

**PLANNING BOARD MINUTES
WEDNESDAY, MAY 15, 2019
MUNICIPAL BUILDING COUNCIL CHAMBERS - 7:00PM**

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

Town Staff: Kyle Drexler, Katlyn Howlett, David Milan, Avi Rude

2.) Acceptance of the Agenda:

Dave Thompson moved to accept the agenda as submitted, with one change. To move agenda item 4.) C. ahead of agenda item 4.) A.

Christa Schwintzer seconded the motion.

The motion passed unanimously.

3.) Approval of the Minutes of December 19, 2018:

Lisa Buck moved to approve the Minutes of December 19, 2018 as submitted.

Mr. Thompson seconded the motion.

The motion passed unanimously.

4.) New Business

C. An amendment to a November 16, 2016 approved subdivision plan titled Riverside Estate located on Union Street (Tax Map 31-2, Lot 1) for M&M Truck Sales, Inc. The proposed amendment is to provide the adequate frontage for the parcel of land labeled “additional land” on the original plan at the end of Union Street for the proposed use of a single-family home.

Maury Thayer, the representative of M&M Truck Sales presented the proposal of the amendment. Mr. Thayer explained the point of this amendment was to allow the construction of a single-family home on the “additional land”.

Kyle Drexler, Town Planner, explained that the originally approved subdivision plan was 8 lots with two other, larger lots, that were not part of the subdivision named “additional land” and “remaining land”. A condition of approval of the original subdivision was that if the subdivision were to seek future development of the “additional land” or “remaining land” development of infrastructure, such as sidewalks, would need to be revisited by the Planning Board. Mr. Drexler explained this proposal doesn’t necessarily constitute an amended subdivision, essentially it is moving 75 feet of road frontage from “remaining land” to “additional land” so the “additional land” will be a conforming single-family home lot.

Mr. Drexler explained that he spoke with Rob Yerxa, Town of Orono Public Works Director, to see if this amendment would trigger the need for sidewalks and Rob expressed that he did not

believe this minor amendment would trigger that need but should future development cause a more impactful subdivision, it would need to come back for site plan review for a sidewalk.

Phil Ruck, Chair, questioned what would trigger a sidewalk?

Mr. Drexler explained nothing definitive would trigger the need for a sidewalk, it would most likely be under the discretion of the Board and Town Staff because language used on the previous approval was “sizeable development”.

Chair Ruck clarified that if there were plans for the remaining land the applicant would need to come back to the Planning Board for Site Plan Review.

Chair Ruck opened the Public Hearing.

Jamie Comstock, 1 Brook Street, expressed concern that this could be an attempt to incrementally force this neighborhood to take on more development than it can structurally handle. Ms. Comstock also mentioned that while she doesn't know how many amendments can be requested, there are currently 40 homes in the area and there is only one way in and one way out, stating that egress and access is a concern.

Chair Ruck explained that all this amendment is going to entail is moving a lot line so that a single lot has the adequate amount of frontage for a single-family home required by ordinance.

Ms. Comstock also wondered about the status of the turn around at the end of Union Street.

Mr. Drexler explained that the turn around would remain the same.

Chair Ruck addressed the infrastructure concern stating that the Director of Public Works weighed in and stated that sidewalk and pedestrian safety is eventual, but the single family home did not trigger that immediate need.

Mr. Drexler suggested the addition of one recommendation; that a building permit would only be issued for one single-family home.

Chair Ruck closed the Public Hearing.

Chair Ruck read in the Findings of Fact.

Ms. Buck moved approval of the amendment to the Riverside Estate Subdivision, originally dated November 16, 2016 with the following four conditions:

- 1.) All conditions of the originally approved subdivision plan “Riverside Estates” shall remain. Specifically, “...if such ‘remaining’ or ‘additional’ land is developed in the future and the Orono Planning Board Determines such infrastructure to be necessary to serve this subject subdivision as well as the new development. No building permit shall be

issued for such 'remaining' or 'additional' land until the Planning Board has made its determination.

- 2.) The area on the amended subdivision plan marked 'temporary turn-around easement' shall remain in place and the easement stay in force even with the change of the lot line.
- 3.) The Amended Subdivision Plan must be recorded at the Penobscot County Registry of Deeds within 90 days of the date of approval.
- 4.) A building permit shall only be issued for the construction of one single-family home on the land titled "additional land".

Mr. Thompson seconded the motion.

The motion passed unanimously.

A. A proposed land use ordinance amendment to section 18-145, Wireless Telecommunications Facilities, to recognize that certain types of wireless telecommunications facilities such as antennas can be placed inside of existing and enclosed structures and should be considered as an accessory use.

Mr. Drexler explained the reason for this amendment is that as technology changes in these facilities it allows for smaller antennas that can go inside of structures. This new compact nature allows unused spaces in existing structures to be rented out. This section of the Land Use Ordinance has a list of items that require site plan approval, and the way this section is worded surrounding antennas, a single family home with a satellite dish requires a permit for their satellite dish as an accessory structure. Mr. Drexler also gave an example that per the current ordinance wireless internet routers are not allowed.

Mr. Drexler summarized that this amendment would only allow antennas within existing, enclosed structures as an accessory use.

Chair Ruck opened the Public Hearing.

Chair Ruck stated that this amendment seems straightforward and sound like necessary housekeeping.

Ms. Buck asked for some clarification about antennas being within someone's home.

Mr. Drexler explained that an antenna licensed by the federal communications commission could be an accessory use to a commercial or institutional building, so the only types of antennas that could exist within a residential structure would be wireless routers or satellite dishes for individual use.

Chair Ruck closed the public hearing.

Ms. Buck moved to recommend the amendment to the Town Council as presented.

John Beckett seconded the motion.

The motion passed unanimously.

B. A proposed land use ordinance amendment that would add a new section 15-151, Temporary Markets, to recognize temporary markets as a land use that brings value to the community as well as implement standards to prevent any negative impacts on areas surrounding temporary markets.

Mr. Drexler explained that temporary markets would encompass all types of outdoor markets; farmers, flea, tents with artwork, etc. Currently, the uses do not exist within the current table of uses in the Land Use Ordinance. Mr. Drexler also explained that standards should be different for permanent structures and a structure that may only be in place once a week.

Temporary structures are a use that already exists in Orono, but may be something that happens more frequently in the future. While the Town has had good experiences with the Farmers Market, it is still a use that brings in traffic on foot and by vehicle, that should have standards.

Chair Ruck opened the Public Hearing.

Chair Ruck questioned that part of the proposed ordinance that states no remnants should remain after the event, in relation to current farmers market sign that is left up on College Avenue.

Ms. Schwintzer stated that the sign gives the public useful information.

Mr. Drexler explained that standards for signage remaining after an event could be different than the standards for leaving tables out after an event.

Chair Ruck asked if another market came to Town and wanted a permanent sign, would they need to come to the Planning Board?

Mr. Drexler explained that at the moment, sign permits can be issued through the Code Enforcement Office.

Ms. Schwintzer made mention that products expressly prohibited include live animals and terrestrial plants, but sometimes people sell aquatic plants that are also invasive so the word terrestrial should be stricken from the ordinance.

Chair Ruck closed the public hearing.

Ms. Buck moved to recommend that proposal to the Town Council as presented with the two changes concerning signage and the allowance of aquatic plants.

Mr. Costello seconded the motion.

The motion passed unanimously.

5.) Other New Business

A. Stormwater 101 presentation by Kyle Drexler. Evaluation of developers stormwater management plans is a key part of site and subdivision application involving new construction. The review of stormwater management basics is a requirement of the Town's DEP stormwater license.

Mr. Drexler presented a slide show and short animation outlining the importance of stormwater basics as well as gave the board a short questionnaire.

6.) Discussion

7.) Adjournment

Mr. Beckett moved to adjourn the May 15, 2019 Planning Board Meeting.

Mr. Thompson seconded the motion.

The motion passed unanimously.

The May 15, 2019 Planning Board meeting adjourned at approximately 7:55pm.