

Northport Village Corporation
Governance Committee

Written comments received by the Governance Committee regarding proposed
Zoning Ordinance amendments through August 5, 2022.



Janae Novotny <president@nvcmaine.org>

FW: Zoning Map update

1 message

Judy Metcalf <judy@judymetcalfllaw.com>
To: Janae Novotny <president@nvcmaine.org>

Sun, Aug 7, 2022 at 9:55 AM

Judy A.S. Metcalf
Judy Metcalf Law
76 Union Street
Brunswick, Maine 04011
www.judymetcalfllaw.com
(207) 721-2200

From: Angela Cassidy <ahc2596@gmail.com>
Sent: Friday, June 24, 2022 9:00 AM
To: Judy Metcalf <judy@judymetcalfllaw.com>
Subject: Re: Zoning Map update

Hi Judy,

Kudos to everyone!

Thanks for the clarification.

Best Wishes,
Angela

On Fri, Jun 24, 2022 at 8:56 AM Judy Metcalf <judy@judymetcalfllaw.com> wrote:

Dear Angela:

It was a lot of work and as Elaine said yesterday, it is interesting to see that after all our work there are really no particular dramatic changes.

That is true of your lot as well. We did not change the historic district map. We felt that where it was tied to the designation that would invite confusion. We, however, made sure we used the right map which we believe does in fact and always did include your "extra" land. So, I think your goal is reflected in our work.

Wish us luck in the public hearing!

Thanks for your input.

Judy A.S. Metcalf

Judy Metcalf Law

76 Union Street

Brunswick, Maine 04011

www.judymetcalfllaw.com

(207) 721-2200

From: Angela Cassidy <ahc2596@gmail.com>

Sent: Friday, June 24, 2022 8:52 AM

To: Judy Metcalf <judy@judymetcalfllaw.com>

Subject: Zoning Map update

Hi Judy,

I just reviewed the updated zoning ordinance and map for Bayside. You and your team have put a lot of effort into this.

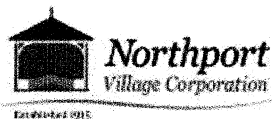
It appears to me that the boundary line of the historic district has been corrected to show our small lot, behind Nancy Shaver's property, is now back in the historic district, as it should be. Is this correct?

I wish I could be at the meeting this Saturday, but I'm running for Alderman for our Town and am busy getting my campaign going, in order to be able to take time off in July before the campaign really kicks off this fall.

I look forward to seeing everyone soon!

Thanks,

Angela



Janae Novotny <president@nvcmaine.org>

Zoning Ordinance Revisions

3 messages

Mike Lannan <mlannan@techenv.com>

Mon, Jul 18, 2022 at 4:53 PM

To: Judy Metcalf <jmetcalf@nvcmaine.org>, Dan Webster <dan@baysidemaine.com>, Elaine Moss <elaine.m.moss@gmail.com>

Cc: Bryan Field <bfield@meetingresult.com>, Janae Novotny <jnovotny@nvcmaine.org>, Jeffrey Wilt <jwilt@nvcmaine.org>

Dear Governance Committee, Northport Liaison, and our newest NVC resident on the ZBA-

I spoke to Janae about my ideas about a more detailed revision of the zoning ordinance and she suggested I write down some of my thoughts and circulate it, so here goes.

While I did not attend the public meetings, I did hear some feedback and it is my understanding that there were a number of people that opposed to the zoning ordinance revisions as drafted. It is also my understanding that many of the concerns were with adding the Review Board. I do not think that the other changes really satisfy the Infrastructure and Historic needs without the Review Board, so I am writing to urge you to recommend "No Action" on the revised Zoning Ordinance at this time, in this form. I would be great if we could take at least 6 months to next summer to truly rework the ordinance. I would actually be in favor of a moratorium on new building permits in Bayside as the Ordinance is revised, if desired. I would not be in favor of any moratorium on interior renovations, as most of issues are exterior footprint, and neighborhood impact concerns. Neither are necessary for a deeper ordinance revision, but could be considered if there is an urgency to do something right away.

The revision proposed so far is a top down attempt to revise the ordinance. I believe with a little more time and the right working group (including the town and ZBA members) we can redo it from a bottom up perspective. Instead of tweaking the rules and definitions in a traditional manner that are primarily intended to keep everything as conforming as possible, let's accept the fact that most things are non-conforming and people will still attempt to make improvements to non-conforming lots and structures. The "perfect" ordinance for Bayside may very well be one that de-emphasizes conforming and non-conforming terminology and rules, and promotes historic and smart growth.

I am in complete agreement with the need for a Review Board to maintain our historic character and to prevent long-term overdevelopment. From an Engineering perspective, the village is too dense, too developed, and too inconsistent to try to come up with a one size fits all Zoning Ordinance that will meet the NVC's collective needs, as well as those of individual residents looking to upgrade.

So how do we still have the Review Board, but no Review Board? How do we come up with rules and regulations that preserve the village but still allow people to modify and use their property as they desire? I think the answer is a Review Board by what I will nickname Artificial Intelligence (AI). Instead of a human Review Board making decisions on each Application, we empower the Code Enforcement Officer (COE) and the Zoning Board of Appeals (ZBA) with exactly what the NVC desires in a checklist format ahead of time that allows the CEO to make individual permit decisions simply based upon the development as proposed meeting or exceeding the specific requirements we desire from predetermined instructions.

How can we do this? Well it could start with very simple and very strict "conforming requirements". I would propose that the "conforming requirements" actually could be reduced further. They already push nearly all of the existing cottages into non-conformity, so pushing a little more to make sure we grab all new structures as well could be a desire. Then we offer some building relief for those Applicants that propose design features that help maintain the historical character.

We could empower the CEO with a predetermined supplemental checklist and requirements for each building permit submitted in the village. We often help cities or towns overlay more local rules or requirements on top of the state requirements. It can work, but only so long as it is not an attempt to change anything that the town does or would do, or to review anything on behalf of the Town, as that is not possible. It is possible to overlay our requirements for everyone that submits for a building permit in the village for the CEO to oversee, and to allow the CEO to make the decision of whether the Applicant did or did not fulfill the added requirement. Of course the Town, CEO, PB, and ZBA on board would ensure the most effective system, and both the CEO and Chair of the ZBA have told me at different times that something like this in principle would be something they would embrace and enforce. Our requirements could be whatever the NVC deems to be important, as long as it is designed for steering all NVC applicants....

1. Roof Pitch?
2. Placement on Lot?
3. Shadow?
4. Porch requirements?
5. Use of Ginger Breathing?
6. Use of Historical Siding?
7. Gravel driveway?

The advantage of an AI approach over an actual Review Board, is that the entire process will be all spelled out for anyone purchasing and/or planning to renovate well before they begin their design and permitting process. The process will not result in a "Review Board Decision", but more of a decision tree, or pathway where the Applicant chooses the fork in the road for each decision point. This allows the applicant more flexibility at each fork, and if they chose flexibility, the NVC is rewarded with a historical desired feature. Here are just two very broad examples in general wording below in this case for Structure Height, and Front Setback:

1. The overall height of a structure cannot be more than 1.5 stories, or one-story plus walkout basement. However, any roof of a structure that is proposed with a 14:12 roof pitch the average height can go up to _____ 35, 38, 40? feet. The pitched roof may contain dormers that have _____ (add in the architectural features we desire such as architectural shingles?/not metal roof?) and do not cover more than _____ (percent of the roof surface) number per length, overall dimensions, etc.), then this roof will be considered predominately a 14:12 roof and therefore eligible for this added height. This "built in variance" is allowed because _____ (we add in the historical nature and desire to maintain the character of the village and how this requirement does it. this part is key for helping the CEO and ZBA make the proper "check mark".)
2. Each structure must be setback ____ feet from the lot line, and if they jack up their cottage and place it on a foundation, then they must do so in a manner that is as conforming as possible (or however it is worded better now). If however, a structure can be removed and replaced, or rebuilt in a manner that promotes the historical line of cottages up or down a particular street then the structure can be placed in line with the other cottages so as it remains on private property. This ordinance would not allow placement, expansion, or further infringement of new or grandfathered structures on NVC property.

I could see a number of incentives like 1 above, or practical allowances like 2 above, that would provide each resident with the flexibility to expand as they see appropriate without infringing on their neighbors, and without having to lean so heavily on the lot coverage requirement as we do today. Again, we could probably reduce the lot coverage requirement, so we grab as many new homes as possible with the architectural incentives desired to maintain the "campground feel" of the village.

Although we cannot force someone to build a gingerbread cottage, we can make it really difficult for someone to claim a hardship and NOT build a gingerbread cottage. This can be done by allowing an exception to the lot coverage, if the Applicant meets enough of, or a minimum, etc. of the architectural requirements first, such as:

1. The overall lot coverage cannot be more than 20, 30, 35? percent of the entire lot. However, if the home owner has selected _____ at least ____ of the ____ architectural features or ____ percent of the features described above, the lot coverage can be exceeded by ____ 20, 30? Percent.

And then if they claim to need even more lot coverage or they will still have a hardship, then they must address the true infrastructure problems associated with greatly exceeding the lot coverage, such as...if a cottage must exceed 45% of lot coverage on an existing grandfathered lot to be buildable and to eliminate a significant hardship potential, then obvious and legitimate stormwater, buffer, parking, etc. issues must be addressed, and/or it could be allowed in exchange for "all the ginger bread features".... for example....

2. If a homeowner claims a hardship with respect to lot coverage and appeals to the ZBA, then the ZBA must require that a stormwater (retention/treatment?) system of _____ be installed, it must include off-street parking on a vegetative driveway, and/or _____ (a higher percentage/each and every one of the architectural features), etc.

Again, these are just some initial thoughts. It can really go any way the NVC wants, but to do so though we really should start over, from the bottom, and ask villagers what we want in an ordinance. And I do not mean specific bullet points or issues, but what are the most important goals of the ordinance including, but not limited to:

1. architectural features,
2. proportionality,
3. minimizing view disturbances,
4. shadow effects,
5. off-street parking requirements,
6. maintaining the overall summer cottage feel,
7. developing public space,
8. preserving public space,
9. minimizing the impact on the environment,
10. minimizing infrastructure costs,
11. delineating between public and private property, and
12. assisting the CEO and ZBA with direction prior to a variance request, or an appeal.

It almost seems like the Application process now begins with a question about conformity, and ends with frustration about hardship, or lack thereof:

1. Is my cottage conforming?
 - a. Obviously, in the historic district almost every older cottage is at the front lot line so most find out right away that they are already non-conforming and they do not own their bushes in their front yard.

- b. By creating tighter rules and regulations than the current zoning reality at the time of adoption, most cottages in Bayside immediately became non-conforming for setbacks or lot coverage. This reality promotes the maintenance of poorly designed additions and offers little flexibility to do anything other than add to an existing cottage in the "cube" fashion. The current edits proposed with or without the Review Board removed, do not address this major concern.

2. Can I claim a hardship?

- a. If the answer is "YES", then the Applicant often decides that the rules do not apply to them, and they can therefore build all the way to the fenceline in one or more directions, maximize their exceedance of the lot coverage, etc. I've been to a number of ZBA hearing, and the common theme from both the CEO and the ZBA is that they do not have the tools or the NVC desires necessary to deal with an appeal for hardship because it is almost impossible to determine exactly when a potential hardship is rectified, so to avoid litigation they make sure that the variance is "more than enough" The current edits proposed with or without the Review Board removed, do not address this major concern.
- b. If the answer is "NO", then there is often a push to maximize footprint and airspace within the current rules, and unfortunately, that promotes a design that is the opposite of a historical Bayside home. A "cube" is by far the best way currently to maximize the usable space with the lot line restrictions and the height restrictions now. The incentives need to be changed. The current edits proposed with or without the Review Board removed, do not address this major concern.

I'd love to see us come up with something that addresses the "cube factor" and the "hardship factor", promotes historical design features, and really grows with the village over time as we have more and more cottages and less and less lots.

Just some thoughts. And thanks for reading this far.

-Mike

Michael T. Lannan, P.E.

President

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Focused Knowledge. Real Solutions.

Tech Environmental

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Belfast, Maine 04915

Phone: (207) 323-4850

mLannan@TechEnv.com

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dan@baysidemaine.com <dan@baysidemaine.com>

Mon, Jul 18, 2022 at 5:06 PM

To: Mike Lannan <mlannan@techenv.com>, Judy Metcalf <jmetcalf@nvcmaine.org>, Judy Metcalf <judy@judymetcalfaw.com>, Elaine Moss <elaine.m.moss@gmail.com>, Beverly & David Crofoot <venasquais@gmail.com>
Cc: Bryan Field <bfield@meetingresult.com>, Janae Novotny <jnovotny@nvcmaine.org>, Jeffrey Wilt <jwilt@nvcmaine.org>, NVC Archive <archive@nvcmaine.org>

Thanks, Mike. I look forward to reading your comments. I'm looping in Beverly, as a member of the committee, and Judy at the email address she actually receives.

I am assuming Bryan's been copied as a member of the ZBA.

Our next meeting is Monday, July 25 at 4 PM.

Dan

[Quoted text hidden]

Judy Metcalf <judy@judymetcalfaw.com>

Sun, Aug 7, 2022 at 9:52 AM

To: Janae Novotny <president@nvcmaine.org>

Judy A.S. Metcalf

Judy Metcalf Law

76 Union Street

Brunswick, Maine 04011

www.judymetcalfaw.com

(207) 721-2200

From: Jeffrey Wilt <jeffreywilt@mac.com>

Sent: Friday, August 5, 2022 9:54 PM

To: Judy Metcalf <judy@judymetcalfaw.com>

Subject: Fwd: Zoning Ordinance Revisions

This it?

Begin forwarded message:

From: Mike Lannan <mlannan@techenvironment.com>

Subject: Zoning Ordinance Revisions

Date: July 18, 2022 at 4:53:43 PM EDT

To: Judy Metcalf <jmetcalf@nvcmaine.org>, Dan Webster <dan@baysidemaine.com>, 'Elaine Moss' <elaine.m.moss@gmail.com>

Cc: Bryan Field <bfield@meetingresult.com>, Janae Novotny <jnovotny@nvcmaine.org>, Jeffrey Wilt <jwilt@nvcmaine.org>

[Quoted text hidden]



Janae Novotny <president@nvcmaine.org>

FW: Design Review Committee Objections

3 messages

dan@baysidemaine.com <dan@baysidemaine.com>

Wed, Jul 6, 2022 at 2:47 PM

To: Jeffrey Wilt <jwilt@nvcmaine.org>, Beverly & David Crofoot <venasquais@gmail.com>, Janae Novotny <jnovotny@nvcmaine.org>

Cc: Judy Metcalf <judy@judymetcalfllaw.com>, Elaine Moss <Moss@knightnicastro.com>, NVC Archive <archive@nvcmaine.org>, NVC Office <office@nvcmaine.org>

Copying in Jeffrey and Janae.

From: Judy Metcalf <judy@judymetcalfllaw.com>**Sent:** Wednesday, July 6, 2022 2:37 PM**To:** Don Knott <dknott123@gmail.com>; office@nvcmaine.org**Cc:** dan@baysidemaine.com; Elaine Moss <Moss@knightnicastro.com>; David & Beverly Crofoot <venasquais@gmail.com>**Subject:** RE: Design Review Committee Objections

Thank you both for taking the time to share this with us. We will review at our meeting.

Judy A.S. Metcalf

Judy Metcalf Law

76 Union Street

Brunswick, Maine 04011

www.judymetcalfllaw.com

(207) 721-2200

From: Don Knott <dknott123@gmail.com>**Sent:** Wednesday, July 6, 2022 2:18 PM**To:** office@nvcmaine.org**Cc:** dan@baysidemaine.com; Judy Metcalf <judy@judymetcalfllaw.com>; Elaine Moss <Moss@knightnicastro.com>**Subject:** Design Review Committee Objections

Governance Committee Members,

Johannah and I would like to express our objections to the creation of a Design Review Advisory Committee, hereafter referred to as DRC.

The creation of a DRC is outside of the intended scope of language cleanup to the existing zoning ordinance. In doing so, the Village would be adding a rider that has onerous new restrictions on private dwellings.

It is our position that the creation of a DRC fails the least restrictive means test as it is applied to compelling government interests. Compelling government interests are public health and safety concerns, not matters of personal preference such as aesthetic design elements of private dwellings.

The least restrictive means test has been applied numerous times by Courts in cases related to Homeowners Associations (HOA). The courts have generally held that private parties may enter into binding contracts but that the government does not enjoy the same latitude when crafting legislation that exceeds public safety and health concerns. Further, the Courts have held that HOAs cannot do so if the property is freely and openly accessible to the public as homes in the Village are.

If the Village were to enact unnecessary restrictions on private dwellings, it would be inviting litigation that the residents can't afford. The Village would be placed in the untenable position of having to neglect the more pressing issues of public safety, infrastructure, and utilities.

Johannah and I support the ordinance language cleanup to better align with the State and the Town. During the meetings I've attended, the Committee has been open to input from the public and it is with that in mind that we have submitted our concerns.

To be clear, we do not support the creation of a DRC for the reasons outlined above. We can expand on our concerns but we did not want our objections to a DRC to be lost in a sea of words from an overly long email.

Don and Johannah

Judy Metcalf <judy@judymetcalfllaw.com>

Wed, Jul 6, 2022 at 2:49 PM

To: "dan@baysidemaine.com" <dan@baysidemaine.com>, Jeffrey Wilt <jwilt@nvcmaine.org>, Beverly & David Crofoot <venasquais@gmail.com>, Janae Novotny <jnovotny@nvcmaine.org>

Cc: Elaine Moss <Moss@knightnicastro.com>, NVC Archive <archive@nvcmaine.org>, NVC Office <office@nvcmaine.org>

Thanks!!

Judy A.S. Metcalf

Judy Metcalf Law

76 Union Street

Brunswick, Maine 04011

www.judymetcalfllaw.com

(207) 721-2200

8/7/22, 9:52 AM

Northport Village Corporation Mail - FW: Design Review Committee Objections

[Quoted text hidden]

Judy Metcalf <judy@judymetcalfaw.com>
To: Janae Novotny <president@nvcmaine.org>

Sun, Aug 7, 2022 at 9:51 AM

[Quoted text hidden]

Fwd: follow up to Zoning Ordinance discussion Saturday 6/25

bryнна I <bryнна717@gmail.com>

Mon, Jun 27, 2022 at 5:28 PM

To: Brady Brim-DeForest <bbrim-deforest@nvcmaine.org>

When I said that we should all vote at the annual meeting in August, I guess what I really meant was AN August meeting, but definitely not this one; there is way more work to be done. I feel the Governance Committee has overstepped the mark, even though I know their intention was to basically clean up and update the document. This is not an update, these are dramatic changes. I think that, as more people read and understand the proposed changes, the ordinance will encounter even more opposition than it did on Saturday. Though our discussion was largely about the Design Review Committee, there are several other very distressing "updates" that REALLY need more consideration.

Best,
Bryнна

Fwd: conversation follow-up

Brian Christin <brianchristin@gmail.com>

Mon, Jul 25, 2022 at 6:56 PM

To: Brady Brim-DeForest <bbrim-deforest@nvcmaine.org>

----- Forwarded message -----

From: **Brian Christin** <brianchristin@gmail.com>

Date: Tue, Jul 19, 2022, 19:13

Subject: Re: conversation follow-up

To: Jeffrey Wilt <jwilt@nvcmaine.org>

Jeffrey,

The new ordinance specifically includes gravel and compacted soil in the definition of "impervious surfaces" which, I believe, was borrowed from the shoreland zoning language.

Also, even if those items are removed from the new definition, the people on lots that do not already have parking and do not have room to add parking would still be prohibited from making any structural alterations.

B

On Tue, Jul 19, 2022, 18:34 Jeffrey Wilt <jwilt@nvcmaine.org> wrote:

Bo —

I hope you are staying cool. See below for Elaine Moss's comments on your question.

Jeffrey

Begin forwarded message:

From: "Elaine M. Moss" <Moss@knightnicastro.com>

Subject: RE: conversation follow-up

Date: July 18, 2022 at 4:22:18 PM EDT

To: Jeffrey Wilt <jwilt@nvcmaine.org>, Judy Metcalf <judy@judymetcalfaw.com>

Cc: "<dan@baysidemaine.com>" <dan@baysidemaine.com>, David & Beverly Crofoot <venasquais@gmail.com>, Janae Novotny <president@nvcmaine.org>, NVC Office <office@nvcmaine.org>, NVC Archive <archive@nvcmaine.org>

Jeffrey —

We previously looked into this. In general, gravel is not an impervious surface, and, in fact, is a preferred surface for slowing water run-off. Compacted gravel can be an impervious surface if it is compacted to the degree that it repels water thereby creating run-off.

I hope that helps.

Elaine

Elaine M. Moss, Member
319 North 4th Street Suite #300, St. Louis, Missouri 63102
moss@knightnicastro.com
P: 314-549-8803 F: 816-396-6233

From: Jeffrey Wilt <jwilt@nvcmaine.org>
Sent: Monday, July 18, 2022 3:06 PM
To: Judy Metcalf <judy@judymetcalfaw.com>
Cc: Elaine M. Moss <Moss@knightnicastro.com>; <dan@baysidemaine.com> <dan@baysidemaine.com>; David & Beverly Crofoot <venasquais@gmail.com>; Janae Novotny <president@nvcmaine.org>; NVC Office <office@nvcmaine.org>; NVC Archive <archive@nvcmaine.org>
Subject: Fwd: conversation follow-up

See below from Bo.

Begin forwarded message:

From: Brian Christin <brianchristin@gmail.com>
Subject: conversation follow-up
Date: July 17, 2022 at 12:12:48 PM EDT
To: jwilt@nvcmaine.org

Jeffrey,

I am just following up on our conversation about the proposed new zoning ordinance. You asked me to put what we talked about into an email, so here it goes...

Under the proposed new rules, if one is on a non-conforming lot and does not already have parking, then one would be prohibited from making any structural alterations to the property or cottage. To get a permit for a structural alteration would require the addition of parking spaces. If your lot is already non-conforming, then you would not be able to add a parking space (through the addition of gravel or even compacted soil) because to do so would increase the impervious surfaces on your lot which would therefore increase the non-conformity.

Does that make sense?

Bo

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4 attachments



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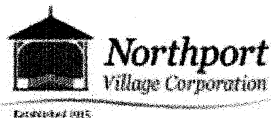
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Janae Novotny <president@nvcmaine.org>

Fwd: Governance

1 message

Judy Metcalf <metcalf442@myfairpoint.net>
To: Janae Novotny <president@nvcmaine.org>

Sun, Aug 7, 2022 at 9:45 AM

Begin forwarded message:

From: <dan@baysidemaine.com>
Subject: FW: Governance
Date: August 6, 2022 at 8:32:22 PM EDT
To: <governance@nvcmaine.org>

From: Tim Samway <baysam33@gmail.com>
Sent: Saturday, August 6, 2022 6:53 PM
To: Dan Webster <dan@baysidemaine.com>
Subject: Re: Governance

I'm not concerned about the Overseers doing something on the sly---- the voters are pretty much protected ----- the path to vote on an amendment is OR----- either the Overseers OR the voters can approve an amendment. I'm not aware that the voters could over ride an Overseers 2/3rds vote ----- and vice versa. My point is that there are two ways to approve an amendment ---- who decides who goes first ---- who decides the OR

tim

On Sat, Aug 6, 2022, 3:15 PM <dan@baysidemaine.com> wrote:

Copying in the committee.

I get what you're saying about the two-thirds. Maybe a hard number makes sense, provided that the number would need to change if ever the number of Overseers elected changes.

On the other subject, as pasted below from the ordinance, there's a public hearing requirement in Section 1.8.3, so this couldn't be done behind closed doors. However, what your proposing—that the ordinance could ONLY be amended by a vote at the annual meeting—would be a fundamental change to the amendment provision that has not been discussed as part of this cycle of changes.

From: Tim Samway <baysam33@gmail.com>
Sent: Saturday, August 6, 2022 12:13 PM
To: dan@baysidemaine.com
Subject: RE: Governance

OK----- couple of replies,

Regarding the 2/3rds majority vote by the Overseers my suggestion, to avoid any confusion, is to put the #5 in parenthesis where it says 2/3rds (5). There have been times as recently as this year when the Board had 6----- I don't think the board should then do 2/3rds of 6—or 2/3rds of a legal quorum that might be less than 6----it might give a board a reason not to fill a vacancy ----- make it clear that to pass it would need 5 votes from the Overseers.

Regarding the OR----- the way it is currently written the board could garner the 5 votes and AVOID bringing the amendment change to the voters. I'm giving an extreme example, but let's say that a few members of the board want to change the boundaries of the village districts, maybe in an effort to allow a prohibited use, or the reverse, eliminate a prohibited use. My feeling is that this type of amendment, after a public hearing, should go to the voters. I'd be very concerned about hearing a proposed amendment was approved by 5 Overseers without going to the voters. That's why I would like to have a detailed discussion about the 'OR'

.tim

From: dan@baysidemaine.com <dan@baysidemaine.com>
Sent: Saturday, August 6, 2022 10:48 AM
To: baysam33@gmail.com
Cc: governance@nvcmaine.org
Subject: RE: Governance

Tim,

Thanks for these thoughtful comments. I am sharing them with the Governance Committee. Our next meeting is Friday morning at 7:30 AM. The public hearing is on Saturday, August 13, not Sunday, August 14. The Overseers' meeting is on Sunday.

Regarding the two-thirds, the Section 1.8.2.1. of the ordinance (as proposed) says, "two-thirds vote of the Board of Overseers." This would mean five of the seven Overseers would be needed to pass, since 2/3 would be 4.67 Overseers.

I'm not sure I follow the comment about "OR." My interpretation, which could be wrong, is that an amendment (properly brought forward pursuant to Section 1.8.1) could be adopted through either means. I think it also means that one could overrule the other. For example, if it were put to a vote at the annual meeting and failed to garner a majority, the Overseers, with five votes, could still adopt the amendment. Whether they would do so if the will of the annual meeting attendees was to not adopt it would be a question only the Board of Overseers at the time could answer. It would seem to work the other way, too. A citizen-generated amendment that was voted down by the Overseers could be presented to the voters at the annual meeting. Again, this is just how I interpret the language.

I've pasted the language from the proposed ordinance below.

You have made me notice one correction we need to make (in red below) since we eliminated the ZBA's ability to initiate an amendment.

Dan

1.8. Amendment

1.8.1. An amendment of this Ordinance may be initiated by:

1.8.1.1. vote of the Board of Overseers; or

1.8.1.2. Written petition of 25 registered voters of the Northport Village Corporation.

1.8.2. An amendment of this Ordinance may be adopted by:

1.8.2.1. two-thirds vote of the Board of Overseers; or

1.8.2.2. majority vote of the registered voters at an annual meeting of Bayside.

1.8.3. In either case, the Northport Village Corporation shall hold a public hearing in accordance with the requirements of 30-A M.R.S.A. §4352(9) and provide notice of said public hearing posted in accordance and simultaneous with the notice requirement by 30-A M.R.S.A. §4352(9).

1.8.4. No proposed change in this Ordinance which has been unfavorably acted upon by the Board of Overseers shall be considered on its merits by the Board of Overseers within two years of the date of such unfavorable action unless the adoption of the proposed change is recommended by ~~the Zoning Board of Appeals, or a~~ two-thirds vote of the registered voters of the Northport Village Corporation present at the annual meeting.

From: baysam33@comcast.net <baysam33@comcast.net>
Sent: Friday, August 5, 2022 7:46 PM
To: dan@baysidemaine.com
Subject: Governance

Dan,

I don't have the docs in front of me, I'm sure they are here someplace----- I will try to make the public hearing on Sunday morning the 14th. In the meantime I noticed something in my quick read that is not a change but it's of concern because I think it's not clear---- it has to do with amendments.

And I will quickly admit that I have not been paying attention to all the zoom meetings when many sections were discussed and many changes are being propos

I think it says something like this---- I might not have the exact wording but I think you'll catch my meaning. It says that amendments to this doc can be made by a vote of the Overseers or by the voters at the annual meeting. The vote by the voters to amend will be by simple majority. However the vote by the Overseers is what concerns me----- I think it says by a 2/3rds majority, or a 3/4ths majority. Whatever the fraction my concern is that it doesn't clarify exactly what is the majority----- is it 2/3rds of 7, or is it 2/3rds of who ever is present and voting. I think as few as 4 Overseers can be a quorum so I think that statement should be expanded to say exactly how many overseers will be needed to pass the amendment. I'd be concerned if a small group of Overseers acted to pass an amendment.

My other concern is the 'OR'----- I think it says the doc can amended by the Overseers OR by the voters. Who determines the 'OR'----- I can understand the Overseers making minor corrections without going to the voters, but what about major amendments such as changes in the what is allowed or not allowed etc.

I don't think the Overseers can be both judge and jury----- It seems to me that there is an easy path to steer a proposed amendment away from the voters. That sections needs some attention.

tim



Janae Novotny <president@nvcmaine.org>

Feedback on NVC Zoning Ordinance (August 1, 2022)

2 messages

Brady Brim-DeForest <bradybd@gmail.com>

Mon, Aug 1, 2022 at 11:05 PM

To: "Metcalfe, Judy" <judy@judymetcalflaw.com>, metcalfe442@myfairpoint.net, Dan Webster <dan@baysidemaine.com>, moss@knightnricastro.com, jwilt@nvcmaine.org

Cc: Janae Novotny <president@nvcmaine.org>, Overseers <overseers@nvcmaine.org>, William Paige <bpaige@nvcmaine.org>, archive@nvcmaine.org, Brady Brim-DeForest <bbrim-deforest@nvcmaine.org>

Dear Governance Committee Members,

First, let me begin by thanking the Governance Committee for all of its efforts to improve the NVC Zoning Ordinance. I know that this has required a tremendous amount of effort. I also imagine that the push back you have received from community members is frustrating and might leave you feeling under appreciated.

From my vantage point, the concerns expressed by members of the community are reflective of a lack of participation in the process more than anything else.

Not everyone has time to dedicate to civic matters — attending meetings of the Board of Overseers or participating in committee meetings (which often take place during the work day). But, that does not mean that they have any less right than you or me to participate in the democratic process.

I am a member of the Board of Overseers, and even in that privileged position, was surprised by the extent of the changes proposed and the speed with which they were intended to be enacted.

Since I joined the Board of Overseers in August of 2021, only two written Governance Committee Reports to the Board mentioned the work being done on the Zoning Ordinance.

In February, I requested a summary of changes and was told that there was none.

The first Committee Report report was circulated on March 25, 2022 and reads as follows:

The Governance Committee has met twice since the last overseers meeting. Although we have a very full plate, we are making good headway in completing our line by line review of the Zoning Ordinance. Our work will be enhanced as community members share their goals and vision for the village. Stakeholders like the town enforcement officer and Maine Historical Preservation have been consulted. We have been focused on simplifying and clarifying.

The second (and only other Committee report to the board on this topic) was on June 11, 2022 and reads (emphasis mine):

Attached is the FINAL draft of the Zoning ordinance which represents the product of over a year's work. At the end, as you saw from the public notices, we were meeting weekly. This represents some very thoughtful balanced work which would have been impossible without the steady focused hands of the committee members. Elaine Moss, Beverly Crofoot, Dan Webster, and Jeffrey Wilt are to be thanked and commended. Many community members gave thoughtful and helpful feedback and advice. We have send this to Toupie Rooney and the town attorney for insight and comments. Highlights of our work include (1) introduction of an advisory design review committee for the historic district; (2) reconciling and building consistency between the shoreland zoning, historic district, and R-1; (3) changes consistent with state laws regarding mobiles; (4) clarifying matter pertaining to permitted uses and access to sewer facilities; and (5) streamlining and organizing definitions to be consistent with state and town uses.

On top of that, no minutes for any Governance Committee meeting in 2022 have ever been posted to the NVC website.

It wasn't obvious to me until the June report that the Governance Committee was even working to revise the zoning ordinance with changes beyond mere cleanup.

For members of the community who are not subscribers to Dan Webster's BaysideMaine.com newsletter, and/or who do not check the NVC website regularly, it would in fact be very difficult to even know when committee meetings are taking

place, let alone participate in them. As a member of several committees, I personally struggle with this as notices are often sent only a day or two in advance of the meeting (sometimes the day of), and committee meetings are not always published on the NVC website (despite the best efforts of a team of committed volunteers).

I know how busy everyone is — short notice is sometimes unavoidable — but when it comes to a process like this, the optics matter. The first public hearing for Zoning Ordinance changes was only announced with the bare legal minimum of 72 hours. I am very glad to see that the notice for the second public hearing (set for Aug 13) was published several weeks in advance.

In advance of the first hearing, I requested a full redline of the changes made to the ordinance as it was concerning to me that this was not originally provided. I appreciate the work that Dan Webster invested in providing this important artifact.

I requested at the first Public Hearing on this matter an explanation of why each substantive change was proposed. I requested the same at the Governance Committee meeting on Sunday, July 17th. The response by one committee member was as follows: "Explaining the 'why' would just open us up to cross examination." This is a shocking statement on its face, and is antithetical to the fundamental principals of democracy.

While I know that this was not the intention, this pattern — the lack of notice, the lack of reporting, the lack of committee minutes, the perceived unwillingness to explain the reasoning behind changes, the emphasis on pushing the changes through with only the legal minimum number of public hearings — gives the appearance that there was an attempt to railroad through significant changes without providing meaningful opportunity for the community to engage and provide feedback.

Fundamentally, the work of the Governance Committee on the zoning ordinance impacts some of our most fundamental property rights. Although you may object to this characterization, the committee has, in my opinion, made significant changes to land use rights within NVC.

I've outlined my feedback in several broad buckets below:

1. Alterations/Expansions to Existing Structures: Changes to both impervious surface and parking requirements will make it extremely difficult (if not impossible) to expand some existing homes and cottages, and even do things like add air conditioning units or garden beds in some cases. While the Committee has made subsequent modifications to these new provisions based on community feedback over the past month, the implications of this provision is not well understood, and while well intentioned, we as a community need additional time for study and consideration.

2. Corner Stores and At-Home Retail Businesses: The removal of various types of commercial establishments from permitted or conditional use in the R-1, and R-2 districts strikes me as backwards. Amidst one of the most significant shifts of population from urban to rural communities in the last century, I believe that we should be doing more to support local commerce and entrepreneurship. Bayside has and will continue to shift towards a year round community of residents. Allowing for local amenities that are within walking distance will not only help to reduce traffic in our village, but will also improve the environment, and make our local economy more robust. Beyond that, removing commercial uses that were already permitted under the existing ordinance is not something that should be done lightly and necessitates more study and consideration. For decades, various retail establishments were present within the village and in my conversations with community members over the last month, there is a strong appetite and interest in their return. In fact, I understand that certain Committee Members were surprised that a tea house that sought a permit to open in the village last year was disallowed under the existing ordinance. When I asked the Committee why convenience stores (e.g. a corner store or general store) had been removed from the allowed uses, the Committee responded "because no one had tried to do so in the last 20 years." I can't think of a more arbitrary reason to deprive land owners of a valuable land use right.

For full disclosure, the changes contemplated by the Committee in this regard have encouraged me to proactively explore such uses for property I own within the Village.

3. Houses of Worship: Removal of houses of worship as a permitted use in the R-2 District seems strange and out of character for a community that was once founded as a church camp. I have asked the committee for an explanation of this change on two occasions and have not received a response. I would like to understand why this change was made and what legal implications and risks it has for the village. I believe this change is also in conflict with the federal *Religious Land Use and Institutionalized Persons Act of 2000* which prohibits zoning laws that discriminate against churches and other places of religious worship. I would strongly suggest revisiting this change.

4. Changes to R-1, R-2, and GP Districts that are Better Suited for the Historic District: The Historic District has a particular character that is strongly influenced by the nature of the camp that was its predecessor. The lots are very small (under 1/8 of an acre in many cases), and neighbors live in close proximity to one another. Many of

the changes that are proposed in the current draft do seem appropriate to the Historic District, but those same changes are significantly less sensible, and not at all fair, when applied to R-1 or R-2 zones where lots can be 30+ acres in size.

5. Design Review Committee: For the record, I have no fundamental concern with the design review committee — in fact, I think it could be a force for good and was sad to see it removed so quickly from the mid-July draft. As a historical preservationist, I believe that maintaining the aesthetic qualities of our built environment is generally good. But, preservation isn't about standing still. It is about ensuring that adaptive reuse can take place. The needs of subsequent generations will change — we need to ensure Bayside is attractive to them too.

My overarching concern has been that this process has been rushed (for those not on the committee). I believe we need more time to review and digest these changes and solicit community participation and expert feedback. I also feel strongly that changes should come along with detailed explanations and reasoning — each should be made with a purpose that helps our village to achieve its goals.

While the work of the Committee has been thorough, the kinds of changes being contemplated (however well intentioned) necessitate involvement of a broad selection of public and private experts as well as feedback from those without a vested interest in the application of the new regulations.

To that end, I urge the Committee to:

1. Communicate clearly the reasoning behind each of the substantive changes proposed in the revised ordinance, with special attention to areas where legitimate property rights are being removed. What is being contemplated in many cases within these latest drafts could go as far as to be considered regulatory taking. Substantive due process requires that a zoning action not arbitrarily or capriciously deprive a person of the legitimate use of his or her property. The mere power to enact an ordinance does not carry with it the right to arbitrarily or capriciously deprive a person of the legitimate use of his or her property.

2. Allow for a meaningful period of public debate and collaboration. Host as many public hearings as might be needed — not just the legal minimum. Don't rush to push for a vote on the ordinance as quickly as possible. My understanding was that the effort to update the zoning ordinance was mostly intended to reduce confusion. Without adequate time to study the implications of these latest updates, it is likely we will end up again with an ordinance that is more confusing than it is clear.

I appreciate all of your time and effort and I look forward to seeing you at the public hearing on the 13th of August.

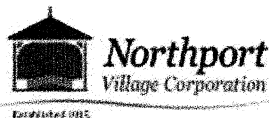
With thanks,
Brady Brim-DeForest

cc/ Janae Novotny, President
Board of Overseers

Judy Metcalf <metcalf442@myfairpoint.net>
To: Janae Novotny <president@nvcmaine.org>

Sun, Aug 7, 2022 at 9:42 AM

Begin forwarded message:
[Quoted text hidden]



Janae Novotny <president@nvcmaine.org>

Fwd: Recent Meeting

1 message

Judy Metcalf <metcalf442@myfairpoint.net>
To: Janae Novotny <president@nvcmaine.org>

Sun, Aug 7, 2022 at 9:41 AM

Begin forwarded message:

From: Brady Brim-DeForest <bbrim-deforest@nvcmaine.org>
Subject: Fwd: Recent Meeting
Date: August 2, 2022 at 10:45:46 AM EDT
To: governance@nvcmaine.org

----- Forwarded message -----

From: Allen Fry <fry_allen@hotmail.com>
Date: Tue, Aug 2, 2022 at 10:43 AM
Subject: Recent Meeting
To: lfryer@nvcmaine.org <lfryer@nvcmaine.org>, Flincoln@nvcmaine.org <Flincoln@nvcmaine.org>, vmatthews@nvcmaine.org <vmatthews@nvcmaine.org>, jmetcalf@nvcmaine.org <jmetcalf@nvcmaine.org>, bbrim-deforest@nvcmaine.org <bbrim-deforest@nvcmaine.org>, mtirrell@nvcmaine.org <mtirrell@nvcmaine.org>, jwilt@nvcmaine.org <jwilt@nvcmaine.org>

Hello Board of Overseers,

My wife, Mary, and I are proud to own our home in Bayside village. We look forward to the time that it can become our primary residence. As Life Should Be is truly how we view Maine and our place in Bayside.

We had wanted to attend the special meeting a few weeks ago via Zoom, but unfortunately, we were unable to. And while it might not help or be of any good, we wanted to share our thoughts with what appear to be the proposed changes to the Zoning Ordinance of The Northport Village Corporation.

We feel that right on the first page, the proposed "design review panel" is an overreach. We feel the existing limitations covered in the Zoning Ordinance are sufficient and the attempt to control other's property by requiring a design review is unnecessary. One of the beautiful aspects of our little slice of heaven is the differences in each of the cottages and something requiring them to "conform" to something we feel will be detrimental in the long run.

I also question the reasoning for requiring such? The statement on page 1 to encourage fidelity to the historical character is innocuous enough, but as we get to page 18 under section 5.1.2.3, requiring a compulsory submission for review of something "advisory in nature" is required but the findings of the advisory review are not required to be incorporated is adding an unnecessary step and time to a person's construction or renovation and has no purpose other than to allow others to state their disapproval and create division and strife among neighbors.

Then it seems on page 20 in section 5.1.4.3 to begin to become apparent that this will be an effort to make it more than "advisory" as the overseers or zoning board of appeals may attach special requirements from the design review advisory committee, thus making the committee's suggestions more than mere suggestions.

This is further evidenced as we get to page 44 and section 6.16 which in my opinion shows that the real purpose of the changes is to have control of other owner's properties.

Currently, a building permit is required and it is our opinion that the process that has been in place is sufficient. Adding additional requirements as listed in 6.16 are completely unnecessary. The current code and permit process allows for safety and other requirements (like setbacks/etc.) along the state guidelines, we see no reason to make them more stringent.

We also found issue with the notification process for such drastic proposed changes to the zoning ordinance. We would appreciate a process where as every owner in the village receives a notification of such proposals. Is there an email list or something? Is there a mailing to owners? If so, please let me know as we only heard of this through a neighbor, and we feel changes such as this that could greatly affect every property owner need to have the information spread so that owners can make informed decisions.

Again, it is our position that most of the proposed changes are completely unnecessary and will primarily function to erode individual owners' property rights and we don't feel are the right thing to do.

Allen and Mary Fry
1 Clinton Ave.

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Brady Brim-DeForest

Overseer, Northport Village Corporation

E: bbrim-deforest@nvcmaine.org

P: (213) 268-0395





Janae Novotny <president@nvcmaine.org>

Fwd: Mixed-use commercial development proposal

1 message

Judy Metcalf <metcalf442@myfairpoint.net>
To: Janae Novotny <president@nvcmaine.org>

Sun, Aug 7, 2022 at 9:41 AM

Begin forwarded message:

From: Brady Brim-DeForest <bbrim-deforest@nvcmaine.org>
Subject: Fwd: Mixed-use commercial development proposal
Date: August 7, 2022 at 2:48:39 AM EDT
To: governance@nvcmaine.org

Brady Brim-DeForest

Overseer, Northport Village Corporation
E: bbrim-deforest@nvcmaine.org
P: (213) 268-0395



----- Forwarded message -----

From: Anne Eaton <annee0619@att.net>
Date: Sat, Aug 6, 2022 at 5:39 PM
Subject: Mixed-use commercial development proposal
To: lfryer@nvcmaine.org <lfryer@nvcmaine.org>, flincoln@nvcmaine.org <flincoln@nvcmaine.org>, vmatthews@nvcmaine.org <vmatthews@nvcmaine.org>, jmetcalf@nvcmaine.org <jmetcalf@nvcmaine.org>, bbrim-deforest@nvcmaine.org <bbrim-deforest@nvcmaine.org>, mtirrell@nvcmaine.org <mtirrell@nvcmaine.org>, jwilt@nvcmaine.org <jwilt@nvcmaine.org>, northportceo@gmail.com <northportceo@gmail.com>

To the Northport Code Enforcement Officer and the Northport Village Corporation Overseers,

I'm sending this to both Northport and the NVC as I am unable to be in Bayside at this time and think both groups should be aware of my thoughts. I don't know if written comments will be made a part of either or both upcoming meetings, but I hope you will consider the below in the spirit in which it was written, with genuine affection for the place and people that make up Bayside.

I've read and re-read all the comments made on the various BaysideMaine Facebook pages in the last few days and frankly, I'm dismayed by the tone of many of the posters. If this is a true reflection of the Village community, there's much more at stake for Bayside than one property owner's building proposal. My grandchildren are 7th-generation Baysiders. Unlike some families, we didn't have the privilege of returning year after year but many of my siblings, our children and grandchildren are now able to come annually. My husband and I own Snow Cottage and my son and his wife recently purchased Nokomis. Both of these investments in future Bayside memories made my 96 year old Dad tear up. Dad's grandmother owned what is now 1 Bay, purchased in

the 1910's and which passed out of the family in the '80's. Our Bayside roots are deep and our memories are dear.

What many people who are new to Bayside may not realize (and I suspect some long-time Baysiders may not want to remember) is that change has been a constant. Dad remembers the first store (located next to the Community Hall), which his mom bought for him at age 15 when it closed and moved it to the top of Bayview Park. That became Dad's bunkhouse, which he named Downbeat.

I remember the store and post office that are now Blair Agency. It was exciting to buy our penny candy and go to check if there was mail in our mailbox. I remember the merry-go-round and the see-saw. My grandmother once had a 50-gallon drum full of beach glass.

I also remember when the Inn was sold and converted to condos, making many people unhappy. I'd say today it's simply part of the fabric. I remember one summer we returned and the store was gone, replaced with a real estate company. I remember when the Corner Store was run-down, dark, and just a little sketchy. I remember when you couldn't see two inches into the water, but we swam anyway. I remember when the first cottage was winterized and there was a lot of head-shaking among the older generation for the loss of the summer community. I remember when they first "closed" the wharf at night, and then the basketball court, the latter along about the time my children were old enough to stay out later. Now we have a morning opening time for the playground. We all cringed when DownEast published a cover story on Bayside..."Yikes! The secret is out! They'll come in droves!" And now they've featured Bayside again in their Home magazine.

I'm sure you've figured out by now that my perspective is like baseball, and James Earl Jones's soliloquy in Field of Dreams. Whatever happens to the game, it always comes back. It evolves; Bayside evolves, sometimes positively and sometimes not.

Perhaps Cobe Mansion has never been a part of the Village; Mr. Cobe certainly didn't come from the same background and the mansion doesn't look much like a cottage! At the same time, it is absolutely a part of the Village, and I'm thrilled that new owners have embraced Bayside, and are restoring an important piece of mid-coast history.

Here are my thoughts. First, I take everything Mr. Brim-DeForest has written in all his replies at face value. He's done nothing to make me question when he says he has no further agenda for the property or other mid-coast investments as they pertain to Bayside. The timing of the two issues, the Zoning Ordinance vote and the Planning Board meeting, is incredibly unfortunate. I understand both Mr. Brim-DeForest's position and the passions of some Villagers. My husband and I are not signing the petition, because we feel that as written, it weakens what we see as the real issue. If the petition had been written in such a way to suggest that BOTH meetings be postponed, that would have had merit. The Zoning changes are profound, far-reaching, and I'd suggest not well understood by many (I'd also guess that most folks haven't read them carefully). I applaud Mr. Brim-DeForest's willingness to put his proposal up for discussion, and I appreciate the NVC has triggered the speed of his application.

Regarding the proposal itself, I do have some questions/concerns. I personally have no issue with an "apartment" unit; that's essentially what the Inn is, and it's not far off from the fascinating container house plus guest units. The farm store actually concerns me more, but not entirely for the reasons others have voiced. That said, the refurbished Bayside Store was met with unbridled enthusiasm, not just for the renovations, but just as importantly, for the vision, dedication and sacrifice of one of

Bayside's own to make it happen. I know that the owner struggles to find and keep help. The winter population is just enough to keep the Bayside Store open and I don't think multiple shopping options will work well in the long run; one or the other will suffer.

Mr. Brim-DeForest has said he opted against three separate rental units due to infrastructure needs. If so, perhaps dropping the store and falling back to the 3 cottage plan is an option? Could there simply be an honor-system farm stand at the edge of the property? Or perhaps the Bayside Store would sell the produce from the garden?

Traffic is an increasingly difficult issue to address. But I've often wondered why there aren't speed bumps throughout the Village? Surely Officer Ryosa would appreciate being able to engage the community more outside of speed stops. Maybe it's a snow-plow problem. What about stop signs? People will complain....and slow down.

Again, my husband and I are not signing the petition, not because we don't think pushing the Planning Board meeting out is a good idea (it is) but because it doesn't also ask for the Zoning Ordinance to be delayed. And to petition the outcome (deny the application) before there is robust discussion on both issues, is disingenuous. I would suggest that the Overseers delay moving forward with the Zoning Ordinance, that the Northport Planning Board delay the permit hearing, and that the community take a step back and work the problem together. Short of declaring a Village moratorium on any future construction or property improvements, change will happen. The Overseers should more actively include the community at large on such an important subject.

Best Regards,
Anne Eaton

6 Griffin Street

From: bryнна I <bryнна717@gmail.com>
Sent: Tuesday, August 9, 2022 12:53 PM
To: Dan Webster
Subject: Fwd: follow up to Zoning Ordinance discussion Saturday 6/25

----- Forwarded message -----

From: **Brady Brim-DeForest** <bbrim-deforest@nvcmaine.org>
Date: Mon, Jun 27, 2022, 2:30 PM
Subject: Re: follow up to Zoning Ordinance discussion Saturday 6/25
To: bryнна I <bryнна717@gmail.com>

Bryнна, thank you for your note and participation in the process.

I feel strongly, like you do, that this should be taken to a community vote. That being said, I personally believe that August is far too soon. There are major implications that need consideration and input from the community. Rushing to vote on these changes in August of this year does not give the community sufficient time to participate in this process.

With thanks,

Brady

On Sat, Jun 25, 2022 at 10:14 AM bryнна I <bryнна717@gmail.com> wrote:

Dear Overseers

To follow up my comments at Saturday's special meeting, I would like to summarize some of the sentiments I heard stressed again and again throughout the session by members of the community, and add what I may not have had time to address in the public forum.

Many folks seem to concur that much more thought needs to be given to creating a Design Review Committee; or indeed, *whether one is warranted at all*. They shared the opinion that such a committee is unnecessary and that the current zoning regulations are satisfactory, along with its process of Appeals through the Town of Northport ZBA. While we understand that the Review Committee would be acting in an "advisory" capacity only, many shared the concern that that could easily change with a simple quiet vote from the Overseers a few years down the road, in the wake of this Committee's advice being disregarded or ignored, due to its toothlessness. The term "slippery slope" was used more than a few times by several members of the public. We all agreed that no one wants Bayside to become the next Oak Bluffs, neither in terms of its exclusivity, nor its restrictiveness.

A compulsory application to this Design Review Committee is presumptive and over-reaching. It might also add considerably to both the expense and the length of time anyone wishing to alter/build must spend in the permitting process. What will the committee require? will a full set of architectural drawings be compulsory? an engineer's stamp?

a survey? a schedule of windows and doors? a history of the property? public hearings? All of that costs money, time & effort; just so the Committee can "advise" property owners? I'm sorry, but a pamphlet can do that. We don't need a Design Review Committee. And, who is this Committee? will they be elected? will they be experienced builders, architects? Do we even have such individuals willing to donate their time for such an endeavor?

Many, myself included, expressed the opinion that, due to its far-reaching implications and impact on homeowners, the ordinance should be *voted upon by the community at the annual August meeting*, and **not** just by the members of the Board of Overseers. Additionally, I asked if those who are members of BOTH the Overseers AND the Governance committee, who helped author these revisions, might consider recusing themselves from the vote, since it is obvious what their vote would be, which - to me - seems a lot like bias. When I asked one of these members specifically, she cited her obligation not only as an Overseer, but as a resident and property owner. I am a resident and a property owner. If that's the criteria, may I vote on it too please?

Another topic that was reiterated many times was the fact that *72 hours notice for a meeting on a matter of this magnitude*, which will have direct impact on every member of this community, and with all its included materials to be reviewed, is nothing short of ridiculous. The Overseers publicly discussed the June 25th date for this meeting two weeks ago, why would the community not then be notified immediately at that time? Why would they not be invited and encouraged to participate and read these materials until barely 3 days prior to the scheduled meeting? It creates the feeling that these changes are being rushed, and that participation by the public is unimportant. The reading of 50 pages of legal jargon, the deciphering required to comprehend each item red-lined in any way, should warrant, at the very least, 30 days of lead time. In general and as an aside, I must also say that I find it questionable that the minutes from the previous month's Overseers' meetings are never made public until the eleventh hour before the next meeting of the Overseers is scheduled. It makes it very difficult for members of the public to prepare any rebuttal to the issues discussed at a previous meeting they were unable to attend, or to gather their own documentation if they wish to participate in what I assume is intended to be a democratic process. It creates an atmosphere of mistrust, and at the very least, that the community's voices don't matter.

To further my own comments, and I do apologize for my impassioned tone as I spoke today (strong feelings!), I respect what the Governance Committee is trying to do. Just like everyone else who is concerned, I understand that the goal is to preserve the unique, historic charm of Bayside. But not at the cost of folks being prohibited from deriving full value from their own property, which by nature, ownership confers. Northport has zoning laws already. Northport has a reasonable height requirement already. There is an appeals process already. If the Governance committee wants to do something productive and good for Bayside zoning, perhaps they could open a discussion about how to bring Bayside *forward* in the age of climate change. [Or do we need a Committee for that too?] Why are we not talking about allowances for folks who want to install sustainable forms of energy e.g., solar panels? Why are we not discussing what having an AC compressor outside your house will mean? What is the best way of addressing these very real and prescient issues that will be affecting us more and more in the next 20 - 50 years? The point was aptly made that Bayside has evolved from tent plots two centuries back, and has been adjusting with the times all along, right to the present day. Let's continue that evolution, not turn the clock back. Let's make it possible for future generations to derive the same pleasure from Bayside that we have, and that those before us have. Let's trust, *and talk to*, our neighbors, instead of encouraging division, and even litigation. In short, let's stop with all these committees, and let's not try to "fix it if it ain't broke".

My thanks to those of you who gave time to this process, and to this meeting. It is my sincere hope that our voices will be heard, and that you will not rush to make changes that will be permanent, and impact the legacy of all in this unique community.

Thank you,
Brynna Ledyard
1 North Ave

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—

Brady Brim-DeForest

Overseer, Northport Village Corporation

E: bbrim-deforest@nvcmaine.org

P: (213) 268-0395

