

**Approved 5/18/16**  
**Town of Owls Head**  
**Minutes of Planning Board Meeting**  
**(Wednesday, April 20, 2016 – 7:30 P.M)**

**Board Present:** Chair Robert Pratt, Larry Choate, Dale Martin, and Marc McNeilly (Alternate)

**Board Absent:** William Leppanen and Ken Wexler

**Staff Present:** CEO Scott Bickford and Recording Secretary Deborah Sealey

Chair Pratt opened the meeting at 7:30 P.M.

## **I. Old Business**

**Owls Head Transportation Museum – 117 Museum Street - Review Installation of Kitchen Cafeteria – Map 8, Lot 40:** Operations Manager Kevin Betford and architect Steve Smith appeared before the PB. Mr. Smith said the change of kitchen facilities was part of a several-years project. The state health department had said the museum could no longer use an outdoor caboose for food service, but must move it into the building.

Drawings of the renovation had been sent to the state, which had asked for emergency lighting, etc., that the museum had added. Mr. Smith said there would be a major expansion over the next two years but this request just concerned the food service area. The existing machine and wood shop had been gutted and would house the cafeteria.

Mr. Betford said the museum's first summer event would take place on June 4 and 5 and food service was needed for this and other summer events. The renovated space would continue to be the cafeteria into the future, but the museum would come back to the PB with a master plan in about a year.

Mr. Martin inquired about the septic system but CEO Bickford said that would fall under the purview of the Plumbing Inspector. He said the major reason the museum had come before the PB was the Change of Use. Chair Pratt asked Mr. Betford, when he came back next year, to tell the PB under what ordinance he was applying.

**ACTION:** Dale Martin made a motion, seconded by Marc McNeilly, to approve the application.  
Carried 4-0-0

## **II. New Business**

**A. Eugene Scalzo – 312 Ash Point Drive – Change Lot from Residential to Commercial – Map 4, Lot 69:** Mr. Scalzo said he had had a small shop for boat repairs across from the airport since 2000. He had recently put the property up for sale and ran into a problem because the town said his lot was a commercial site even though it was in a Rural Residential zone. He said a new owner doing the same work would have to fall under a Home Occupation designation.

Mr. Scalzo said it was impossible for him to expand his business to satisfy his customer base so he was appealing to the town to make some changes. He said perhaps a commercial variance would expand the use of the site for him or another marine-related business to continue at his site. Mr. Scalzo said he had

lost potential clients through lack of space. He would like to put up a second structure, but that was not possible under the current zoning.

Mr. Martin said he would recuse himself from this application because he had had this land listed before. Chair Pratt said that was not a problem since there was nothing on which to vote.

Mr. Choate said Mr. Scalzo's request sounded like spot zoning and Chair Pratt agreed the Board needed to be aware of that. He continued that in order for Mr. Scalzo to request a variance he would have to be turned down by the PB and go to the ZBA. Mr. Scalzo said that Art Stanley had a spot zoning situation.

CEO Bickford said the parcel across the street from Mr. Scalzo was commercial and the Board had recently approved dog kennels as residential surrounded by commercial. Chair Pratt said he would like the applicant to tell the PB why his request was not spot zoning. He referred to the land uses table on page 12 of the ordinance, saying #3 might apply to Mr. Scalzo since it was eliminated from residential but was allowed in commercial with PB approval.

Chair Pratt said what Mr. Scalzo was doing now might be illegal and the town should address that. Mr. Scalzo said he had been doing this since 2000. Mr. Pratt said it might be a non-conforming activity that the town would like to correct. He said the best thing to do would be to file an application, providing a compelling reason for the town to change it to commercial. Mr. Choate said a zone change would require a town meeting for a vote. Mr. Bickford said the PB would decide to support or not support such a change or Mr. Scalzo could go directly to voters by petition for referendum; either way, it would go to a town meeting.

Chair Pratt said the argument was really between Mr. Scalzo and the Select Board. He explained the process needed for a zone change.

**B. Ed Glover – South Shore Drive – Request for Guidance on his Commercial Lot Boundaries and Potential Use – Map 11, Lot 1:** Ed Glover quoted the ordinance as saying that few pieces of commercial property were grandfathered. The ordinance further defined an acre of his land (the whole road front) as historically a commercial use. Mr. Glover was unsure whether this was just Map 11, Lot 1 or whether it included Map 11, Lot 192. Whichever it was, the ordinance recognized there was a commercial application there.

Mr. Glover said he was trying to define what the one acre of commercial land was within his eight acres. CEO Bickford said the ordinance stated that one acre fronting South Shore Drive was commercial but did not say how many feet were on the road. He said Mr. Glover's property was all residential except the mysterious floating acre. The CEO said this was really a town problem and the commercial acre needed to be locked down and split from the other seven acres.

Chair Pratt told Mr. Glover he needed to delineate the commercial acre as he saw thought best. The PB would then approve it or not and it would go to the Select Board. Mr. Glover said MDOT had given him an entrance permit at the location of the old driveway. Chair Pratt said his application should explain that the back seven acres had a ROW. He said Mr. Glover had laid out a good argument, but a public hearing would be required before the PB could act upon an application.

### **III. Approve Minutes of 3/16/16 Meeting Minutes**

**ACTION:** Larry Choate made a motion, seconded by Dale Martin, to approve the March 16, 2016 minutes as written.  
Carried 4-0-0

**IV. Other Business**

Chair Pratt, referring to his previous request that applicants come before the PB prepared to explain which ordinance governed their application and how it applied, said perhaps he and the CEO should hammer out the wording for this request Mr. Bickford said it was not reasonable to ask applicants to know all of Owl’s Head’s ordinances. Mr. Pratt replied that they did not have to know them all, but just the one that applied. The CEO said the Board should ask what part of the ordinance referred to their application. Mr. Martin said it was the PB’s job, not the applicant’s, to apply the ordinance.

Mr. McNeilly said the CEO would give applicants guidance and Mr. Bickford agreed he could steer them away from things that did not apply. Chair Pratt said his purpose was to make the meetings more effective with a better presentation.

Mr. Bickford suggested the Board put something on paper that he could hand to an applicant. Chair Pratt handed him his earlier draft.

**V. Adjournment**

**ACTION:** Marc McNeilly made a motion, seconded by Dale Martin, to adjourn at 8:34 P.M.  
Carried 4-0-0

Respectfully submitted,

Deborah Sealey  
Recording Secretary

Town Of Owls Head Planning Board:

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Robert Pratt, Chair

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Ken Wexler

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Larry Choate

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Marc McNeilly (Alternate)

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William Leppanen

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Dale Martin