

Planning Board Projects for 2016

Town Zoning Ordinance Changes Approved April 2016

Before describing the Planning Board's agenda for 2016, I wanted to note that nearly all of the changes proposed in 2015 to the Town Zoning Ordinance were approved by voters at the 2016 Annual Town Meeting in April. This includes a lot of house-keeping changes in the text, the creation of some new marine fisheries and commercial zones on the Thoroughfare, requiring Planning Board members to be elected, adding clarity to what the Board of Appeals can do, and making the Code Enforcement Officer appointment consistent with current state law. The zone changes on the Thoroughfare will not really take effect until the Maine Department of Environmental Protection also approves of the same changes in their zone map that was imposed on the Town in 1995. We will be working to get those changes made over this next year because the Town will then have to approve the changes to the State Ordinance at the next Annual Town Meeting (see further discussion below).

One other important change to the Town Zoning Ordinance that was approved is that the official Town Zoning map is now a digital geographic information system-based file that can be used by surveyors to precisely locate the zone. Maine Law Court cases have established the principle that where the ordinance describes a zone in words, the location shown on a map trumps the word description if there is a discrepancy. Most of the Town Ordinance text defines zones in terms of feet from the Mean High Water or from roads in existence prior to 1975. The new map will be the final word in resolving questions over where the zones are located. We have placed the ESRI shapefiles that define the zones on the Town website. We also tried to put a Google Earth kmz file on the site but it would not permit us to do so. If you would like the kmz (the compressed form of the kml file format), contact me at the email address given below. This would give you the ability to plot the Town zones directly over the Google Earth map. A new large paper copy of the map is hanging in the downstairs entrance to the Town Hall.

Code Enforcement Officer Appointment

Over the past year since I have been Chair of the Planning Board, the Town had a nominal Code Enforcement Officer (CEO) who resided in Blue Hill. However, when he was asked to act in that capacity several times during the past year he refused, saying he was only acting as an advisor to the Board. There are several sections of our Ordinances where the CEO is required to issue minor permits and to deal with violations of the Ordinances. The Selectmen appointed me as CEO on April 18th and the registration form has been formally filed with the State Office of Economic and Community Development. I can act as CEO for a year during which time I have to pass several state examinations to become State-certified as a CEO.

New Email Contact for Planning Board and CEO

The Town officials will be switching from using their personal email addresses to using a new town email system tied to the Town website. This will avoid the potential for mixing personal and town business and help to provide a permanent record of town correspondence. Since I am now both the Planning Board Chair and the CEO, contact me at the following email address with any questions, concerns, or issues relating to permit applications: planningboard@isleauhautmaine.us My telephone number April through October on island is 207-335-2015. During the period November through March, call me at 207-838-1418. Although I only visit the island about once a month

during the winter months, I will make myself available, as needed, to conduct any CEO or Planning Board business.

Floodplain Management Ordinance

The Federal Emergency Management Agency (FEMA) has mapped, for the first time, the Special Flood Hazard Areas (SFHA) for the coastal portions of Isle au Haut. These zones define the areas likely to be affected by storm surge and wave runup from storms occurring with a 1% annual chance, or what used to be called the “100-year storm”. These maps become Effective (or in force) on July 6, 2016. After this date, anyone wanting to buy “flood insurance” through the federally-subsidized program will not be able to do so until the Town adopts FEMA’s model Floodplain Management Ordinance. This Ordinance prescribes land use restrictions in the flood zone and standards that must be met in order for the Town to issue land use permits in the flood zone. I will post the official flood map both in PDF format as well as ESRI shapefile format on the Town website before the official Effective date.

I have negotiated with FEMA a number of changes to the “model ordinance” and the Planning Board will be holding the required hearings this summer on the proposed ordinance, although it is unlikely we will be able to obtain any further changes beyond what I have negotiated. This proposed ordinance, which will probably go to public hearing in late July, is posted on the Planning Board website for your review. The Draft Ordinance that will go to public hearing is posted on the Town website.

One other federal stipulation is that unless the Town adopts this ordinance, the Town would not be eligible for federal disaster relief funds in the event any Town property is damaged by a natural disaster such as a hurricane.

Revisions to the State-mandated Shoreland Zoning Ordinance

In 1995 the State, through the Maine Department of Environmental Protection (DEP), imposed upon the Town the “model” Shoreland Zoning Ordinance as they were required to do by state law, since the Town had not acted on its own to adopt it. This Ordinance is comprehensive and controls all land use within 250 feet of the normal high water mark of the coast, Long Pond, and two large wetland systems. It also controls land use within 75 feet of a few streams on the island. The most restrictive aspects of the Ordinance are the tree and shrub cutting restrictions and the fact that no land uses other than Resource Protection and Residential are allowed within Isle au Haut’s Shoreland Zone. Furthermore, the Ordinance requires slopes over 20% and all areas within the newly mapped flood zones to be treated as Resource Protection Districts. Because of the complexity of the Ordinance and the general lack of understanding on the public’s part of what is required, it appears that the Ordinance was only loosely enforced in the past. The State reserves the right to suspend the Town’s right to issue land use permits in the Shoreland Zone if they do not properly administer the Ordinance, although the State seems to have taken little notice of the Town since 1995.

In an attempt to allow land uses other than just residential in the Shoreland Zone, the Town Zoning Ordinance was recently amended by Town voters to allow some marine and commercial uses on specific lots, most of which have a long history of marine-related use. Now we must change the State Ordinance to conform to these Town zone changes. The Town cannot change the State Ordinance without the DEP’s permission. I will begin negotiations soon with the State to seek these specific zone changes along with some other changes to the text of the ordinance that will allow us

more flexibility in building on steep slopes and in the flood zone areas. When those negotiations are complete and I am fairly certain what the DEP will allow us to do, we will hold hearings on changes to the State Ordinance and propose to make it a Town Shoreland Zoning Ordinance that we can have better control over. I do not expect those hearings could be held any sooner than late August.

911 Emergency Notification System

As most of you probably know, on Isle au Haut, if there is a fire, police, or medical emergency, you would call 911 on your phone. The call is taken over in the Knox County Emergency Management Agency's office in Rockland and routed to whomever the Town has suggested as the proper contact for the particular emergency. Oftentimes, in the summer, it is the National Park Service staff on island that is contacted. The problem is that the Town does not have a defined map meeting the requirements of the 911 system. Each house on Isle au Haut should be on a defined street and have a unique street address number. The telephone company should have each island phone tied to that street and address number so that when the call goes to Knox County, the location of the phone from which it is made (assuming a landline) shows up instantly on a map of the island. Knowing the street name and number, the emergency response people can direct the appropriate help to the house needing assistance (assuming the call for help is tied to a specific house).

Currently the Town does not have valid 911 addresses. As a consequence, some people have trouble getting a package sent to them by companies such as FedEx that require a specific street address. Recently, our local telephone provider, TDS Telecom, has made it very difficult to get new phone service here because of the lack of 911 addresses.

We have recently learned that it is the Town's responsibility to create the 911 address system. Many, including myself, thought this was something the County or State did. Now that we know it is our responsibility to do so, I have volunteered to prepare the official map that we can file with the County Emergency Management Agency to have our 911 system approved and put in use. The Selectmen have formally delegated this project to the Planning Board, and because I am the one on the Board with the mapping skills, I will champion this project. Once I receive the formal "rules" for doing this work, I will prepare a draft map, run it by the Planning Board for comments and approval, and then hold at least one public information session on this. For those of you that live on a side road and want to keep a name you have previously adopted for other purposes (Billy and Bernie Barter use "Million Dollar Lane" for their road), let me know at the email address given above or call me. I have already asked the Pt. Lookout Association to suggest names of their roads to me.

Bob Gerber, Planning Board Chair & CEO