

PLANNING BOARD MINUTES
WEDNESDAY, AUGUST 18, 2021
MUNICIPAL COUNCIL CHAMBERS – 6:30 P.M.

Present: John Beckett, Michael Costello, Phil Ruck, Jud McIntosh, Lisa Buck, Christa Schwintzer, Ashley Case, Robert Bayer, Dave Thompson

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

Second: Michael Costello

Mr. Ruck informed the Board that there would be an additional item included on the evening's agenda: a vote to adopt the Town's current remote participation policy for public meetings. He then asked for a roll call vote to approve the agenda, including said addition. The vote to accept the agenda passed with seven for, none opposed.

Approval of the Minutes of the July 21th Planning Board Meetings

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

Motion: John Beckett

Second: Lisa Buck

There were no corrections to the July minutes noted, so Mr. Ruck asked for a roll call vote. The vote to approve the July meeting minutes passed six for, with Dave Thompson abstaining as he was not present at the July meeting.

New Business

Item A: Adoption of Town's Remote Participation Policy

Mr. Drexler introduced the remote participation policy to the Board, explaining that these are the rules and requirements that the Board has been following for the last two meetings. The policy spells out the hybrid style of meeting where Board members are encouraged to attend in person, but if they want to participate remotely they need to inform, and get permission from, the Chair. It lays out the requirements regarding public access to remote links, the need for roll call votes, the in-person presence of the Chair, etc. Requirements that the Board has already been upholding, but which they need to formally vote to adopt.

Mr. Ruck asked about the permitted reasons for a board member to participate remotely, and whether they were in line with other Covid-related policies. Mr. Drexler confirmed that yes, things like pre-existing conditions or other health concerns pertaining to the pandemic were satisfactory reasons to allow a board member to participate remotely.

Mr. McIntosh asked about absences related to work, or otherwise being absent from the jurisdiction during a meeting, as opposed to absences related to Covid concerns, and whether that meant he would, for instance, be able to attend a meeting remotely if he were away on work the week of the

Planning Board Meeting. Mr. Drexler agreed that there was leeway in the language of the policy to allow for non-emergency/medical absences.

Mr. Ruck asked for a motion to accept the remote participation policy.

Motion: Lisa Buck

Second: Michael Costello

Mr. Ruck asked for a roll call vote. The vote to adopt the remote participation policy passed seven for, with none opposed.

Item B: A minor site plan review for Orono Economic Development Corporation located at 153 Taylor Road, Tax Map 9-0 Lot 5, in the Forest and Agriculture District. The application is for the development of the Caribou Bog Trail Center which would be classified as a Public and Nonprofit Recreational Facility.

Mr. Ruck invited Robert Bass from the OEDC to step up to the podium and explain the corporation's proposed project on Taylor Rd. Mr. Bass explained how finances were raised, and are still being raised for the project. Mr. Ruck interrupted briefly to acknowledge Dave Thompson's decision to recuse himself from voting on this project because of his role in the OEDC. Mr. Ruck invited Mr. Thompson to participate in the discussion even though he would not be voting.

Mr. Bass continued his introduction of the project, providing the Board with some background on the acquisition of the land and highlighting the proposed facility's ideal location, centrally located within the Caribou Bog Conservation area and surrounded by existing trails with high public utilization, thanks in part to both the Orono Land Trust and the Orono Ski Club. The intention of this project is threefold:

1. To expand the outdoor recreational base of orono.
2. To protect the Caribou Bog for a number of uses including recreation.
3. Use recreational access in Orono to create a positive economic impact on the town.

The proposed facility would utilize an existing structure on the property. There will be no change to the physical foot print of the building, but there will be some changes to accommodate the new use. The right-hand side of the building currently has a flat roof that will be converted to a shed roof as depicted in the renderings provided to the board. The left-hand side of the building is the proposed outdoor center, a wide open space where people can gather, get dressed for outdoor recreation, etc. The current parking area will not be expanded, and the secondary lot off of Putnam Rd will be retained for overflow parking.

Mr. Drexler then provided the board with his report. The proposed lodge is located in the Forest & Agriculture District. There is a small portion of the south side of the lot that is located in the Limited Residential Shoreland Area, but all construction proposed in the site plan will take place outside of that part of the lot. A trail center like this would be considered a public or non-profit recreational facility from a use perspective, which is allowed in the F&A district. The construction of the deck on the front of the building does not raise any setback concerns, nor will it add any strain to the existing stormwater management system on the property as the deck is being constructed over an existing gravel surface and not adding any additional impervious cover to the lot.

The applicant had included signage in some of the conceptual artwork, but no actual signage has been proposed for the site at this time. Mr. Drexler added as a recommendation at the end of his report that any signage the OEDC decides to place on the lot should be properly permitted through the Orono

Office of Code Enforcement, and should adhere to all Town ordinances and codes regarding signage.

With regards to traffic concerns: the existing parking area on the lot would be considered a legally nonconforming parking area, which can continue to exist so long as it is not expanded in the future. Town Staff reviewed the parking plan and had no concerns about the existing lot or about its ability to be accessed by emergency vehicles.

Mr. Ruck asked Mr. Drexler why the existing parking lot is considered non-conforming. Mr. Drexler explained that because there aren't delineated spaces and because there is the ability to fit 20-30 vehicles in the lot but the parking area is topped with gravel, not paved, it does not conform to requirements of the current ordinance. But because the parking area exists it is allowed to remain as is so long as no action is taken to make it even less non-conforming than it already is.

Lisa Buck asked whether the OEDC had considered the potential increase in the need for parking as the popularity of the new center grows. Mr. Bass explained that the lower parking lot for overflow traffic would remain in service and could accommodate parking needs beyond the capacity of the main parking area. Mr. Drexler pointed out that the proposed trail center and the existing trail system are two different entities. Though the trail system is the reason that people will visit the center, the center itself isn't necessarily responsible for supplying parking and access for the entire trail system.

Mr. Ruck asked about the capacity of the septic system on site, and whether it would hold up to the increased use from the new center. Mr. Bass confirmed that the septic system has a 1000 gallon tank and is of sufficient capacity for the proposed use.

Ashley Case commented on a similar facility in Waterville which had documented a significant increase in traffic since the construction of the center, and asked whether the OEDC had had any kind of analysis done with regards to a possible increase in traffic. Mr. Bass replied that no, there had been no study done, but the OEDC's hope was that there would be an increase in traffic, both to the center and to the downtown area. That visitors to the ski center will patronize the local restaurants and shops as part of their visit to the area. But no, no formal study of the potential increase in traffic had been conducted.

After asking for further questions from the Board and hearing none, Mr. Ruck opened the public hearing. Dave Thompson, as a member of the public in this discussion and a member of the OEDC, expressed his support for the proposed trail center, and provided the Board with additional information about the current parking situation.

Mr. Ruck asked about the construction timetable for the project. Mr. Bass replied the due date for sealed bids is September 22nd, after which the winning contractor will determine the time table based on the availability of materials, etc. Ideally it will be sided, roofed, and windowed before snow flies.

Hearing no questions from the public or further questions from the Board, Mr. Ruck closed the public hearing and read the proposed findings of fact (Attachment A). The only concern raised by the findings of fact was that the applicant had not included an on-site dumpster in their site plan. It was decided that the Board require, as a condition of approval, that the applicant work with Code Enforcement to ensure that any dumpster at the facility complies with the Town ordinances regarding waste disposal and screening. After reviewing with the Board the findings of fact, Mr. Ruck asked for a motion.

Motion: Mr. McIntosh motioned that the Board approve the minor site plan review for Orono Economic Development Corporation located at 153 Taylor Road, Tax Map 9-0 Lot 5, in the Forest and Agriculture District, for the development of the Caribou Bog Trail Center which would be

classified as a Public and Nonprofit Recreational Facility, with the following conditions:

1. That if the applicant intends to post signage, they will need to consult with the Town Code Enforcement Officer and acquire the necessary permits.
2. That if the applicant places a dumpster on site, they will need to meet with the Town Planner and the Code Enforcement Officer to ensure compliance with the Town ordinances.
3. If there are other minor site plan improvements, the applicant will consult with Town Staff to ensure compliance.

Second: Lisa Buck

The roll call vote to approve OEDC's proposed Caribou Bog Trail Center passed 6 for, with 1 abstaining.

Other New Business

There was no other new business.

Old Business

There was no old business.

Discussion

Mr. Ruck asked Mr. Drexler if there were any upcoming projects that the Board would be reviewing. Mr. Drexler provided an over view of a couple of projects being prepared, including a small subdivision plan review that would likely be ready for the September meeting.

There was also a discussion about moving the date of the September meeting because both Mr. Ruck (Chair) and Mr. McIntosh (Vice-Chair) would not be available on the 15th. Mr. Drexler pointed out that there are 5 Wednesdays in September this year, so Mr. Ruck could either designate someone to serve as chair in the absence of he and Mr. McIntosh, or the Board could elect to move the meeting to a later date. After some discussion it was decided that the September meeting would take place on the 22nd of the month, instead of the 15th.

Adjournment

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

Motion: Lisa Buck

Second: Michael Costello

The motion to adjourn the meeting passed seven for, and the meeting was adjourned at 7:36 pm August 18, 2021.

Attachment A

**PROPOSED FINDINGS OF FACT
ORONO ECONOMIC DEVELOPMENT CORPORATION
SITE PLAN REVIEW
August 18, 2021**

Pursuant to Article VI, Section 18-177, of the Orono Code of Ordinances, the Orono Planning Board has considered the application of Orono Economic Development Corporation for a public and nonprofit recreational facility located at Tax Map 9-0 Lot 5 in the Forest and Agriculture 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 recreational facility is an allowable use in the Forest and Agriculture District; and that the application is primarily for a change of use which involves minor exterior improvements and additions; and that the proposed use will continue to meet all requirements for setbacks and lot dimensions.
- 2. Compliance with Town ordinances and codes:** That the proposed use meets the provisions of applicable regulations of the Town, including all pertinent sections of Chapter 18, Land Use Ordinance.
- 3. Utilization of the site:** That the proposed change of use will involve minor structural additions and expansion to the impervious area beyond existing conditions, and that all environmentally sensitive areas on the site will be avoided and preserved to the maximum extent.
- 4. Traffic and pedestrian access:** That the proposed use will utilize an existing gravel parking area that will offer an alternative option for people visiting the surrounding trail system. The use is not anticipated to create additional traffic on Taylor Road but will, however, provide a safer access alternative for vehicles and pedestrians by avoiding conflict with landfill traffic on Putnam Road.
- 5. Storage of materials:** That there will be no exposed storage of materials.
- 6. Stormwater management:** That the vegetated area surrounding the existing impervious area will remain and provide a buffer to any surrounding water bodies; and that no additional runoff will be created as the minor structural additions will take place primarily over existing impervious area.
- 7. Erosion control:** That no erosion control measures are anticipated due to the project being primarily a change of use for the existing structure, but that best management practices be followed should any impacts be realized on site.
- 8. Water supply and sewage disposal:** That the site is already served by on-site water supply and sewage disposal.

9. **Utilities:** That the proposed change of use does not require any changes to existing utilities other than upgrades to wiring and lighting and installation of a heat pump.
10. **Natural features:** That no natural features will be impacted as part of the proposed use except the removal of one tree located close to the structure.
11. **Groundwater and surface water quality protection:** That the proposed development and use will not adversely impact 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 a portion of the lot is located within the Limited Residential Shoreland Zone, however, no additions or changes are proposed within this area of the lot.
14. **Solid waste management:** That the applicant adequately disposes of any solid wastes generated.
15. **Historic and archaeological resources:** That the site is not known to contain historic or archaeological resources.
16. **Financial capacity:** That the applicant was awarded a matching grant in 2021 through the Maine Department of Parks and Lands and additional private funds are being raised.
17. **Noise and lighting:** That the facility will operate within the noise and lighting standards in Town ordinances.