

PLANNING BOARD MINUTES
WEDNESDAY, FEBRUARY 17, 2021
REMOTE MEETING – 6:30 P.M.

Present: Christa Schwintzer, Dave Thompson, Phil Ruck, Lisa Buck, Michael Costello

Absent: Jud McIntosh, John Beckett

Town Staff: Kyle Drexler, Jessica Chadbourne

Acceptance of the Agenda

Phil Ruck asked for a motion to accept the agenda.

Motion: Michael Costello

Second: Dave Thompson

Mr. Ruck then asked Jessica Chadbourne to take a roll call vote. The vote to accept the agenda passed with five for, none against.

Approval of the Minutes of the December 16, 2021 Meeting

Mr. Ruck asked for a motion to accept the minutes from the November meeting.

Motion: Christa Schwintzer

Second: Dave Thompson

There were no corrections to the minutes this month. Mr. Ruck then asked for a roll call vote for the approval of the minutes. The vote to approve the minutes passed four for, with one abstaining as Lisa Buck was not present at the December meeting of the board..

Old Business

There was no old business to discuss.

New Business

Item A: An amended subdivision by Forest/Orono Associates, LLP for the Forest Hollow Subdivision located on Grant Rd in the Low Density Residential District to recreate lot 6 from the originally approved subdivision which had previously been combined with other lots on the east side of Grant Rd.

Mr. Ruck invited the applicant to present his project, but Mr. Benson's poor internet connection did not permit him to communicate with the board. Mr. Drexler stepped in to provide his summary of Mr. Benson's request to recreate a lot - Lot 6 - within the Forest Hollow subdivision. The lot was outlined in the original plans for the subdivision and approved at the time by the Planning Board. Lot 6 was later combined with other lots on the east side of Grant Rd to form a larger parcel of land. Mr. Benson appeared before the planning board in June to reconstitute two lots on one side of Grant Rd that were ready for sale, and now wishes to do the same on the opposite side of the road. The lots would be recreated exactly as they existed in the original subdivision plan.

Mr. Ruck asked if the board had any questions for Mr. Benson. There were none. Mr. Ruck raised concerns that Mr. Benson intended to return to the Planning Board every time he sold a lot and needed to have it legally recreated. Mr. Drexler pointed out that, unfortunately, there was no way to get around Mr. Benson's needing to go before the Planning Board because state law requires that

amendments, of any kind, to subdivisions need to be approved by the Planning Board. Thankfully, he pointed out, it was a fairly quick and straightforward process. Mr. Ruck acknowledged the requirement, but pointed out that it did not seem typical to start with a subdivision, lump all the lots back in together, and then reform them one at a time. Mr. Benson tried to explain his reasoning, but his internet signal once more prevented him from communicating with the board. He did get enough of a signal back to inform that board that he originally combined the lots in 2018 because he had only had two lot sales in the subdivision in the first 12 years and the taxes were \$20,000 a year. When his appeal to have his tax bill abated failed, he combined the lots to lower his tax burden. Now that the market has seen such a boost in activity, he needs to recreate the lots so they can be sold.

Mr. Ruck asked if there were any comments from the public or the Board. Hearing none, he closed the public hearing and read into record the proposed findings of fact (Attachment A). Mr. Ruck then asked for a motion to approve Mr. Benson's approval.

Motion: Lisa Buck moved that the Board accept the amended subdivision by Forest/Orono Associates, LLP for the Forest Hollow Subdivision located on Grant Rd in the Low Density Residential District to recreate lot 6 from the originally approved subdivision which had previously been combined with other lots on the east side of Grant Rd, with the following conditions:

1. That all findings of the Planning Board with respect to this development at its meeting of July 19, 2006, and all conditions of approval and requirements pertaining thereto, are unchanged and remain in place.
2. That the applicant be granted an approved Site Location of Development Law land use permit for the amended plan by the Maine Department of Environmental Protection and provide evidence of such approval to the Town.
3. That the signed, amended subdivision plan, to include conditions of approval that run with the property, be recorded at the Registry of Deeds within 90 days of approval of the amended plan.

Second: Michael Costello

Ms. Chadbourne took a final roll call vote. The motion to approve the application passed five for, none against.

Other New Business

There was no other new business.

Discussion

Item A: A preliminary discussion on the concept of the Village Residential Overlay District and Medium Density Residential District minimum lot size and frontage reduction

Mr. Drexler provided the board with a presentation (Attachment B), summarizing the proposed ordinance change that would go to a public hearing during the March Planning Board meeting. These policies are two of the larger remaining pieces of policy that need to be implemented under the comprehensive plan. As both of these policies support a lot of the same goals in the comp plan, the Town Council Comprehensive Plan Committee decided to look into them concurrently. Because it is a significant change, Mr. Drexler wanted to prep the board on the issue so they can be well informed for the public hearing in March.

The full presentation is attached to these minutes but not quoted verbatim as this was simply a preliminary introduction for the Planning Board and the formal discussion will take place in March.

Item B: Forthcoming Projects for the Board

Mr. Ruck asked Mr. Drexler for a summary of any forthcoming projects to be presented before the board. Mr. Drexler replied that there was nothing officially in yet for March but that there were a lot of things being worked on that would require Planning Board input in due time. He did remind the board that the municipal election was March 9, and the town would be voting at that time on whether to allow marijuana businesses in town. If it passes, that could potentially open up projects in future months.

Item C: New Associate Members

Mr. Ruck asked if there were any applicants to fill the two vacant associate member positions. Mr. Drexler responded that there had been no applicants thus far but that language had been placed in the Orono Observer inviting interested parties to apply.

Adjournment

Mr. Ruck asked for a motion to adjourn the February meeting of the Planning Board.

Motion: Lisa Buck

Second: Michael Costello

Ms. Chadbourne took a final roll call vote. The motion to adjourn the meeting passed five for, and the meeting was adjourned at 7:30 pm February 17, 2021.

Attachment A

**PROPOSED FINDINGS OF FACT
FOREST HOLLOW SUBDIVISION
AMENDED SUBDIVISION REVIEW
February 17, 2021**

Pursuant to Article VII, Section 18-210 (Subdivision Review) of the Orono Code of Ordinances, the Orono Planning Board has considered the application of Donald Benson to amend the Forest Hollow Subdivision, originally approved in July 2006 and amended in February 2018 and June 2020, by recreating lot 6 as it was depicted on the 2006 original subdivision plan. The property is located in the Low Density Residential (LDR) District on Grant Road, and, based on all evidence presented by the applicant, reviewing agencies, and town departments, and the public, the Planning Board found the following:

1. **Lots:** That the proposed amendment will recreate lot 6, as it was approved by the Planning Board in the 2006 subdivision review, from the retained land area on the east side of Grant Rd.

Further, that lot 6 meets the minimum dimensional requirements of the Low Density Residential District.

Further, that any future division of the retained land which constitutes the creation of subdivision lots, will be subject to Land Use Ordinance standards in effect at the time of the subdivision.

2. **Drainage Improvements:** That the amended subdivision plan does not alter the previously designated and approved protected runoff drainage buffers that are part of the approved stormwater management plan.
3. **Open space, wildlife habitat, wetlands, and recreational land:** That the amended subdivision plan does not alter the previously designated and approved significant wildlife habitat buffer, vegetated buffers on lots 1 and 2, and the recreational path easement.
4. **Overall finding as to the other elements of the Forest Hollow Subdivision:** That recreating lot 6 from the original 2006 subdivision plan will not affect any previous findings leading to the original approval of the Forest Hollow subdivision and will not adversely affect any element of the original approval, including standards for sewer and water utilities, pollution control, stormwater management and drainage improvements, the roadway and traffic circulation, or financial and technical capacity.

Further, that all other findings of the Planning Board with respect to this development at its meeting of July 19, 2006 are unchanged and remain in place.