

PLANNING BOARD MINUTES
WEDNESDAY, OCTOBER 18, 2023
MUNICIPAL COUNCIL CHAMBERS – 6:30 P.M.

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

Absent: Phil Ruck

Town Staff: Jessica Chadbourne, Isabelle Oechsle

Jud McIntosh served as chair at this meeting, and elevated Ashley Case to be a voting member for the evening.

Acceptance of the Agenda

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

Motion: Michael Costello

Second: Lisa Buck

Jud McIntosh called for a vote to accept the agenda, which passed with six in favor and none opposed.

Approval of the Minutes of the September 20, 2023 Planning Board Meeting

Jud McIntosh asked for a motion to approve the September Planning Board minutes.

Motion: Lisa Buck

Second: Michael Costello

Corrections to the minutes were noted, and Jud McIntosh called for a vote. The vote to approve the minutes passed with four in favor, with John Beckett and Jud McIntosh abstaining as they were absent from the September meeting.

Old Business

There was no old business.

New Business

Item A: A site plan review application by Down East Emergency Medical Institute located on 121 Kelley Road, Tax Map 26 Lot 1, in the Economic Development Zone district. The application proposes to construct a 40' x 60' garage/storage building and an ~5,500 sq. ft. gravel fill area.

Jud McIntosh invited the applicant up to the podium to present their project. Vinyl Applebee represented DEEMI, and described the storage facility they plan to construct at 121 Kelley Ave, which is intended to bring all of the assets (vehicles, vehicle parts, mobile command center, generator, lights, provisions,etc.) related to their search and rescue efforts under one roof. The garage will be a 40' by 60' metal building constructed on a slab that will be poured in an area already cleared and graveled as permitted through the code office.

The interior will be an open area with possibly one small office, and it will be wired for lights, but no plumbing or heating is proposed. There will be two large doors on the street facing side of the garage.

Vinyl Applebee also noted that, given the setback of the building from Kelley Road and the existing vegetation on the property, the garage will, for the most part, not be visible from the street. There will be a few external lights, mainly over the doors of the building, that will be face downward to contain how far the light reaches. The residence on the property is currently inhabited by a volunteer member of DEEMI, and will continue to be inhabited, with the resident acting as an overseer for the property.

The applicants are requesting two waivers from the Board:

- the boundary survey requirements, because the property boundaries are already available on the site plans that were drawn up for the Town of Orono's Public Works building which is located on the adjacent property.
- the location of all the existing trees 12" or greater. The property is heavily wooded, which makes fulfilling this requirement unfeasible. A group of trees out front of the garage which will act as a buffer have been indicated on DEEMI's plan, but the rest of it is the large wooded area at the back of the property.

Isabelle Oechsle, Town Planner, presented her report to the Board next. She explained why the property was being classified as group development (because of the dual uses of the property). She also pointed out that the existing lot at 121 Kelley Rd is nonconforming, but the proposed project is still allowable as it meets all setback requirements and is not making the lot more nonconforming than it currently is. There are no wetlands or other significant environmental areas to consider on the property, and Town Staff is supportive of the waiver regarding the 12" or greater trees, with the condition of approval that the applicants will fence off or otherwise mark the trees that are designated as protected so that they will not be impacted by construction.

There are no expected impacts to traffic, and the Town Engineer expressed no concerns with regards to stormwater management.

Jud McIntosh asked the Board for any questions or comments pertaining to the project. Michael Costello asked whether the applicants would need to come back to the Planning Board for approval if, in future, they did decide to add plumbing to the garage. Isabelle Oechsle confirmed that such a change would be considered an amendment to the site plan so, yes, DEEMI would have to come back to the Board for approval. Jud McIntosh asked about the currently cleared area on the property and whether that was the intended location of the garage. Vinyl Applebee confirmed that that area was the planned location of the building, and Jessica Chadbourne (Secretary) confirmed that the clearing and filling of that area had been permitted by the Town Code Office.

Hearing no other question from the Board, Jud McIntosh opened the public hearing. There were no questions from the public, so he closed the public hearing and asked for a motion.

Motion: Lisa Buck moved that the Planning Board approve the Site Plan application of Down East Emergency Management Institute (DEEMI) dated September 7, 2023, to construct a 40'x60' garage storage building and associated gravel area at 121 Kelley Road, per the Findings of Fact dated October 18, 2023, subject to the following conditions:

1. Prior to construction, the applicant is required to obtain a building permit from the Code Enforcement Officer.
2. Prior to the issuance of a building permit, the applicant shall mark the drip line of all trees that are designated for preservation on the approved site plan in the field with fencing, staking, flagging, or similar. No construction staging or other construction-related activity is permitted within the marked drip line barrier.
3. Prior to the issuance of a building permit, the applicant shall hold a pre-construction meeting

- with, at minimum, the Code Enforcement Officer and the Town Planner to review expectations related to erosion control.
4. Pursuant to Article VI, Section 18-177(i) of the Town's Land Use Ordinance, soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the specifications contained in "Maine Erosion and Sediment Control Best Management Practices," published by the Maine Department of Environmental Protection. Failure to comply with this requirement shall constitute a violation of the Town's Land Use Ordinance.
 5. All noise associated with the proposed development, including noise during construction, shall be regulated in accordance with the provisions of Chapter 13, Article II: Noise Control. Applicants and their contractors are well-advised to familiarize themselves with that section of the Town's Ordinances.

Second: John Beckett

The vote to approved the minor site plan for DEEMI at 121 Kelley Road passed with six in favor, none opposed.

Other New Business

There was no other new business.

Discussion

Isabelle Oechsle provided a short summary of projects expected to appear on the agenda for the November meeting.

Adjournment

Jud McIntosh asked for a motion to adjourn the October meeting of the Planning Board.

Motion: Lisa Buck

Second: Ashley Case

The motion to adjourn the meeting passed six in favor, none opposed, and the meeting was adjourned at 6:54 pm October 18, 2023.