

**PLANNING BOARD MINUTES**  
**WEDNESDAY, SEPTEMBER 20, 2023**  
**MUNICIPAL COUNCIL CHAMBERS – 6:30 P.M.**

**Present:** Michael Costello, Robert Bayer, Lisa Buck, Christa Schwintzer, Ashley Case,

**Absent:** Phil Ruck, John Beckett, Jud McIntosh

**Town Staff:** Jessica Chadbourne, Mitch Stone, Sophie Wilson, Roger Huber (Town Attorney)

Because Phil Ruck and Jud McIntosh were both absent, Lisa Buck filled the role of Chair for this meeting. Ms. Buck elevated Ashley Case and Robert Bayer to be voting members for the evening.

**Acceptance of the Agenda**

Ms. Buck asked for for a motion to accept the agenda.

Motion: Michael Costello

Second: Ashley Case

Ms. Buck called for a vote to accept the agenda, which passed with four in favor and none opposed.

**Approval of the Minutes of the August 16, 2023 Planning Board Meeting**

Ms. Buck asked for a motion to approve the August Planning Board minutes.

Motion: Ashley Case

Second: Robert Bayer

No corrections to the minutes were noted. Ms. Buck called for a vote. The vote to approve the minutes passed with four in favor, none opposed.

**Old Business**

There was no old business.

**New Business**

**Item A: An amendment to an approved site plan by Orono Economic Development Corporation located on 153 Taylor Rd, Tax Map 9-0 Lot 5, in the Forest and Agriculture zoning district. The application proposes to expand the existing parking area by approximately 10,000 sq ft.**

Ms. Buck invited the applicant to approach the podium and present their project to the Board. Robert Bass represented the Orono Economic Development Corporation (OEDC) and explained the expansion they were planning for the parking area at the Caribou Bog Trail Center. Because the Center has proved popular with visitors frequenting the trails on Taylor Road, OEDC has found that additional parking is needed to meet demand. As such they wish to expand the existing parking area by another 10,000 sq ft to create 9 additional parking spots, including a few double spots for trailer parking, which conforms to the requirements for a non-paved lot per Town Ordinance. OEDC reached out to the Maine Department of Environmental Protection and it was found that the proposed parking expansion did not warrant permitting by DEP.

Ms. Buck asked the Board if they had any questions for the applicant. The Board had no questions, so Ms. Buck opened the hearing to the public. Hearing no questions from the public either, Ms. Buck closed the public hearing. Ms. Buck read then read the proposed findings of fact for the project and

asked for a motion.

Motion: Michael Costello moved that the board approve the amendment to an approved site plan by Orono Economic Development Corporation to expand the existing parking area of the Caribou Bog Trail Center, located on 153 Taylor Rd, Tax Map 9-0 Lot 5, in the Forest and Agriculture zoning district, by approximately 10,000 sq ft. With the following recommendation:

1. That prior to construction, the applicant obtain a building permit from the Code Enforcement Officer.

Second: Christa Schwintzer

The vote to approve the amended site plan passed with five in favor, none opposed, as Christa Schwintzer joined the Board just before the beginning of the project discussion.

**Item B: A proposed Land Use Ordinance amendment to the following Sections: 18-31, Definitions; 18-106, Schedule of Uses; 18-132, Lot and Yard Requirements; 18-138, Accessory Dwelling Units; and 18-155, Affordable Housing Development. The purpose of the amendment is to bring the Town of Orono into compliance with new State laws around housing availability and production.**

Ms. Buck read the Planner's report into the record, which explained the necessity of making the proposed amendments to the Town Ordinances in order to bring them into compliance with new state housing availability and production laws (LD 2003). The text of that report follows:

*In April 2022, LD 2003 was signed into law. LD 2003 was enacted to remove regulatory barriers to increase housing production and opportunities in the State. It proposed to do this in three key ways:*

1. *Allow multiple detached dwelling structures on a single lot, getting rid of single-family only zoning;*
2. *Make Accessory Dwelling Units allowable anywhere residential uses are allowed;*
3. *Create a density bonus for affordable housing developments.*

*Final rulemaking was completed in April 2023 by the State Department of Economic and Community Development. The implementation date of LD 2003 for municipalities is January 1, 2024. The attached draft ordinance is aimed at meeting the compliance requirements of LD 2003. Therefore, any edits to the draft language should not change the intent of any of the standards as doing so would run the risk of not being in compliance with State law.*

Ms. Buck then asked the Board if they had concerns about, or comments on, the proposed amendments. Christa Schwintzer raised a concern about jointly owned properties, and a lack of language denoting who would be responsible for the maintenance of properties where one person owns the land but the multiple residences on the property are perhaps owned by other people. Ms. Buck asked the Town Attorney, Roger Huber, if he had any suggestions in response to Ms. Schwintzer's concerns.

Mr. Huber replied that he didn't believe it would pose much a concern, as in many cases additional dwellings on a single property will be leased and not sold. Mitch Stone, Director of Community Development for the Town of Orono, stepped up to the podium to offer some clarification. He pointed out that we do have existing situations in town where residents own the home they live in, but not the land beneath, and the relationship between homeowner and landowner - responsibilities, etc. - are established in the deeds. And given that such situations already exist in Orono, the Town has

provisions in place to address maintenance concerns on properties with joint ownership.

Hearing no other questions from the Board, Ms. Buck opened the public hearing. There were no comments from the public about the proposed amendment, so Ms. Buck closed the public hearing and asked for a motion.

There was some discussion among the Board at this time about the best wording for a recommendation related to the language around jointly-owned properties, and Town Manager Sophie Wilson also stepped up to the podium to remind the Board that when the ordinance was recommend to the Town Council, the Council would want to know the proposed amendment is consistent with the Town's Comprehensive Plan.

Motion: Ashley Case moved that the Board recommend to Council the proposed ordinance amendment to Sections: 18-31, Definitions; 18-106, Schedule of Uses; 18-132, Lot and Yard Requirements; 18-138, Accessory Dwelling Units; and 18-155, Affordable Housing Development, in building on the Town's Comprehensive Plan with guidance from the State mandated LD 2003, with the following recommendation:

1. That council consider, as part of this or future ordinances, concerns about the ownership and maintenance of jointly owned properties.

Second: Christa Schwintzer

The vote to recommend the amended ordinance to Council passed with five in favor, none opposed.

### **Other New Business**

There was no other new business.

### **Discussion**

Board Secretary Chadbourne provided a short summary of projects expected to appear on the agenda for the October meeting, and Town Manager Sophie Wilson stepped up to the podium to brief the Board on the Town's new contract planner and how the planning process will proceed under the new planner's assistance.

### **Adjournment**

Ms. Buck asked for a motion to adjourn the September meeting of the Planning Board.

Motion: Christa Schwintzer

Second: Michael Costello

The motion to adjourn the meeting passed five in favor, none opposed, and the meeting was adjourned at 7:10 pm September 20, 2023.