Mr. Nadeau asked only that we review the proposed changes shown in bold print, I felt compelled to review and comment upon the entire ordinance. Those comments appear below for your consideration:

1. Page 1. In sec. 5.1(c) I recommend that you indicate to whom the petition is supposed to be directed and submitted. This is also true for sec. 12.8 on page 32.
2. Page 2. You should add language to sec. 5 regarding the need to submit ordinance amendments involving shoreland areas to the Department of Environmental Protection for approval before they become effective. I am enclosing a copy of 38 M.R.S.A. §438-A for your convenience.

In sec. 7, second paragraph, you should say "normal high water line" to be consistent with the state. This is true wherever you used that phrase in the ordinance. You also should indicate what bodies of water and wetlands are included under shoreland zoning; by State law, at a minimum you must regulate the shoreland areas of "great ponds," "rivers," "streams", and "freshwater wetlands" as defined in 38 M.R.S.A. §436-A (copy enclosed). You also need to indicate what part of the "lake roads" constitutes the district boundary--the furthest edge of the travelled portion? of the right-of-way? You'll also need to be very specific about which roads are involved and prepare maps accordingly; you cannot say "including but not limited to" because that reference is too indefinite.

3. Page 3. I recommend that you replace sec. 8.2 and 8.3 with the more detailed provisions contained in the new State model shoreland zoning ordinance. The language in the State ordinance covers more situations than your proposed language does and you'll eventually have to use the State language anyway. A copy is enclosed for your convenience.

In sec. 9.1(b), there appears to be something missing after the word "maximum."

4. Page 4. In sec. 9.3(1) you need to elaborate regarding what you mean by "open space use." (This comment also applies to similar references in the lists of uses for other districts.) In sec. 9 the reference to sec. "13.8.3" should be changed to "14.8.3".
5. Page 5. In sec. 9.6 I recommend that you clarify generally what dimensional requirements apply to existing vacant lots of record and to existing developed lots of record. The current language deals only with two scenarios--newly created lots split by a district boundary and existing residences for which a lot has never been formally created. I assume that other situations exist in this district where lots already exist in recorded form but whose status as to whether it is conforming or nonconforming is unclear because sec. 9.6 doesn't say what requirements generally must be met for a new lot to be conforming.
6. Page 6. The references to "13.2" and "13.3" should be "14.2" and "14.3."
7. Page 8. In sec. 10.4 the reference to sec. "13.8.3" should be changed to "14.8.3". In subsec. 1 the category called "uses which are similar to the above uses" seems somewhat meaningless since the only other uses listed are campgrounds and their accessory uses and structures.
8. Page 9. In 10.6(1) is the proposed increase to a 40,000 square foot lot size supported by the town's comprehensive plan?
9. Page 13. In sec. 11.3(2), you should clarify what you mean by a "single use structure." In the first paragraph of sec. 11.4 the reference to "13.8.3" should be "14.8.3."
10. Page 14. I wondered why the material covered in subsec. a(1-4) under "mobile home park" wasn't included in sec. 13

- and in sec. 11.6, as appropriate, rather than being included in this list of uses?
11. Page 15. In sec. 11.6, is the increase to 40,000 square feet supported by the town's comprehensive plan? You also should clarify whether these dimensional requirements apply per lot, per building or per unit.
 12. Page 16. In the paragraph regarding major reconstruction projects, it is my opinion that a court would find that it gives the board and CEO too much unguided discretion to determine what the setback must be. You need to add language to indicate under what circumstances a greater setback may be needed and how much of an increase the board can order. In the first paragraph of sec. 11.7 the reference to sec. "14" should be changed to sec. "13".
 13. Page 17. I wondered why you chose to put the Subdivision Ordinance in the zoning ordinance rather than keeping it separate as most towns do?
 14. Page 18. The list of review criteria should be expanded to reflect recent changes in the state law (copy enclosed).
 15. Page 19. The current statutory reference to the State Subdivision Law is 30-A M.R.S.A. §4401-§4407. The references to sec. "4551" in sec. 12.2(A)(1) on this page and pages 20, 27, 29 and 33 should be changed to the current cite. Regarding sec. 12.2(B)(3), I wondered why you included it here rather than in the section regarding submission requirements. In the fourth sentence of this section, I think the opening phrase should be "... or waiving the right,..."
 16. Page 20. In sec. 12.3(D) and wherever the term "plat plan" is used, you should say either "plot plan" or "plat" instead.
 17. Page 22. In subsec. D the board is given the authority to waive the requirement of a preliminary plan but there are no standards provided to guide this decision. Did you intend this waiver authority to be controlled by sec. 12.6?
 18. Page 30. In subsec. G, the reference to section 4358(3) of the State law regarding municipal regulation of mobile home parks does not by itself establish requirements that parks must follow. All that this statute does is limit what a

Calvin Adams
March 8, 1990
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town can require of mobile home parks regarding lot size, setbacks, and so forth. If you want to establish standards for parks, you must do so specifically. I am enclosing a copy of the statute and a sample mobile home park ordinance.

In subsec. H(1) you should consider allowing a letter of credit as another type of performance guarantee. Most municipal attorneys find these easier to use if a developer defaults. Sample language is enclosed. In subsec. H(4) you should indicate what standards are supposed to guide the board in deciding whether to waive the performance bond requirement.

19. Page 33. In the next to the last paragraph of sec. 12.9, last sentence, you should delete the words "of any municipality." In sec. 12.11 you need to add language indicating that the fees established by the selectmen must be based on the town's actual costs of administering and enforcing this part of the ordinance.
20. Page 34. The provision in sec. 13.4 authorizing a 50 foot setback for boathouses appears to conflict with the State's model shoreland zoning ordinance. You should check with DEP's shoreland zoning division to see if they agree.
21. Page 37. In subsec. 4, in the opening sentence, you should change "may" to "shall." In subsections 4(a) and 4(b) you need to indicate what factors will govern the board in setting a compliance date. In subsec. 4(g), you need to state the date of publication for the Technical Guide.
22. Page 38. In subsec. 7 I wondered how the three year period was selected.
23. Page 39. In sec. 13.9 you need to define "home occupation." Some samples are enclosed. The prohibition in sec. 13.9(4) seems overly broad. Generally, the courts like to see the prohibition focus on whether the noise, odor, etc. will travel beyond the property line. Sample language is enclosed.

In sec. 13.10 most of the provisions relating to parks conflict with 30-A M.R.S.A. §4358 (copy enclosed). I am enclosing a sample mobile home park ordinance and recommend that you use it as a guide in revising sec. 13.10.

24. Page 40. Is it your intention that sec. 13.11 should only apply to structures in mapped flood hazard areas? You should add language to make that clear if that is the case. In the first line of sec. 13.11(1) you should add the word "potentially" at the end after "any structure." In sec. 13.11(3), I assume that the required permit is a building permit from the CEO. You should make this clear and indicate what standards the CEO is supposed to use in reviewing the application. In subsec. 13.12(2)(d), I wondered whether the limit on the number of units per building was supported by language in the town's comprehensive plan.
25. Page 42. In sec. 13.13(2) there is a discrepancy between the words and numbers--do you want the space to be 100 or 150 square feet? In sec. 13.13(2)(i) how will you judge whether an "adequate" number of spaces is being provided? In sec. 13.14(1)(c), must factors 1-4 be present before a conditional use permit is necessary or do you intend to require a CU permit if any one of the four exists?
26. Page 43. In subsec. 3(a) you should add language to guide the board in deciding whether an activity will "unreasonably alter scenic or aesthetic qualities." I believe that a court would find that the existing language is too vague.
27. Page 44. In subsec. 2(b), first paragraph, and subsec. 2(b)(2), it states that area and frontage "may be reduced" by a certain percentage or certain number of feet. Is it your intention to leave it to the applicant to decide how much of a reduction to take or did you want the planning board to determine what reduction is appropriate in a given case? If you want the planning board to control this, then I believe you need to add more language here to guide the board in deciding what reduction to allow.
28. Page 45. Although typical of cluster development provisions, the language in subsec. (1) is fairly vague and subjective. You should consider providing more detail to guide the board.
29. Page 46. In subsec. (2) you need to indicate who publishes the "Soil Suitability Guide" and the date of the edition you want to adopt. In subsec. (4), when it states that privies may be permitted "where other means...are not feasible," is "feasibility" determined based solely on whether there is no

other type of system which could be installed in accordance with the Plumbing Code or did you have something else in mind? This should be clarified.

30. Page 47. In subsec. 5(a), what does "feasible" alternative mean? Also you should change "Health and Welfare" to "Human Services."
31. Page 48. What is meant in subsec. 6(a) by an "alternative system"? Also, you should change "Health and Welfare" to "Human Services". In subsec. 7(a), I wondered what the scientific basis was for the 300 foot setback when flow exceeds 2000 gallons per day.
32. Page 49. In sec. 13.17 you should define what you mean by a "billboard." In subsec. 3(c) and (e) I wondered what distinction you were trying to make between signs relating to "goods or services rendered on the premises" vs. "goods and services sold on the premises." Is (e) intended to apply to non-residential users only?
33. Page 50. Regarding secs. 13.18 and 13.19, I am enclosing the timber harvesting provisions and clearing provisions from the recently-approved State model shoreland zoning ordinance. I would encourage you to revise your ordinance to be consistent with the State's provisions.
34. Page 54. In sec. 14.2(2), you need to add language stating that the CEO shall approve the application if he/she finds that it meets all applicable requirements of the ordinance. You also should clearly state that the applicant has the burden of proof.
35. Page 56. In sec. 14.7 you should change "misdemeanor" to "civil violation." Also the fines must be changed to "not less than \$100 nor more than \$2500" to be consistent with 30-A M.R.S.A. §4452. In sec. 14.8.1, is it your intention not to allow appeals to the BOA from a decision by the planning board? If it is, you should clearly state that such appeals must be filed directly in Superior Court and that the BOA has no jurisdiction. In sec. 14.8.2 (2)(a), the staggered terms should be handled differently. Generally every one is supposed to end up with terms of the same length, but the initial terms will vary while members are phased in. For example, if you want everyone to eventually serve a three year term, you should say that board members

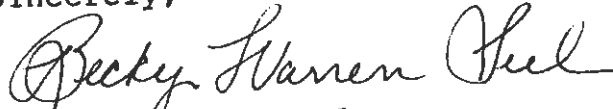
will serve staggered three year terms, with the initial terms being (2) for three years, (2) for two years and (1) for one year. In sec. 14.8.2(2)(b) you should insert "or his/her spouse" after the words "municipal officer" to be consistent with State law.

36. Page 57. In subsec. 3(A), I raise the question again of whether you want the BOA to hear appeals from planning board decisions. In subsec. 3(B) you should indicate what "undue hardship" means -- a copy of the State law definition is enclosed. Also in that subsection, I recommend adding frontage and setback to the list of requirements which may be the subject of a variance.
37. Page 58. In subsec. (b) you need to add the municipal officers to the list of officials who must be notified in order to be consistent with State law. This comment also applies to subsec. (i) on page 59.
38. Page 59. In sec. 14.8.3(2) you need to add language clearly stating that the board must approve the application if it finds that the applicant has met all applicable requirements of the ordinance. You also should clearly state that the applicant has the burden of proof.
39. Page 61. Several yeas ago the Maine Supreme Court invalidated a provision in Pittsfield's zoning ordinance which was virtually identical to the language in yours which tells the board to "consider" certain factors and "evaluate" certain effects. The court also has struck down language in Brunswick and Yarmouth zoning ordinances similar to the "compatibility" provision in subsec. 4(b)(1) of yours. This portion of your ordinance (like similar provisions in the ordinances of many other towns) has serious problems which need to be resolved. Unfortunately, there is no "ready made" model which I can send to you. I am enclosing some material to show you what the courts said in the cases referenced above and some sample ordinance approaches from other towns.
40. Pages 63-66. I am enclosing the definition section from the State's model shoreland zoning ordinance for you to use in revising and expanding yours.

Calvin Adams
March 8, 1990
Page 8

I hope this is helpful. Feel free to call if you have questions. Again, I apologize for my delay in getting these comments to you.

Sincerely,

A handwritten signature in cursive script that reads "Becky Warren Seel". The signature is written in black ink and is positioned above the typed name.

Rebecca Warren Seel
Senior Staff Attorney

RWS:aks
Enclosures

PUBLIC NOTICE

To _____, a constable of the town of _____
in the County of _____

Greeting:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the town of _____ that the municipal officers of said town will meet at _____, on _____, the _____ day of _____, 19____, at _____ o'clock in the _____ for the purpose of holding a public hearing on the proposed revisions to the town's zoning ordinance, a copy of which has been attested and posted with this notice. Additional copies are available at the town office.

Given under our hands this _____ day of _____ 19____.

Municipal Officers of
Portage Lake, Maine

Attest:

RETURN

Town of _____, 19____
Pursuant to the within order of notice, I have notified and warned the voters of the town of _____ that the municipal officers will meet at the time and place and for the purpose therein named, by posting this day an attested copy.

Town Clerk of Portage Lake, Me.

AGENDA

PLANNING BOARD MEETING 4/5/90

1. Open meeting at 7:00 p.m.
2. Minutes of previous meeting
3. Introduce Mr. Cesar - Bald Mountain project
4. Revision of Ordinance - comments
5. Remarks
 - A. Mac Nason
 - B. Dan Higgins
 - C. Betty Dumond
6. Close meeting

4/5/90 The meeting of the Town of Portage Planning Board was called to order at 7:00 P.M. by Chairman Calvin Adams.

The minutes of the March 1 meeting were read and discussed. Ron Fowler made a motion to accept the minutes as read, Gene Morris seconded. All members voted in favor.

Cal introduced Mike Robb, Mining Engineer with Boliden, the company that plans to mine Bald Mountain. This project will be a surface mine, an open pit. The ore will be transported to a processing plant located on-site, then trucked to a rail site. From there it will be transported to a seaport. DEP is currently in the process of having regulations and permits written. The mining project will employ an estimated 110 to 150. Most will be from within commuting distance. Boliden plans to establish a training program for the mill workers. Estimated production would be two to three tons a day or approximately two million tons a year. Current plans estimate the project will operate for about 16 years.

About one million tons of gold ore will be mined the first two years. John Cesar spoke about this process. Cyanide is used in the process of purifying gold. However, this cyanide will be recycled and reused. It is very expensive and all means will be used to prevent it from escaping into the groundwater. The process uses about two pounds of cyanide per ton of ore, disregarding recycling. Boliden would be required to reclaim the land after the mining project is finished. The reclamation could take about two years.

Howard Lewis, Manager of Environmental Affairs, discussed the need to collect additional information on air and water quality. He also briefly discussed the reclamation of the area.

Mike Scully, Project Geologist, discussed the mineral deposits and the drilling process.

Per-Martin "Pelle" Sandgren, Mill Manager, spoke about his responsibilities with Boliden. His responsibility will be to design and look after the mill. He will need to do more studies to develop a design from ecological, technological and economic viewpoints. The company's objective is to have a sealed discharge system.

John Cesar assured the group that Boliden will continue to communicate with the community after the project is under way. He also discussed the trucking of their product - five or six trucks a day (three hundred tons).

Boliden's representatives invited anyone with further questions to phone their Portland office and also offered their business cards to Planning Board members and the public.

The Planning Board next discussed the ordinance revisions by the MMA. Betty Dumond made a motion (G. Morris seconded) to have the chairman check with NMRPC to find out what it would cost to have them update our ordinance and also check with them to see what we can do about outdoor burning and handling of solid waste (find out if this should be incorporated into our ordinance). All members voted in favor of this motion.

Mac Nason discussed mobile home parks. The subject is discussed in the "Handbook for Local Code Enforcement Officers" and also in MMA's Maine Municipal Law Book. Mac does not like to see mobile home parks designated as low income housing. A zone for a mobile home park will have to be established, even if it is a floating zone. No decision was made on this issue.

Betty Dumond spoke about the elderly housing project. She did not think the deeryards had been zoned by town vote. Cal will check to see if there is a record of a special town meeting to designate deeryards. Any special meeting would have taken place after the March 1987, Planning Board meeting when Department of Inland Fisheries' biologist and game warden presented their information on the subject.

Betty asked that the minutes of the previous meeting accompany the monthly notice and agenda. The Secretary agreed to do this.

On April 12, 6:30 to 9:00 P.M., the NMRPC will conduct a seminar on Shoreland zoning. Kathy Hoppe advised the chairman that NMRPC has funds to provide assistance to five towns to revise their shoreland zoning ordinances. Betty Dumond made a motion (R. Fowler seconded) that Kathy Hoppe write a letter requesting an NMRPC grant to help rewrite our shoreland zoning ordinance and that Cal see if we can incorporate that shoreland zoning ordinance into our ordinance. All members were in favor.

Mac Nason was notified that his term on the Planning Board has expired and that the Selectmen had appointed Dan Higgins to replace him.

The meeting adjourned at 9:10 P.M.

Members present were: Gene Morris, Calvin Adams, Malcolm Nason, Betty Dumond, Ron Fowler and Jeanne Currier.

Stephen A. McCulloch
N.M.R.P.C.
2 Main St. P.O. Box 779
Caribou, Maine 04736

April 17, 1990

Dear Steve:

I am contacting you regarding the grant program the Commission has to provide technical assistance to towns in the adoption of ordinances. As Assistant Chair of the Portage Town Planning Board I am requesting that the town of Portage be included in this program.

Portage presents a rather unique situation for the Commission in the development of shoreland ordinances, as it is the only town which completely surrounds a major great pond (Portage Lake). This allows a greater opportunity to control nonpoint pollution sources (NPS), through ordinances and regulations, in a large percentage of the lake's watershed. As you may know, both the EPA and DEP have made NPS one of their priority programs. They are also encouraging towns to protect and improve water quality through comprehensive planning and the adoption of ordinances. Portage Lake is very important to both the esthetics of the community and the economy of the Town and therefore needs to be protected through a thorough planning, management and ordinance system.

Presently the lake is listed in DEP's NPS Assessment as not meeting classification due to NPS pollution. Therefore, the Town needs to address both present and future land use activities. Future threats to the lake's water quality come from both normal lake development activities and the possible influx of development not only on the lake, but also in the lake's watershed from the Bald Mountain mining project. Other threats to water quality include wood harvesting and resource extraction. In order to control and limit the impact these projects have on water quality, Portage will need to have a thorough watershed program that will include ordinances.

The town of Portage has consistently worked with the Commission; the most recent project being the study on solid waste disposal. In addition, Portage has consistently paid their dues.

We look forward to working with both you and the Commission.

Sincerely:



Kathy Hoppe
Assistant Chair,
Portage Planning Board
P.O. Box 126
Portage, Maine 04768

CC: Jim Nedeau, Portage Town Manager



northern maine regional planning commission
2 main street, p o box 779
caribou, maine 04736
207 · 498 · 8736



May 1, 1990

Mr. James Nadeau
Town Manager
Box 255
Portage Lake, ME 04768

Dear Jim:

We are in receipt of your request for the Commission's technical assistance in writing your Town's New Shoreland Zoning Ordinance and I am please to say you have been accepted as one of the communities to receive the assistance.

I will be in touch with you soon. In the meantime the Town should consider what changes they may wish to make in:

1. the districts and their limits, keeping in mind the creation of the three new districts, (Resource Protection, Limited Residential, Limited Commercial, General Development, Commercial Fisheries/Maritime Activities, and Stream Protection); and

2. what streams and/or water bodies, other than those described by DEP, the Town wishes to identify for control.

This
should
be looked
at.
Jim

In the meantime, if you have any questions, please feel free to contact our office at 498-8736. I have enclosed, if I have not already given them to you, four additional copies, a summary sheet of the Ordinance and a couple flyers.

Sincerely,


Stephen A. McCulloch
Senior Planner

The Town of Portage Planning Board will hold a meeting Thursday, May 3, 1990, at 7:00 P.M.

AGENDA

1. Meeting will be called to order at 7:00 P.M.
2. Reading of minutes of 4/5/90 meeting
3. Election of officers
4. Discussion of zoning regulations from NMRPC
5. Proposed by-laws
6. Comments and proposals by members

5/3/90 The meeting of the Town of Portage Planning Board was called to order at 7:00 P.M. by Chairman Calvin Adams.

The minutes of the April 5 meeting were read and discussed. Dan Higgins asked if Boliden offered to help to defray the cost of additional town services. Dan would like to see the Town Manager contacted to answer why the the Planning Board was not consulted about the dump issue, why the Planning Board had no input. Kathy Hoppe wondered if we could ask that Lee Thomas from the DEP to speak to the Planning Board and/or the Selectmen to discover any other options that may be available to us in the future regarding the dump issue and the disposal of solid waste. Dan asked to be quoted as saying, "The dump issue has been handled poorly." Cal noted that we will receive an assistance grant for NMRPC's help in rewriting our Shoreland Zoning Ordinance. Ralph Stolze mentioned to Betty Dumond that buildings are being moved in town without permits. There is no mention of this subject in our present ordinance. Betty Dumond made a motion (Gene Morris seconded) to accept the minutes as read. All were in favor.

Nomination of officers was the next item on the agenda. Gene Morris nominated Kathy Hoppe as Chairperson (Betty Dumond seconded). No other nominations were made and Gene Morris made a motion (Ron Fowler seconded) that nominations cease. All were in favor. Cal Adams made a motion that the Secretary cast one vote. Gene Morris nominated Betty Dumond as Vice Chairperson and Ron Fowler seconded. Cal Adams made a motion that nominations cease (Gene Morris seconded). All were in favor. Cal made a motion that the Secretary cast one ballot, Ron Fowler seconded. All were in favor. Betty Dumond made a motion to nominate Jeanne Currier as Secretary (Kathy Hoppe seconded). Cal Adams again made a motion to cast one ballot.

The next topic on the agenda was a discussion of zoning regulations and NMRPC. We have been advised that the Town of Portage will receive an assistance grant for NMRPC's help in rewriting our ordinance. All towns in Maine have until December 31, 1991 to adopt the State Guidelines for Municipal Shoreland Zoning Ordinances. Ron Fowler noted that our recent revisions were in-depth and related specifically to our town. Cal Adams told the Board that he had submitted our revised ordinance and also MMA's recommendations to NMRPC. They suggested that these changes be incorporated into the latest version of the State guidelines. Planning Board members were asked to read the latest revision of the State Guidelines and to note any additions they would like to see in the Town Ordinance. We would like to see a permit required to move buildings. The State Guideline does not mention subdivisions. If we write a Subdivision Regulation we would have to hold a public informational meeting but the Planning Board would maintain control of this regulation. The public would not have to vote on this. The townspeople would have to vote on the issue if it is written as a Subdivision Ordinance. Dan Higgins made a motion (Ron Fowler seconded) that we control subdivisions through regulations rather than through an ordinance. Members unanimously favored this motion. Kathy Hoppe will check with Steve McCulloch of NMRPC to see what is needed to get our revisions started.

The proposed Planning Board By-Laws were discussed. Town Manager James Nadeau supplied a list of suggestions which the Planning Board addressed individually. These are listed on a separate page.

The last item on the agenda was a discussion of members' concerns and comments. Kathy Hoppe will invite Lee Thomas from DEP to speak to the Planning Board. There were many unanswered questions about the dump issue, a transfer station, different contractors interested in hauling trash to the Frenchville incinerator, etc. The problems with the campground at the head of the lake are still unresolved. The water is not drinkable, there are no sanitary sewers and trash removal continues to be a problem. Planning Board members wondered if the Selectmen were aware that the campground does not meet the requirements written in the town's own ordinance. Members decided, but did not vote, to ask if we could be added to the Selectmen's agenda for their May 9 meeting. We would like to discuss the dump issue as well as the campground. Dan Higgins suggested that our revisions to the ordinance discuss seasonal and year-round dwellings.

Betty Dumond made a motion to adjourn at 9:17 and Cal Adams seconded. All members were in favor.

Members present were: Calvin Adams, Betty Dumond, Dan Higgins, Gene Morris, Ron Fowler, Kathy Hoppe and Jeanne Currier.

TO: Portage Planning Board
FROM: Kathy Hoppe
RE: Next Meeting, Thursday June 7, 1990 at 7:00 P.M.

I have spoken with Steve McCulloch of NMRPC concerning the assistance grant we have with them to write our shoreland zoning ordinance. All we need to do is supply Steve with a list of topics we would like added or strengthened and the NMRPC will write them into the new state model ordinance (i.e., they will make sure wording and placement in the ordinance are correct). So, for the June 7th meeting, please come prepared with a list of topics you would like addressed differently in the shoreland zoning ordinance. Please keep in mind that this ordinance only applies to the shoreland zone and that we cannot make anything less stringent than the state model ordinance. I would like to submit a list of our changes to Steve following our June meeting.

Please also come prepared to discuss subdivision regulations/ordinance. You should have a copy of a subdivision ordinance and a cluster development ordinance. If you do not, please see Jim at the Town Office. If you do not know or understand cluster development, I highly recommend the tape I borrowed from the NMRPC dealing with that topic.

Agenda for June 7, 1990

1. Meeting called to order at 7:00 P.M.
2. Read and discuss minutes of 5/3/90 meeting.
3. Planning Board By-Laws
4. Shoreland Zoning Ordinance
5. Subdivision Regulations/Ordinances
6. Bald Mountain

If you have any of the video tapes I borrowed, please bring them to the June 7th meeting. Thank you.

6/7/90 The meeting of the Town of Portage Planning Board was called to order at 7:07 P.M. by Chairperson Kathy Hoppe.

The minutes of the May 3 meeting were read. Dan Higgins made a motion (Betty Dumond seconded) to accept the minutes as read. Cal Adams commented that the new State Guidelines do mention moving buildings. He also noted that the Selectmen were aware that the campground did not meet the Town's Ordinance. Dan Higgins attended the regional meeting on the dump issue. The State will close the Frenchville Incinerator unless its problems are corrected. The town dump will not be closed July 1. Another meeting will be set up to discuss a regional incinerator in the Portage/Ashland area. The campground issue was again discussed. Dan would like to know if the results of the water samples from the artesian well and the campground are back yet. Kathy noted that the campground should meet the requirements of the shoreland zoning ordinance because it is within the shoreland zone. The Planning Board had recommended that the campground be brought into compliance not that it be closed. The May minutes should be amended to read that the towns in Maine have until December 31, 1991 to adopt the State Guidelines for Municipal Shoreland Zoning Ordinances rather than 1990 as originally written. The minutes were accepted as amended.

Planning Board proposed By-Laws were discussed. Item 10 is to be added: Election of officers should be done at the first regular meeting in May. Members' terms would expire in May with staggered terms. Dan made a motion to accept this item, Betty seconded. Item 1 was changed to the second Thursday of every month. Cal had a copy of Presque Isle's Planning Board by-laws which he gave to Chairperson Hoppe. The Secretary will incorporate our proposed by-laws with the P.I. by-laws and will have a copy at the July meeting for each member.

Dan Higgins said that Town Manager Nadeau told him that the Planning Board will have to work on the Comprehensive Plan. The Board did realize that the Comprehensive Plan will need to be rewritten but the Ordinance is the priority at this time. Members would like to see Mr. Nadeau attend our meetings so that he could participate rather than be represented second-hand. Kathy said that she will ask him to attend.

Proposed changes to the State Guidelines were discussed. The Chairperson and Secretary will compile a list of those items members approved and Kathy will discuss these proposed changes with NMRPC's Steve McCulloch. Dan Higgins made a motion (Cal Adams seconded) that our comments and concerns be passed on to NMRPC immediately. See attached list. All were in favor.

Several members would like to know what would need to be done to change the Town's tax rate on resource protected land. Certain lots in Town do not pass soil tests and cannot be built upon but they are taxed at the same rate as other buildable property. The Board members realize that it is not a Planning Board function to make a recommendation on taxes, but certain members have concerns.

The Bald Mountain project was discussed. The people writing the regulations met with LEAD. Greg Cyr, Kathy Hoppe and Town Manager James Nadeau also attended this meeting. The group requested that any further comments and concerns be passed on to them in writing.

The proposed subdivision ordinance (or regulation) should be read and members should be prepared to discuss this at the July meeting.

The meeting was adjourned at 9:22 P.M.

Members present: Kathy Hoppe, Gene Morris, Ron Fowler, Calvin Adams, Betty Dumond, Dan Higgins and Jeanne Currier.

PLANNING BOARD BY-LAWS

ARTICLE I: Establishment

Pursuant to Title 30, M.R.S.A., Section 1917, as amended, the Town of Portage hereby establishes the Municipal Planning Board.

ARTICLE II: Appointment

1. Board members shall be appointed by the Board of Selectmen and sworn by the Town Clerk, or other person authorized to administer oaths.
2. The Board shall consist of seven (7) members.
3. The term of each member shall be for three (3) years; except the initial appointment which shall be for the term of each member serving on the Board, as constituted prior to the enactment hereof. Two three-year terms may be served by any member. The Board may recommend to the Board of Selectmen that this rule be waived.
4. Vacancy: When there is a vacancy, the Board of Selectmen shall appoint a person to serve for the unexpired term. A vacancy shall be deemed to have occurred upon the happening of any of the following events: Resignation, death, or when a member shall fail to attend three (3) consecutive meetings or fail to attend at least 75% of the regular meetings (unexcused by the Chairman) during the preceding twelve (12) month period. When a vacancy occurs, the Chairman shall immediately notify the Board of Selectmen in writing. The Board of Selectmen may remove any member or members of the Board by unanimous vote, after due notice and hearing.
5. A member of the Board of Selectmen, while serving in that capacity, may not be a member of the Planning Board.

Article III: Officers

An annual meeting shall be held the second Thursday in May and the following officers shall be elected from members of the Board, and shall serve until replaced. Members' terms would expire in May with terms expiring different years (staggered terms).

(a) Chairman

1. The Chairman shall preside at all regular, special and executive session meetings of the Board; and shall conduct the meeting.
2. The Chairman shall appoint members to the committees of the Board, if any, and shall be ex-officio member of any committee.
3. The Chairman shall determine agenda items and order of business.
4. The Chairman shall vote at all regular and special meetings of the Board.

(b) Vice Chairman

The Vice Chairman shall assume the duties of the Chairman when the Chairman is absent.

(c) Secretary

The Secretary shall be responsible for the records of the Board; and for the issuance of any notices or orders of the Board.

Article IV: Quorum

No meetings of the Board shall be held without a quorum of five (5) members in actual attendance at such meeting. A member must be present to vote. All decisions shall be by majority vote of those present and voting. At least four (4) votes will be required to pass a motion.

Article V: Meetings

1. Regular Meetings: The Planning Board shall hold its regular scheduled meeting at 7:00 p.m. on the second Thursday of the month at the Town Office, unless there is no business to be brought before the Board.
2. Special Meetings: Shall be called by the Chairman, whenever it is deemed necessary, provided notice thereof is given by posting written notice of such meeting, which notice sets forth the subject mater(s) to be addressed at the meeting, the date, and the place of the meeting, at least seven (7) days prior to said meeting; such notice shall be posted on the Municipal Bulletin Board, Town Office, at least seven (7) days prior to the meeting date.
3. Notices for all meetings will be posted in three prominent places in town.

Article VI: Appeals

Appeals of any findings, action or determination of the Board shall be to the Town of Portage Zoning Board of Appeals, then to the Superior Court

The Planning Board will be represented by two members at an appeal hearing.

June 7, 1990

PLANNING BOARD BY-LAWS

1. The Planning Board will meet the ^{second} ~~first~~ Thursday of every month at 7:00 P.M. at the Town Office.
2. Written notices of each meeting will be posted in three prominent places in town.
3. The meetings will be conducted under "Roberts' Rules of Parliamentary Procedure."
4. The Planning Board will have 30 days after a completed application is submitted to review and decide if a permit is to be issued.
5. Seven members will constitute the Planning Board with five required to make up a quorum.
6. At least four members will be required to approve a motion.
7. If a member misses three consecutive meetings, the Chairperson informs the Board of Selectmen. The member may be dismissed but the Chairperson may recommend that dismissal may be waived.
8. Two members of the Planning Board should represent the Board at an appeal hearing.
9. Two three-year terms may be served by any member. The Board may recommend to the Board of Selectmen that this rule be waived.

These By-Laws may be added to by majority vote of the full Board. (Or by majority vote of a quorum?)

Suggested changes to new shoreland zoning ordinance.
Results of June Planning Board discussion.

Action: Passed

1. Definition of shoreland for GPA should be 250 feet or the center line of the road, which ever is greater.
2. Prior to becoming a year round residence must have a sewage disposal system to code. (not just a design)
3. Register all nonconforming uses at date this ordinance takes effect. (ie. business on property) This will prevent disputes in the future.
4. Town should identify lots that fit Section 12 E nonconforming lots.
6. No new boat launches. Must register existing ones.
7. Require erosion control plans when permitting use.
9. No mineral extraction within the shoreland zone of GPA, streams or tributary streams. (p 21)
13. Register year round and seasonal dwellings.

Action: Tabled

5. Wish to include allowance for cluster development. (p 14)

Action: Turned down

8. Holding tanks will not be permitted except where preexisting camp, & with proof no alternative exists.
10. No manure storage in shoreland zone of GPA, streams, or tributary streams. (p 22)
11. No spreading of manure in shoreland zone of GPA, streams, or tributary streams. (p 22)
12. No new grazing in shoreland zone of GPA, streams, or tributary streams.

Other:

- A. Need interpretation of p. 6, E. 1.

B. Will NMRPC delete references to coastal wetlands and salt meadows?

ITEMS TO DISCUSS WITH N.M.R.P.C.'S STEVE MC CULLOCH REGARDING SHORELAND ZONING

Page 3, Section 10 - Interpretation of District boundaries

We would like to see our Shoreland District defined:

The Shoreland Zone shall include all areas from the normal high water mark to the lake roads or 250' whichever is greater. The lake roads shall include but not be limited to the East Cottage Road, Hayward Street to the junction with the West Cottage Road and all the West Cottage Road to Lot 74.

M.M.A. hadn't approved of the wording. Can you rewrite this so that it would be more appropriate?

Page 6, Paragraph E - Nonconforming Use

State Guideline currently says that variances will be granted by the Board of Appeals. We would prefer to have the Planning Board grant any variances.

Page 10 - Please delete this and all other references to Commercial Fisheries/Maritime District.

Wherever appropriate, please discuss the issue of seasonal versus year-round dwellings.

The Town of Portage Planning Board will meet Thursday July 12, 1990 at 7:00 P.M.
Please come prepared to discuss subdivision regulations/ordinance.

Agenda for July 12, 1990

1. Meeting called to order at 7:00 P.M.
2. Read and discuss minutes of 6/7/90 meeting.
3. Old Business
 - A. Shoreland Zoning Ordinance
 - B. Planning Board By-Laws
4. New Business
 - A. Review of Permit Application
 - B. Subdivision Regulations/Ordinances
 - C. Filing system (added at this meeting)

7/12/90 The meeting of the Town of Portage Planning Board was called to order at 7:08 P.M. by Chairperson Kathy Hoppe.

The minutes of the June 7 meeting were read and discussed. Corrections were made. Cal Adams made a motion to accept the minutes as amended, Betty Dumond seconded. All were in favor.

Mac Nason stated that this meeting was being held illegally since it had not been posted in three prominent places in town. The notice had been posted at the Town Office only. Chairperson Hoppe had been contacted by an attorney and had discussed the issue. Ms. Hoppe was under the impression that the meeting could be held but that this should not happen again. Dan Higgins made a motion to continue with the meeting, Ron Fowler seconded. All members voted in favor. Mr. Nason said that he will pursue the issue and requested a copy of the minutes of this meeting.

The agenda was adjusted to move to new business to discuss a permit application of John Dsupin. He would like to build an addition to his camp. The camp is within 75 feet of the lake. He is requesting permission for a 30% increase in size. Dan Higgins made a motion (Ron Fowler seconded) that Mr. Nadeau make an appointment with Code Enforcement Officer Ralph Stolze and Mr. Dsupin to explain exactly what the problem is. Ralph apparently wanted an interpretation of the Ordinance. If a variance is required, the request should be brought before the Board of Appeals. Dan Higgins made a motion that any further issues brought before the Planning Board by the C.E.O., the C.E.O. should attend the Planning Board meeting to explain his position. Ron Fowler seconded the motion and all members voted in favor. The C.E.O. should be paid for attending meetings requiring his presence.

The proposed Planning Board by-laws were discussed. Cal Adams made a motion to accept the proposed by-laws, Dan Higgins seconded. All members were in favor. Dan suggested that a copy of these by-laws be sent to the chairman of the Board of Appeals.

The Shoreland Zoning Ordinance was discussed. Chairperson Hoppe sent a copy of our list of changes to Steve McCulloch of NMRPC. Mr. McCulloch will attend our August meeting to discuss our proposed changes. Cal asked if Mr. McCulloch had been asked about zoning the tributaries to the lake. This question was not on our list but Mr. McCulloch will be available to answer further questions at the August meeting.

Town Manager Nadeau presented a copy of the Subdivision Review Process. Chairperson Hoppe asked members to review this information and also asked that members read their copy of the Model Subdivision Ordinance for a Small Town. Since the subdivision ordinance does not pertain only to the shoreland zone, it will have to be adopted separately and not included in the Shoreland Zoning Ordinance.

A filing system for the Planning Board's paperwork was discussed. A file cabinet will be brought to the conference room and will be used by the Planning Board and C.E.O. Mr. Nadeau will also order a large binder for each member.

Model Erosion and Sediment Control and Storm Water Management Ordinance was mentioned. Dan made a motion that Mr. Nadeau check into setting up a water and sewer district in town. Ron Fowler seconded. Discussion followed. Kathy Hoppe was opposed, all other members were in favor. The Town had already asked DEP's opinion on this subject and DEP did not feel this would be feasible.

Ron Fowler asked if the campground complies to the Ordinance. The Selectmen voted to reopen it with limitations. This issue will be discussed at the next Selectmen's meeting and will be brought up at the next Town Meeting. Cal Adams made a motion (Ron Fowler seconded) that Chairperson Hoppe discuss this with MMA. Dan Higgins was opposed, all other members were in favor and the motion carried.

The meeting was adjourned at 9:06 P.M.

Members present: Kathy Hoppe, Ron Fowler, Calvin Adams, Betty Dumond, Dan Higgins and Jeanne Currier. Town Manager James Nadeau also attended this meeting.

The Town of Portage Planning Board meeting will be held Thursday, August 9, 1990 at 7:00 P.M. at the Town Office.

Agenda for August 9, 1990

1. Meeting called to order at 7:00 P.M.
2. Read and discuss minutes of 7/12/90 meeting.
3. Old Business
 - A. MMA's opinion on campground issue.
 - B. Steve McCulloch from NMRPC will answer our questions on Shoreland Zoning, subdivisions, role of the Planning Board, CDBG.

8/9/90 The meeting of the Town of Portage Planning Board was called to order at 7:29 P.M. by Chairperson Kathy Hoppe.

The minutes of the July 12 meeting were read and discussed. Ralph Stolze attended this meeting and requested an answer as to why he was told that he personally, should bring any problems to the Planning Board. Discussion followed. Kathy Hoppe asked that the minutes be amended to read that she had voted in opposition to the motion regarding the request for information on setting up a Town water and sewer district. Dan Higgins made a motion which Ron Fowler seconded, to accept the minutes as amended. All were in favor.

Chairperson Hoppe discussed MMA's opinion regarding the campground. There is no other action that the Planning Board could take but any individual would be free to pursue the issue.

Steve McCulloch and David Potter from NMRPC were introduced. Mr. McCulloch said that we would have to find the Ordinance that established the Planning Board in order to find out what duties are required. He presented a sample copy of a Planning Board Ordinance Procedure. The State mandates that a new Comprehensive Plan will have to be written. Portage's funding is scheduled for 1994; the Comprehensive Plan will have to be completed by 1996. The State's share will be \$11,250; \$3,750 will be the local share, for a total of \$15,000. This project will be 75% State funded, with the Town's share 25%.

Mr. McCulloch discussed variance requirements. The Planning Board should review any questionable application to see if a variance is warranted. The Planning Board is not authorized to issue a variance. The Board of Appeals would be responsible for the final decision. All applications that the Code Enforcement Officer cannot act upon should be brought to the Planning Board. The Planning Board would be authorized to issue a conditional use permit if required, but only the Board of Appeals can decide on a variance, per State law.

Mr. Potter discussed the present Town Ordinance which he will review to find Planning Board responsibilities and authority. NMRPC prepared a draft of the Shoreland Zoning Ordinance for the Town of Portage which included the changes and suggestions made by Planning Board members. Mr. Potter itemized the suggested changes. He will need more information to update the proposed ordinance, such as lot numbers to be included in the definition of the Shoreland Zone. He recommended that our definition of the Shoreland Zone include the phrase "no greater than 500 feet". Conversion of seasonal dwellings to year-round was discussed, specifically septic disposal. Mr. Potter referred to the State of Maine Building Code which covers this subject. This is included in the Draft. Discussion of the other proposed changes followed with each discussed individually.

Dan Higgins made a motion which Ron Fowler seconded, that Beaver Brook be included in the Ordinance under Stream Protection so that no mineral extraction may take place within 75 feet of the brook. This would also prohibit any new gravel pits from being opened. Members in favor were Dan Higgins, Ron Fowler and Kathy Hoppe. Cal Adams and Jeanne Currier abstained. This motion did not carry since our newly accepted by-laws require four votes to carry a motion. Members will discuss Stream Protection at the September meeting and notify Mr. Potter which streams should be included.

Community Development Block Grants were discussed. Mr. Potter offered to meet with the Town Manager and Selectmen. There will be a meeting on CDBG's in Caribou during the third week of August.

The meeting was adjourned at 9:37 P.M.

Members present were Calvin Adams, Ron Fowler, Kathy Hoppe, Dan Higgins and Jeanne Currier. Town Manager James Nadeau and Code Enforcement Officer Ralph Stolze also attended this meeting.

TO: Portage Planning Board Members

From: Kathy Hoppe

RE: September 13, 1990 Meeting

Please find enclosed a copy a wetlands map and a reduced/taped together 7.5 minute topographic map. For the wetlands please indicate what district you believe the wetland should be in. For example there is a wetland labeled number 23, should it be resource protected, limited residential, limited commercial etc. ? Any of the wetlands that are designated medium or high value by State law must be resource protected.

Using the reduced topographic map identify any streams you believe should be protected beyond the State requirements. I have indicated the State requirements.

If you have any questions please feel free to contact me.

The Town of Portage Planning Board meeting will be held Thursday, September 13, 1990 at 7:00 P.M. at the Town Office.

Agenda:

1. Meeting called to order at 7:00 P.M.
2. Read and discuss minutes of 8/9/90 meeting.
3. Update on legal status of Planning Board
4. Shoreland Zoning -
 - A. Old Ordinance
 - B. Wetlands
 - C. Streams

9/13/90 The meeting of the Town of Portage Planning Board was called to order at 7:04 P.M. by Chairperson Kathryn Hoppe.

The minutes of the August meeting were read and discussed. Calvin Adams made a motion to accept the minutes as read, Ron Fowler seconded. All members were in favor except Patty Cyr who abstained since she had not attended that meeting.

Town Manager James Nadeau was unable to attend this meeting but asked Kathy Hoppe to convey the message that the Planning Board was legally formed but will need to have the responsibilities described in an article in the warrant. This would then be voted upon at the next Town Meeting.

The Town Ordinance was the next topic of discussion. The current Ordinance is titled "Shoreland Zoning Ordinance" but deals with the whole town, not just the Shoreland zone. The new ordinance will deal with just the shoreland zone. The sections of the old ordinance which pertain to the other zones will continue to be in force if the new ordinance is accepted by the voters.

Shoreland zoning of wetlands was discussed. Members looked over the map of the Town's freshwater wetlands. Areas 40, 43 and 44 will have to be protected since they are classified as medium risk in the wildlife value rating. Chairperson Hoppe will obtain an aerial photo of the Town so that the Planning Board can make an informed decision on which wetland areas should be protected.

Stream protection was discussed next. The inlet and the outlet, being Fish River, are already protected. The confluence of two streams, or a stream that drains 25 acres or more would be protected under stream protection by state law.

Dan Higgins discussed keeping livestock in the Shoreland Zone. Mr. Higgins made a motion that no livestock be kept or boarded within the Shoreland District of the Lake, Patty Cyr seconded. Further discussion followed. All members except Jeanne Currier were in favor and the motion carried. This will be included in our new Shoreland Zoning Ordinance, though would need to be accepted by the voters at Town Meeting.

Mr. Nadeau asked Chairperson Hoppe to notify us that there would be a public informational meeting regarding CDBG within the next few weeks but the date had not been set. The purpose of the meeting will be to discuss possible projects and to form a committee to develop the ideas.

The meeting was adjourned at 8:10 p.m.

Members present were Calvin Adams, Daniel Higgins, Ronald Fowler, Kathy Hoppe, Patricia Cyr and Jeanne Currier.

The Town of Portage Planning Board meeting will be held Thursday, October 11, 1990 at 7:00 P.M. at the Town Office.

Agenda:

1. Meeting will be called to order at 7:00 P.M.
2. Read and discuss minutes of 9/13/90 meeting.
3. Old Business - Shoreland Zoning.
4. New Business

10/11/90 The meeting of the Town of Portage Planning Board was called to order at 7:05 P.M. by Chairperson Kathryn Hoppe.

The minutes of the September meeting were read and discussed. Calvin Adams made a motion to accept the minutes as read, Dan Higgins seconded. All were in favor.

Resource Protection was discussed. Dan Higgins made a motion that we accept the State's recommendation to classify as Resource Protected, Areas 40, 43 and 44 on the Fresh-Water Wetlands Map. Betty Dumond seconded this motion. The motion was amended to read that we would classify as Resource Protection those three areas that the State described as moderate and will consider other areas once we receive additional information. All members were in favor of the amended motion.

Stream Protection was the next topic of discussion. Cal Adams made a motion that any streams and brooks, as defined by the State in the Natural Resources Protection Act, be placed under Stream Protection. Ron Fowler seconded this motion and discussion followed. Calvin Adams, Kathryn Hoppe and Ronald Fowler were in favor of this motion, Daniel Higgins and Jeanne Currier were opposed and Betty Dumond abstained. This motion did not carry.


Dan Higgins made a motion to place Mosquito Brook into Resource Protection. It is required to be in the Stream Protection District but Resource Protection will be more restrictive. Betty Dumond seconded this motion. All members voted in favor except Jeanne Currier who was opposed. The motion carried.

Cal Adams made a motion that the area now designated as Resource Protected be included in our revised Ordinance. Dan Higgins seconded. All members were in favor and this motion carried.

The meeting was adjourned at 8:55 p.m.

Members present were Calvin Adams, Daniel Higgins, Ronald Fowler, Kathy Hoppe, Betty Dumond and Jeanne Currier.

TO: Portage Planning Board Members

FROM: Kathy Hoppe 

RE: November 8, 1990 meeting

DATE: November 2, 1990

The Thursday, November 8, 1990 meeting has been changed to a workshop hosted by the Northern Maine Regional Planning Commission, University of Maine Cooperative Extension, and the New England Rural Leadership Program. These organizations are hosting a **free** workshop in Caribou at the Caribou High School Library on November 8, 1990 from 7-9:00 pm. I am enclosing a copy of the announcement. It sounds like a good opportunity for our planning board. I believe it will help us accomplish more, more efficiently, and we will be a more valued asset to the town.

This workshop will take the place of our November meeting. Please plan to attend. Jim has agreed to keep track of who is going in an effort to coordinate car pooling (he and the town selectmen may also attend). So, if you wish to attend the meeting, and would like to car pool, please let Jim know.

Hope to see you all there.

TO: Portage Planning Board
FROM: Kathy Hoppe
RE: December 13, 1990 meeting
DATE: December 7, 1990

Our December meeting will be this Thursday, December 13, 1990 at 7:00 pm in the town office. I hope to wrap up our discussions on our new shoreland zoning ordinance so please come prepared (it would be a big help if everyone would read the model ordinance again before the next meeting).

Agenda:

Minutes

Old Business

Wetland protection in shoreland zoning ordinance

Stream protection in shoreland zoning ordinance

Other ?

New Business

Warrant for new shoreland zoning ordinance

Date for public meeting or hearing

Purchase of video equipment

Other ?

TO: Portage Planning Board
FROM: Kathy Hoppe
RE: Shoreland Zoning Ordinance

December 17, 1990

As many of you already know, we did not have a quorum for our December meeting, which was a real shame since Jeanne went to the trouble of borrowing GP's most recent photos of Portage. It also will force us into conducting more than one meeting in January, if we are to have the new ordinance ready in time for the March Town Meeting. Therefore, our meeting schedule for January is being changed to allow us more time. Our first meeting will be the first Thursday of the month - January 3, 1991. A possible second meeting will be contingent on our getting a draft back from the NMRPC.

It is my hope that we can conclude our changes to the State model ordinance at the January 3, 1991 meeting, send these changes to NMRPC and have a draft back for our review before January is over. In February we will need to hold a public meeting, and make any needed changes before the March Town Meeting. As you see, we have a great deal of work to complete between now and then.

In an attempt to provide the Planning Board with all the needed information to make a wise and educated decision concerning protection of our water resources, I have asked Dave Basley, of Maine's Department of Inland Fisheries and Wildlife to attend our January 3, 1991 meeting. He will assist us in understanding how our water resources work and how best to protect them. Since we do have an outside speaker attending our meeting, and I would hate to inconvenience Dave, I am asking that any Planning Board member that **will not** be able to attend the Thursday January 3, 1991 meeting call myself or Jim Nadeau by noon January 3, 1991. Thank you.

Agenda for January 3, 1991:

1. Minutes
2. Old business

Shoreland Zoning

Understanding our water resources - Dave Basley,
Dept. of Inland Fish & Wildlife

Stream Protection