

**Town of Mound Desert Planning Board
Planning Board Meeting Minutes
Meeting Room, Town Hall
6:00 PM, October 25, 2017**

Public Present

Aaron Gray, Erin Gray

Board Members Present

Beth Renault, Dave Ashmore, Chairman Bill Hanley, Joanne Eaton, and Meredith Randolph

Also present were CEO Kimberly Keene and Recording Secretary Heidi Smallidge.

I. Call to Order

Chairman Hanley called the meeting to order at 6:02 PM. Board Members present were noted. All members were confirmed as voting members.

II. Approval of Minutes

No Minutes were presented for approval.

III. Other:

Aaron Gray – Informal Discussion Regarding Rental Rooms on Second Floor, Above Pine Tree Market

Mr. Gray said that he's been working with the Town and the State to bring his building up to code. He received a permit from the State of Maine that classifies the area in question as "Room and Lodging". One of the changes required by the Town and State is that tenants will have to have their own entrance, and Mr. Gray is trying to add a new entrance and reconfigure the stairwell. To offset the space to be used for the stairwell, he hopes to add an extra room. He is unable to get the necessary permit from the Town because of the extra room.

Chairman Hanley asked Mr. Gray to show what the proposed modifications are on the accompanying plan.

Chairman Hanley pointed out that the Planning Board does not have purview over the layout proposed. The Board is being tasked with determining the use, relative to the LUZO, and approving any proposed room additions.

CEO Keene confirmed the second floor is not permitted for any use at this time. The 1990 records shows the use to include six existing apartments, one rented space, rear attached area occupied by Train Properties, and the grocery store.

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CEO Keene stated that the issue at hand was triggered by complaints from the Police Department, renters’ parents, Fire Department. Based on the complaints, it was determined the building had to be brought into compliance. She informed Mr. Gray of such.

Ms. Keene reiterated that the Planning Board is tasked with determining the use, relative to the LUZO, of the 2nd floor lodging area. There is no definition similar to the State of Maine’s definition of Lodging. Ms. Keene has suggested that “Hotel/Motel” may be the closest classification. Ms. Keene added that the 2nd floor lodging area cannot be allowed without classification. Mr. Gray protested that his business can’t afford the improvements the State requires for such a classification. The State currently classifies the 2nd floor lodging as “Lodging or Rooming”. It was clarified that the State’s classification and the Town’s classification are two different things that have little to do with each other.

CEO Keene stated that a Construction Permit can be given for the required stairwell point of egress and once Mr. Gray has the permit, the staircase can be installed. Before the extra room can be added, the Planning Board must determine what the classification for the area is, and any additions would most likely require Planning Board approval.

The Board reviewed the possible classifications of the area. CEO Keene stated the use cannot be a “Multi-Family Dwelling” because there can’t be more than 5 unrelated people in a dwelling unit and still be a residence. It can be a “Hotel/Motel”, as they are rooms rented and occupied for sleeping services.

Mr. Gray protested the classification of “Hotel/Motel”. He was told it would require a hallway with two points of egress. This was impossible with the way the area was configured. Ms. Randolph clarified that the two points of egress were required by the State. The Town’s designation does not necessarily mean the State would change their designation to match. Mr. Ashmore cautioned there may be some risk of the State revisiting their designation. He suggested doing due diligence and get the State’s confirmation that the 2nd floor is indeed classified as “Lodging or Rooming”.

Mr. Gray noted his State permit expires in early November. CEO Keene advised him to contact the State and get it extended.

1 It was suggested that perhaps the LUZO should be updated to include Boarding or
2 Lodging. Chairman Hanley mentioned the LUZO Advisory Committee that addresses
3 possible changes to the Ordinance. The Grays were encouraged to attend.
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5 Chairman Hanley informed the Grays that in order to add an extra room the area's
6 classification must be determined first. It was the unofficial consensus of the Board
7 that the area would have to be classified as "Hotel/Motel" at this time. Expansion of
8 an extra room will have to be brought before the Planning Board for approval.
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10 Ms. Gray asked if the staircase was added now, could they hold off till after May
11 Annual Meeting (when a change to the LUZO could be made) to add the extra room
12 and avoid revisiting the issue with the State. Ms. Randolph affirmed they could.
13 Chairman Hanley added that the Grays would have to request an extension from the
14 State on their permit. CEO Keene stated the Grays should be the people to
15 introduce the LUZO change request to the Advisory Committee. Mr. Ashmore
16 suggested asking Noel Musson if the proposed change to the LUZO was realistic to
17 expect by the Spring Town Meeting.
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19 Ms. Gray asked if the new room was not added, could the area remain as is. CEO
20 Keene affirmed it could. Ms. Gray inquired whether they were obligated to inform
21 the State of the Town's classification of the area. Chairman Hanley noted it could
22 come up in a number of ways. He recommended due diligence of informing the
23 State of the classification.
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25 Chairman Hanley summarized:

- 26 - The Board has made the informal opinion that the 2nd floor area in question
27 would have to be classified as "Hotel/Motel", within the context of the Land Use
28 Ordinance.
- 29 - Under the classification of "Hotel/Motel", the Grays will have to apply to the
30 Planning Board for a Conditional Use Permit for their additional room.
- 31 - If the Grays are not comfortable with the classification of "Hotel/Motel", the
32 Grays can reach out to Noel Musson and the LUZO Advisory Committee and
33 request a new Ordinance classification for the area.
- 34 - Or the Grays can decide not to split the room. If the Grays decide not to expand,
35 they would not have to revisit the State.
- 36 - The permit for the staircase can be had now, through the CEO.
- 37 - Do not make any changes to the rooms without checking with the State.
- 38 - If a new definition can be added to the LUZO, the room may be able to be added
39 without further input from the State.

- 1 - Whether or not there's a new classification, a proposal for room expansion must
2 be brought before the Planning Board for consideration.

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4 **IV. Adjournment**

5 MS. EATON MOVED, WITH MR. ASHMORE SECONDING, TO ADJOURN THE MEETING.
6 MOTION APPROVED 5-0.

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8 The meeting was adjourned at 6:50PM.