

**Winthrop Town Council
Regular Meeting
Monday, January 7, 2008
Winthrop Town Office**

Attendance: Linda Caprara (Acting Chair), Priscilla Jenkins, Ken Buck, Kevin Cookson (arrived at 7:40 p.m.), Jim Norris, William MacDonald, Cornell Knight (Town Manager) and Julie Winberg (Secretary)

The meeting was called to order at 7:15 p.m. by the Acting Chair.

The following elected officials were duly sworn in prior to this meeting.

Town Council	<i>Kenneth Buck Sr. and Priscilla Jenkins</i>
School Committee	<i>Dwight Doughty and Joseph Pietroski</i>
Library Trustees	<i>Dale Ashby, Jane Brennan and Susan Hanson</i>

Approve the Minutes of December 3, 2007

Motion by MacDonald and seconded by Norris, the minutes of December 3, 2007 were approved with a unanimous vote.

Item # 01 Spirit of America Award Presentations.

Patrice Putman and William MacDonald presented the awards.

The first one went to Phil Locashio. He has been very active in Winthrop, volunteering many hours for a myriad of projects such as our schools, and the public safety buildings. He is one of the "quiet warriors" who has gone above and beyond the call of duty, with good spirit and cheer. The town is very appreciative for all his hard work.

The second award went to Winthrop Area People for Peace. This group has been in existence a number of years. It is a group working behind the scenes. This group was chosen because they have been working for peace for years which is so important for our community and country as a whole.

Item # 02 Council Appointments

Election of Town Council Chair, Vice-Chair – this item was tabled to February 4th, 2008 with a motion by Norris, seconded by MacDonald with a unanimous vote.

Item #03 Councilor appointment to the Chamber of Commerce Board of Directors.

This item was tabled to the February 4, 2008 meeting with a motion by Norris and seconded by MacDonald with a unanimous vote.

Item #04 Town Manager Appointments

Motion by Norris and seconded by Jenkins to accept the town manager's appointments as presented. Vote was unanimous.

Item #05 Hold a joint Public Hearing with the Planning Board on the proposed amendments to the Zoning Ordinance.

Public hearing opened at 7:26.

Eric Robbins, Chairman of the Planning Board, was in attendance to present the proposed changes, one by one, to the Council. The Planning Board has been studying the zoning ordinance changes to the village parking standards, medium impact definition and the non-conforming use clause. Two public hearings on the proposed changes were held. He went on to say that three of the four items had a unanimous vote and the forth had one opposing vote.

A number of people spoke for and against several changes.

- 1. Reduction of the two required off-street parking spaces for all new apartments in the Village Zone to one off-street parking space.*

Andy Wess, Chairman of the Zoning Board, advised the group that he is against the revisions to the downtown parking ordinance and he urges the council to reconsider. He also was in favor of leaving the sunset clause as it stands urging those that are in a position to need an extension beyond one year to apply prior to that deadline.

Rita Moran reiterated those same sentiments adding that the Council should have in place a process to 'fix' the problems that may arise if this change does not work. The downtown businesses need close parking.

Chief Young noted that for consistency, Western Avenue should be change to Route 133 wherever it appears in the ordinances. It as duly noted.

Patrice Putman commented that the change may spur affordable housing. "Many people do not have two cars". "We are needlessly eliminating the amount of housing available to lower income and young families". She went on to say that she fully supports this change as did Jeff Hines, who reminded the Council that removing this restriction would be good for the downtown area and a plan should be established for

parking, designating areas for overnight parking which also would deal with snow storm removal. Municipal lots need to be used for this purpose.

- 2. Elimination of the minimum side and rear setback requirements for all parking spaces in the Village zone. No parking space shall be placed within any required side or rear line setbacks, except in the Village District.*
- 3. Increasing the number of seats allowed for restaurants. Restaurant seating identified under the Medium Impact section of the Ordinance will be removed and placed as a category under Commercial Attributes: Restaurant seating – low (less than 20), medium (20-75), high (more than 75).*
- 4. Extending the sunset clause to the ‘grandfathered’ clause an additional twelve months. This initial period may be extended for an additional period of one year by the Planning Board, for good cause shown.*

This 12-month extension to businesses considered nonconforming was the most controversial. The present ordinance for a nonconforming use permit has expiration if it goes unused during a one year period. If this is removed, Chairman Robbins noted “that would make Winthrop the most wide-open town for extending non-conforming uses in the state of Maine”.

Both councilors and residents alike cited the examples of vacant Winthrop buildings on Route 202 that have been and would be negatively affected. The CEO reminded the group that in reference to these buildings, the owners were all notified about the sunset clause giving them ample time to respond accordingly.

Councilor Cookson, as well as Acting Chair Caprara, commented that they agree with three out of four proposed changes, but if all four are considered as a whole to either recommend or deny, they would deny all four noting that in reference to the sunset clause, they would prefer to give the Planning Board the authority to extend on forthcoming use for a longer period of time.

Planning Board Member Hochman spoke questioning the logic behind what was presumed to be offering ‘exceptions to violate the rule’. The two year period, he went on to say, is extremely generous.

Councilor Cookson responded that his vote in opposition is based on the way the ordinance change is written (i.e. ‘may be’ extended) and not because of one or two buildings.

Patrice Putman noted that when you look at why you have a Zoning Ordinance, you want residential/commercial zones. When you have the opportunity to conform, the goal of zoning is to be conforming; making exceptions goes against the whole concept of why you have ordinances.

As a former member, the Planning Board had two public hearings and a lot of discussion. "You owe it to them to take their recommendations. I would be hesitant to ignore the Planning Board's recommendations".

Item #06 Consider the First Reading of the amendments to the Zoning Ordinance

Motion by Norris to accept all the proposals as presented noting that he has a lot of respect for the Planning Board who were assigned a difficult task, worked long hours on resolutions, and incorporated in their decision the input received at the two public hearings held on these proposed changes. This motion was seconded by MacDonald who echoed the same sentiments and also noting that Council Member Engdahl relayed the same agreement with the changes noting that all four proposed changes were a good compromise. The motion passed with a vote of 4-2 (opposed were Cookson and Caprara).

Item # 07 Discussion with the Planning Board about Zoning Ordinance amendments that would spur affordable housing.

This item was tabled with a motion by Buck and seconded by Cookson with a unanimous vote.

Item #08 Consider options for the Public Safety Building.

Options on the table were HP Cummings offer to oversee the renovation of the Police and Fire Buildings. Renovation of the Fire Station; Renovation and Expansion of the Police and EMS – Pete Richards, a local builder, has submitted his estimate to renovate the buildings; purchase the former Comtel building, purchase the former Winthrop health center and renovate for the EMS Department; purchase a lot on route 202 next to the former upper Carleton woolen mill and erect a new building for one million but this would accommodate two departments.; purchase a lot between peck farm and Metcalf road and erect a building for all three departments; a new fire station on route 202, police department at the grade school and EMS at the fire station; lease or lease purchase at a site; price/cost to be determined.

The Town Manager noted that the three buildings are in need of renovation as they have numerous code violations, some of which must be addressed as soon as possible.

After much discussion, it was agreed that renovation is inevitable and the Council will move forward with that.

Motion by Cookson and seconded by Norris that the Council adopt options 1-8 and close any other suggestions. The vote was 4-2 with Caprara and Buck in opposition.

The next two meetings on this agenda item will be held on this month on the 14th and 28th. The councilors should be prepared to review the options and make a decision. A sample RFP will be

part of the packet to be distributed by the Town Manager. The three department heads were urged to meet with Peter Richards, who had submitted a proposal on renovation, to determine if all needs were addressed, and what, if anything, was missing in reference to the needs of each department as projected.

Item #09 Consider a contract with the Kennebec Valley Humane Society.

The town manager noted that the only change to the contract was extended the period from one year to two years. Motion by Cookson and seconded by Jenkins, the contract was approved with a unanimous vote.

Item #10 Consider a land donation.

Roger Guerette has offered to purchase a seven acre landlocked marshy parcel near the high school and would like to donate it to the town if the town will do the legal paperwork (two deeds and establish a right of way). The school's Science Department is interested in using the land for classroom projects.

Motion by MacDonald and seconded by Cookson to accept Mr. Guerette's offer. This motion passed with a vote of 5-1 (Norris in opposition).

Manager's Report

Decision from the Maine Supreme Court denying Richard Calcagni's (Vista Heights Subdivision) motion for relief. The town's attorney will be filing paperwork for reimbursement for the town's attorney fees and costs.

Adjourn

Motion by Cookson and seconded by Buck, the meeting adjourned at 9:50 p.m. with a unanimous vote.