

PLANNING BOARD MINUTES

WEDNESDAY, MAY 20, 2020

REMOTE MEETING – 6:30 P.M.

Present: Phil Ruck, Judson McIntosh, John Beckett, Christa Schwintzer, Michael Costello, Lisa Buck, David Thompson, Joseph Sprecher

Absent: None

Town Staff: Kyle Drexler, Jessica Chadbourne

Acceptance of the Agenda

Phil Ruck asked for a motion to accept the agenda.

Motion: Lisa Buck

Seconded: Michael Costello

Mr. Ruck brought up a small change to the agenda as the applicant for new business item C, the Verizon antenna, have tabled their application until a future date.

Motion accepted unanimously as amended.

Approval of the Minutes of the February 26, 2020 Meeting

Mr. Ruck asked for comments on the minutes. Christa Schwintzer provided a correction to page 13 of the February minutes. Mr Ruck then asked for a motion to approve the February minutes with the suggested edit.

Motion: Lisa Buck

Seconded: Joseph Sprecher

Jessica Chadbourne took a roll call vote. The vote passed, with those who were absent from the previous month's meeting abstaining.

Old Business

There was no old business for this meeting.

New Business

Item C: A minor site plan review application for an accessory use at 36 Oak St that would allow Verizon Wireless to place equipment within the steeple of the structure.

Mr. Ruck introduced the project, which was originally third on the agenda but was moved forward in the discussion as the applicants intend to table the issue until a later date. He then asked Kyle Drexler for an update on the current status of the application.

Mr. Drexler explained that the applicant reached out to say that, due to concerns being raised about the installation of the antenna both by the public and by town staff, they have decided to table the application while they compile additional information. Their plan is to come forward and present their findings and their application at the June meeting.

Mr. Ruck asked whether a public hearing needed to be opened and left open until the next planning board meeting, or if all proceedings with regards to the project should be put off until June. Mr. Drexler replied that he believed the project could be tabled as is, without opening the public hearing. Mr. Ruck then asked for a motion to table the application until June:

Motion: Michael Costello

Seconded: Lisa Buck

Mr. Ruck then asked if there was any further discussion on the matter. When there was no reply, Ms. Chadbourne took a roll call vote. The vote to approve was unanimous.

Item A: A minor site plan review application by Cryptic Laundry LLC to operate a laundromat at 44 Main St in the rear of the building.

Mr. Ruck introduced the second project for the night, the installation of a laundromat at 44 Main St by Cryptic Laundry. He then turned the discussion over to the applicant, Matthew Acheson, to provide the board with the details of his project.

Mr. Acheson described the proposed installation as an automated micro-laundromat, stating that there was neither demand nor space downtown for a full-sized laundromat. It will be a 5-set laundromat, with five washers and five dryers, fully unattended, right down in the village district.

Mr. Ruck asked if there were any further details Mr. Acheson would like to include. When he replied in the negative, Mr. Ruck asked Mr. Drexler to provide his report to the planning board.

Mr. Drexler first asked the applicant about a noted change between his statement and his application. The application showed four sets of washers and dryers, not five. Mr. Acheson clarified that it will be either four or five sets when finalized, as he has discussed both possibilities with the State Fire Marshal's Office. Mr. Drexler confirmed that such a small change will not affect the land use aspect of the application.

Mr. Drexler then expanded on the details of the proposed project, which will be located in the Village Commercial district, in the backend of #44 Main St, behind the offices of Ameriprise Enterprises. The lot meets the minimum lot size being about 3500 sq ft. The minimum lot size in the downtown area is 2000 sq ft. It doesn't meet the required frontage to be legal lot, but as this is an extant structure and not additions are being proposed, only a change in use, it is considered to be a legally non-conforming lot. The applicant provided a copy of the deed. Mr. Drexler reached out to both the Orono Water Pollution Control Facility and the Orono-Veazie Water District and neither had objections with regards to servicing the new use. There are no natural features of concern. Laundromats are an

allowed use in the Village Commercial, and businesses in the area require no minimum parking allowance. Mr. Drexler also noted that the immediate proximity of the Pine St parking lot would more than serve the needs of the Landromat's customers. There is no proposed lighting on the application, but the applicant did submit a request for one lit circular sign, 5' in diameter, which is well under the maximum size allowed in the district. Because no sketch or detailed description of where the sign would be located was submitted, Mr. Drexler included as a condition that the applicant would have to receive final approval from Code Enforcement on placement of the sign.

Mr. Drexler noted that the applicant is still working with the State Fire Marshal's Office to establish what needs to be done to get a permit through them for the inside of the building, but that does not have any impact on approval at this level. It's simply something that would have to be completed before the final permits by the Code Enforcement Office could be issued.

Mr. Ruck opened the public hearing, starting with a discussion from the board. He asked Mr. Acheson if access to the new laundromat would be from the municipal parking lot in the back. Mr. Acheson confirmed in the chat that was correct. Mr. Ruck recalled that the rear staircase was in poor shape and asked Mr. Drexler whether that had been reviewed by the Town and been confirmed as being up to code. Mr. Drexler stated that the plan for the laundromat was reviewed by the Life and Safety Inspector, who voiced no concerns, and any final approval of the structure would have to meet with Code Enforcement's approval.

Mr. Ruck asked Mr. Acheson whether he had spoken to the water district about the difference in water management between four and five sets of washers. Mr. Acheson commented that the rear stairs had been replaced about five years ago, and that he had heard no concerns voiced by the water district with regards to the difference in water discharge between four and five sets of machines. Mr. Ruck agreed that there didn't seem to be any issues, but did ask if there were any comments from the board on the matter.

When there was no reply he asked for additional comments or questions. Ms. Chadbourne read in a comment from the Town facebook page from Cynthia McAleer who believes that a laundromat downtown would be well used and that its location downtown would be useful to residents. When Mr. Ruck asked again for further comments Mr. Drexler did add suggest the board should consider making it a requirement that if Mr. Acheson installed 5 sets of washers and dryers, as opposed to the 4 noted in the application, he must reach out to the water district and WPCF to verify the absence of any drainage issues before a certificate of occupancy can be issued. Mr. Ruck agreed, and asked for the board members to nod or otherwise gesture to indicate if they agreed as well. Mr. Drexler's proposition met with agreement across the board.

Mr. Ruck noted that one of the recommendations in Mr. Drexler's report was that if more water is needed to operate the use, it would be at the applicant's expense to upgrade the service supplying the business. Mr. Drexler confirmed that the recommendation was based on a comment from the superintendent of the water district.

With no additional comments from the board or the public, Mr. Ruck closed the public hearing. He then read through the proposed findings of fact for the project (Attachment 1). The board did not request any amendments.

Mr. Ruck asked for a motion to approve the project.

Motion: Judson McIntosh motioned that the board approve the application with the following recommendations:

1. The applicant will receive any necessary permits from the State Fire Marshal's Office prior to obtaining an occupancy permit from the Code Enforcement Officer.
2. The proposed sign will meet all standards of Section 18-140 of the Land Use Ordinance, and the Code Enforcement Officer will review the proposed placement of the sign before issuing an occupancy permit.
3. If more water is needed to operate the use, it would be at the applicant's expense to upgrade the service supplying the business
4. If the applicant chooses to install 5 sets of machines instead of 4, he must go back to the water and sewer districts to confirm that that is acceptable.

Seconded: John Beckett

Mr. Ruck then asked if there was any further discussion on the matter. When there was no reply, Ms. Chadbourne took a roll call vote. The vote to approve was unanimous.

Item B: A minor site plan review application by the University of Maine Foundation for a parking lot expansion at Two Alumni Place to add an additional 19 parking spaces.

Mr. Ruck introduced the third project for the night, a request by the University of Maine Foundation to allow an extension of the parking lot at the Buchanan Alumni House. He then invited the applicants to summarize their project for the board.

Sean Thies, Senior Project Manager for CES and representing the applicant, stepped up to present the project. He provided a plan of the location, which included both the current parking spaces and roundabout, and a shaded area overlaying what would become the extension of the current lot. There was also a second shaded area that indicated where they intend to enlarge the semicircular drop off at the front of the building. The removal of the roundabout adjacent to the current parking lot will allow for the addition of 19 new parking spaces. It will also allow for the removal of an area of existing pavement, creating a net increase of a little over 1600 sq ft of impervious area. As required by DEP, there will be an underdrain soil filter to treat stormwater installed on the northern side of the new parking area. It will treat almost 5000 sq ft of impervious area, so all additions to the parking lot plus some of the existing parking lot that is not being treated will be treated by the underdrain soil filter, to potentially offset future work on the campus.

There is no new lighting proposed, only the relocation of an existing light that is in the way of where the new sidewalk will be installed. Overall the parking addition will be a gain of 19 spaces on the site. Mr. Thies concluded by stating that there would be no impacts to utilities or similar concerns, and that he would be happy to answer any questions about the project.

Mr. Ruck asked if there were any initial questions from the board. There were none, so he called on Mr. Drexler to provide his report to the board. Mr. Drexler explained that the lot is in the University

District, and since there are no new structures being added there's no new use going into place, just the expansion of the parking lot. The lot is a legal lot, everything meets the dimensional requirements of the district. The applicant provided a copy of the agreement between the University of Maine Foundation and the University. There are no natural areas of concern, no wetlands or water bodies that raised any concerns. Public Works and the Town Engineer took a look at the stormwater management and erosion control plans and had no concerns with either. The spaces and travelway of the proposed expansion meet the requirements of the parking ordinance, and because the expansion is 19 spaces it eludes some of the requirements that come into play when a lot goes above 20 spaces. There were no additional issues noted by, or additional information required by town staff.

Mr. Ruck asked Mr. Thies whether they had received DEP approval for the project yet. Mr. Thies confirmed that the applicant had just received that permit the day of the meeting, and Mr. Drexler confirmed that the town had received a copy as well.

Mr. Ruck asked again for questions from the board. There were none. Before opening the public hearing Mr. Ruck addressed the nine waivers being requested in the packet submitted by the applicant. He asked Mr. Drexler to review the waivers and provide any available insight to the board before they vote on the matter. Mr. Drexler explained that there are many elements of the Site Plan Application that don't apply when there is no structure being created, which is why there are so many waiver requests for this project.

Mr. Ruck noted that the waivers did seem very straight forward. Mr. Drexler touched on each of the waivers, briefly explaining why it did not apply to the project in question. Mr. Ruck asked for a motion to approve the waivers.

Motion: Lisa Buck motioned that the Planning Board approve the waiver requests as provided to the board in the packet from CES.

Seconded: John Beckett.

Mr. Ruck asked for further comment from the board. Ms. Schwintzer suggested amending the language of the motion to say that the board "granted" the waiver requests as provided to them in the packet by CES. Mr. Ruck accepted the amendment and asked for a vote on the amended motion. Ms. Chadbourne took a roll call vote. The vote to approve was unanimous.

Mr. Ruck opened the public hearing. There were no comments from the public. There were no additional questions from the board. Mr. Ruck did note he had had some concerns about plantings, additional or replacement, that might be required. But Mr. Drexler had already confirmed for him that the existing plantings meet the ordinance requirements. Mr. Ruck closed the public hearing. He then read through the proposed findings of fact for the project (Attachment 2). The board did not request any amendments.

Mr. Ruck asked for a motion to approve the project.

Motion: Michael Costello and Judson McIntosh moved that the board approve the application with the following recommendation:

1. That any and all conditions of approval from the original site plan approval remain in place.

Seconded: Lisa Buck

Mr. Ruck then asked if there was any further discussion on the matter. When there was no reply, Ms. Chadbourne took a roll call vote. The vote to approve was unanimous.

Other New Business

There was no additional new business.

Discussion

Mr. Ruck asked Mr. Drexler about possible projects for the June Planning Board Meeting other than the 36 Oak St Verizon Antenna project. Mr. Drexler confirmed that the antenna project would be returning in the June meeting, informed the board that the next meeting would be on June 17th, and asked the board's opinion with regards to the time of the June meeting. He referenced the possibility of a couple of new projects for June and reminded the board that approval was still pending on the new fill ordinance language.

Mr. Ruck asked Mr. Drexler to make the judgement as to whether to include the fill ordinance on next month's agenda depending on how many other projects are up to discussion, how long the meeting will run.

Mr. Drexler assured the board that physical packets will be distributed next month.

Mr. Ruck suggested a 6:30 pm time for the June meeting as he may be traveling for work and cannot guarantee that he would be back in time for an earlier meeting. The rest of the board agreed that a 6:30 pm time would work for them. Mr. Drexler will consult the calendar to confirm there's no conflict and inform the board of the final meeting time.

Adjournment

Mr. Ruck asked for a motion to adjourn the meeting.

Motion: Michael Costello

Seconded: Lisa Buck

Ms. Chadbourne took a roll call vote. The board voted unanimously to adjourn. The meeting was adjourned at 7:30 pm on May 20, 2020.

Attachment 1

**PROPOSED FINDINGS OF FACT
CRYPTIC LAUNDRY LLC
SITE PLAN REVIEW
May 20, 2020**

Pursuant to Article VI, Section 18-177, of the Orono Code of Ordinances, the Orono Planning Board has considered the application of Cryptic Laundry LLC to place a laundromat within an existing structure at Tax Map 27-12 Lot 16 in the Village Commercial District, and, based on all evidence presented by the applicant, reviewing agencies, town departments, and the public, found the following:

- 1. Requirements of the district:** That the proposed use is an allowable use in the Village Commercial District, and that the proposal complies with the applicable dimensional requirements of the district.
- 2. Compliance with Town ordinances and codes:** That the proposed use, structures, setbacks, buffers, and layout meet the provisions of applicable regulations of the Town, including all pertinent sections of Chapter 18, Land Use Ordinance.
- 3. Utilization of the site:** That this proposal does not involve any new construction, and as a change of use, does not disturb any environmentally sensitive areas.
- 4. Traffic and pedestrian access:** That the use of the site does not require any parking and there is access to the building via the Pine Street parking lot.
- 5. Storage of materials:** That there will be no exposed storage of materials.
- 6. Stormwater management:** That there is no new construction or impervious addition to the property and stormwater management will be handled the same as it is currently.
- 7. Erosion control:** That there is no need for an erosion control plan due to the proposal only being a change of use within an existing structure.
- 8. Water supply and sewage disposal:** That the site can be served by off-site water supply and sewage disposal.
- 9. Utilities:** That adequate provision has been made for all utilities.
- 10. Natural features:** That there are no natural features on the site.

11. Groundwater and surface water quality protection: That the proposed use will not impact the quality or quantity of groundwater.

12. Hazardous, special, and radioactive materials: That the use of the site does not involve the handling, storage, or use of hazardous, special, or radioactive materials.

13. Shoreland relationship: That the site is not within a shoreland area.

14. Solid waste management: That no changes to solid waste management are proposed.

15. Historic and archaeological resources: That the site is not known to contain historic or archaeological resources.

16. Financial capacity: That the applicant has the financial capacity to carry out the project.

17. Noise and lighting: That the facility will operate within the noise and lighting standards in Town ordinances.

Attachment 2

**PROPOSED FINDINGS OF FACT
UNIVERSITY OF MAINE FOUNDATION
SITE PLAN REVIEW
May 20, 2020**

Pursuant to Article VI, Section 18-177, of the Orono Code of Ordinances, the Orono Planning Board has considered the application of University of Maine Foundation for an amended site plan and the expansion of the parking area located at Tax Map 19-2 Lot 72 in the University District, and, based on all evidence presented by the applicant, reviewing agencies, town departments, and the public, found the following:

- 1. Requirements of the district:** That the proposed amendment is allowable in the University District, and that the proposal complies with the applicable dimensional requirements of the district.
- 2. Compliance with Town ordinances and codes:** That the proposed use, structures, setbacks, buffers, and layout meet the provisions of applicable regulations of the Town, including all pertinent sections of Chapter 18, Land Use Ordinance.
- 3. Utilization of the site:** That this construction is within the natural capabilities of the site, is located in a suitable area of the site, does not disturb environmentally sensitive areas, fits with the existing topography of the site, and can accommodate any drainage associated with the construction.
- 4. Traffic and pedestrian access:** That the use of the site will remain the same and no increase in traffic is anticipated based on the proposed changes to the site.
- 5. Storage of materials:** That there will be no exposed storage of materials.
- 6. Stormwater management:** That the stormwater management plan adequately mitigates potential impacts in a way so that no adverse impact will be made on the surrounding stormwater systems or the environment.
- 7. Erosion control:** That the applicant has provided for erosion control both during construction and permanently that meet best management practices.
- 8. Water supply and sewage disposal:** That there is no change in water or sewer capacity needed.
- 9. Utilities:** That adequate provision has been made for all utilities.

10. Natural features: That adequate provision has been made to preserve the natural features of the site.

11. Groundwater and surface water quality protection: That the proposed project does not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems

12. Hazardous, special, and radioactive materials: That the use of the site does not involve the handling, storage, or use of hazardous, special, or radioactive materials.

13. Shoreland relationship: That the site is not within a shoreland area.

14. Solid waste management: That no changes to solid waste management are proposed.

15. Historic and archaeological resources: That the site is not known to contain historic or archaeological resources.

16. Financial capacity: That the applicant has the financial capacity to carry out the project.

17. Noise and lighting: That the facility will operate within the noise and lighting standards in Town ordinances.