

**PLANNING BOARD MINUTES**  
**WEDNESDAY, AUGUST 17, 2022**  
**MUNICIPAL COUNCIL CHAMBERS – 6:30 P.M.**

**Present:** Jud McIntosh, John Beckett, Dave Thompson, Ashley Case, Michael Costello, Christa Schwintzer, Bob Bayer

**Absent:** Phil Ruck, Lisa Buck

**Town Staff:** Kyle Drexler, Jessica Chadbourne

**Acceptance of the Agenda**

Mr. McIntosh asked for a motion to accept the agenda.

Motion: Michael Costello

Second: John Beckett

Mr. McIntosh asked for a roll call vote. The vote to accept the agenda passed with seven in favor, none opposed.

**Approval of the Minutes of the July 20, 2022 Planning Board Meeting**

Mr. McIntosh asked for a motion to approve the July Planning Board Minutes.

Motion: John Beckett

Second: Ashley Case

Corrections to the July minutes were noted, and Mr. McIntosh asked for a roll call vote. The vote to approve the July meeting minutes passed four in favor, with three abstaining due to absence from the July Planning Board Meeting.

**Old Business**

There was no old business.

**New Business**

**Item A: An amendment to an approved subdivision by Forest/Orono Associates LLP for the Forest Hollow Subdivision located on Grant Rd in the Low Density Residential District. The application is to re-create lots 8 and 10 from a piece of retained land on the eastern side of Grant Rd as they were shown on the originally approved subdivision plan.**

Mr. Drexler presented the proposed amendment to the Board because the applicant could not be present. The proposed amendment is identical to previous amendments the applicant had made to recreate previously existing lots in the subdivision in order to sell them for development. Lots 8 and 10 are located on the eastern side of the subdivision, and will be recreated with the same dimensions for which they were originally approved.

Mr. McIntosh asked for questions from the Board. Dave Thompson asked how many lots in the subdivision were left to be recreated. Mr. Drexler replied that, after the recreation of lots 8 & 10 there would be four lots remaining that, if sold, would need to be recreated with approval of the Board: Lots 11, 19, 12, and 14.

There were no other questions from the Board, and no questions from the public when Mr. McIntosh opened the public hearing. So Mr. McIntosh closed the public hearing, read the proposed findings of fact, and asked for a motion to approve the amended subdivision plan.

Motion: Michael Costello moved that the Board approve the amendment to the approved subdivision plan by Forest/Orono Associates LLP for the Forest Hollow Subdivision located on Grant Rd, to re-create lots 8 and 10 from a piece of retained land on the eastern side of Grant Rd as they were shown on the originally approved subdivision plan, 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 permit for the amended plan by the Maine Department of Environmental Protection and provide evidence of such approval to Town staff prior to the Planning Board signing the plan.
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: John Beckett

Mr. McIntosh asked for a roll call vote. The vote to approve the amended subdivision passed with seven in favor and none opposed.

**Item B: An amendment to an approved site plan by Regional School Unit 26 located on 6 Goodridge Drive, Tax Map 27-0 Lot 12, in the Medium Density Residential District. The application is to relocate a 12'x31' press box and 14.5'x21.5' storage shed on the property, which were originally proposed to be removed. In addition, the application calls to locate a 40'x8' storage container to the rear of the track.**

Mr. McIntosh asked that the applicant come forward and present their proposal. Meredith Higgins, Superintendent of RSU 26, took a seat at the table to represent the school district. Superintendent Higgins briefly reviewed the history of the RSU 26 renovations project, including its prior visits to the Planning Board. She explained that the original site plan indicated three buildings that were slated for removal over the course of the renovations to the RSU campus. One of the buildings was a storage shed, another was the press box, both of which had to be moved to accommodate changes to the buildings and outdoor athletic facilities. A third storage unit was also added to store materials for the track program.

Because the school is choosing to keep all three buildings instead of disposing of them, they must get Planning Board approval to make an official change to the original site plan. All three buildings meet setback requirements, and nothing about the placement of the three buildings triggers the need for DEP approval. Nor do they create any additional traffic concerns. Superintendent Higgins acknowledged that she is aware of the issues raised with one of the storage buildings, which is currently sitting on skids and which has been made more visible to adjacent property owners due to the removal of trees on the edge of the RSU property as part of a recent sewer project. Superintendent Higgins admitted that the storage shed was a bit rough looking, but assured the board it is still functional. The RSU plans to take it off its skids, and to make the necessary repairs to make the shed

presentable so they don't have to lose the equipment storage space they've come to rely on. Superintendent Higgins also laid out the RSU's reasons for wanting the shed to remain in its current location, and explained why it they didn't believe there was anywhere to relocate it to.

Before asking Mr. Drexler to present his report to the Board, Mr. McIntosh pointed out that he is a resident of a neighborhood adjacent to the RSU campus and to the location of the shed in question. He stated he felt he could be impartial about applicant's proposal, but asked whether the applicant or the Board felt he should recuse himself. It was agreed that if Mr. McIntosh felt himself to be impartial on the matter at hand, that there was no reason for him to recuse himself from voting on the issue.

Mr. Drexler then presented his report. He verified Superintendent Higgin's statements with regards to all three buildings meeting the required setbacks, and assured the Board that, with regards to the Ordinances, there are no issues with the proposed locations. He explained that the plantings removed from the edge of the property as a result of the sewer infrastructure project created an issue of visual impact on the adjacent neighborhoods. But Town Staff had already been in discussion about revegetating a portion of the cleared area, and Mr. Drexler reminded the Board that they have the authority to require the applicant to provide some form of additional screening as well, in order to reduce the visual impact of the shed.

Mr. Drexler explained that there were no anticipated drainage issues, or traffic-related issues that would prohibit the RSU keeping any of the three structures that had been originally marked for removal. The reason they were required to present themselves to the Planning Board for approval was simply because keeping those three structures, rather than removing them, constitutes a change for the original site plan and therefore requires Planning Board review.

Mr. McIntosh referred to the RSU's plans to refurbish the shed, including painting the roof, and asked when that would take place. Superintendent Higgins replied that their intent was to paint it in the spring of 2023. Mr. McIntosh also asked about the proposed vegetated buffer, and who would be responsible for making that happen. Mr. Drexler explained that the Town was already intending to replant some of the area that they had cleared to address the aforementioned sewer issue, and the Public Works Director Rob Yerxa had indicated that he would be willing to work with the RSU to facilitate new plantings on the site.

Mr. McIntosh asked Mr. Drexler to clarify what would happen if the proposed screening plantings never took place. Mr. Drexler explained that the screenings are a condition of approval. Should the applicant fail to provide the requested screenings, the applicant will be considered in violation of their amended site plan, which becomes a Code Enforcement issue.

Mr. Costello asked about the possibility of putting plantings right up against the shed in order to better disguise it from the adjacent residences. Superintendent Higgins explained that the RSU wasn't in the practice of vegetating the areas immediately around their outbuildings, so to do so with the shed would be a deviation from their standard practice.

Mr. McIntosh opened up the public hearing and the Board heard comments from Michael Swartz, Louise Bain, and Donald Joseph, who expressed their shared concerns about the location and state of the shed in question. All three members of the public also expressed their incredulity that there was no other place where the shed could be located to on the RSU campus, and suggested alternatives.

Mr. McIntosh took a moment to clarify that the Planning Board has a set of rules that they use to review projects, and if proposed projects meet those rules, and meet the requirements of the Town Ordinances, the Planning Board will approve them. They can introduce recommendations for the applicant - in this instance with regards to screenings, etc. - but they can't force an applicant to change their presented plans if those plans meet the requirements of the Ordinances. Mr. Drexler affirmed Mr. McIntosh's statement, explaining that the Planning Board cannot legally reject projects that comply with the Ordinances.

Louise Bain asked who was responsible for determining the Ordinances and their requirements. Mr. McIntosh explained that Ordinances, and changes to the Ordinances, were determined and voted in by the Town Council. At which point, Mrs. Bain suggested that this was a matter for the Council, not for the Planning Board. Mr. Drexler explained that what she was proposing was a policy discussion pertaining to a change to the Ordinance, which is a separate matter from the Planning Board making a decision on the proposed project based on the Ordinance as currently written. Mrs. Bain then stated again that the matter should be referred to the Council.

Mr. McIntosh explained again that the Board's responsibility is to approve proposed projects based on the current Ordinance, as written at the time of the proposal.

Superintendent Higgins stepped in to elaborate on the reasoning behind where the RSU wanted to place the shed in question. She explained that the current location had been determined by several factors, one of which is the programming it serves. Because the shed is being used to store track equipment, moving it further from the track would be not be a reasonable solution. And the area where it was formally located interfered with the movement of the crowds during athletic events, making it an impractical placement.

Mr. McIntosh closed the public hearing and asked if there were any further questions from the Board. John Beckett asked who had authorized the removal of vegetation from the site for the sewer project, and why whoever removed it couldn't just go in and revegetate the area. Mr. Drexler reminded the Board that Mr. Yerxa, the Public Works Director, was already looking at replanting part of that area to replace some of the vegetation that was removed.

Ashley Case asked about the Board's process re: acknowledging and trying to work with public concerns that extend beyond the bounds of the Ordinances - in this case, aesthetic matters, in that the shed in question is visually disturbing to residents of the adjacent neighborhood. Mr. Drexler reminded her that the Board did have the ability, per the Ordinance, to strongly recommend things like plantings and other screenings, but could not place requirements on certain building standards like paint color and design. Though, as Mr. Drexler reminded the Board, the RSU does intend to improve the appearance of the exterior of the shed as part of this project, including new paint.

Mr. McIntosh suggested that the Board also had the authority to add a deadline to their recommendation, to ensure that any improvements to the building and plantings thereabouts were accomplished in the timely fashion. He asked Christa Schwintzer what a reasonable timeline would be for successfully placing new plantings on the site. Ms. Schwintzer suggested that they be planted in the early fall and given time to sink their roots in before the winter, but noted that they could also be planted in the early spring, by about May 15th at the latest. Mr. Drexler suggested that it might also be helpful to establish a timeline for the conversation to take place with the surrounding

neighborhoods re: plans for new plantings and screenings.

Mr. McIntosh asked if there were any further questions from the Board, hearing none he read in the proposed findings of fact. Mr. McIntosh then asked for a motion to approve the proposed site plan amendment.

Motion: Michael Costello moved that the Board approve the amended site plan review application by Regional School Unit 26 located on 6 Goodridge Drive, Tax Map 27-0 Lot 12, to relocate a 12'x31' press box and 14.5'x21.5' storage shed on the property, which were originally proposed to be removed, and to locate a 40'x8' storage container to the rear of the track, with the following condition:

1. That the RSU work with the Town, who will communicate with affected property owners, to provide a screening option along the property line adjacent to the storage shed to minimize visual impact for abutting residential properties while also developing a solution that works for all parties involved to the maximum extent possible. Possible plans will be communicated to the affected property owners by September 30, 2022, with execution of the work being completed by May 15, 2023.

Second: John Beckett

Mr. Ruck asked for a roll call vote. The vote to approve the site plan amendment passed with seven in favor and none opposed.

### **Other New Business**

There was no other new business.

### **Discussion**

Mr. McIntosh asked Mr. Drexler about any forthcoming projects slated for Planning Board review. Mr. Drexler provided him with a short summary of possible September projects.

### **Adjournment**

Mr. McIntosh asked for a motion to adjourn the August meeting of the Planning Board.

Motion: Dave Thompson moved to adjourn.

Second: Michael Costello

The motion to adjourn the meeting passed seven in favor, none opposed, and the meeting was adjourned at 8:03 pm August 17th, 2022.