

PLANNING BOARD MINUTES
WEDNESDAY, OCTOBER 21, 2020
REMOTE MEETING – 6:30 P.M.

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

Absent: No one

Town Staff: Kyle Drexler, Jessica Chadbourne

Acceptance of the Agenda

Phil Ruck asked for a motion to accept the agenda.

Motion: Lisa Buck moved to accept the agenda.

Second: Michael Costello

Mr. Ruck then asked Jessica Chadbourne to take a roll call vote. The vote to accept the agenda passed with seven for, none against.

Approval of the Minutes of the August 19, 2020 Meeting

Mr. Ruck asked for a motion to accept the minutes from the August 19th meeting.

Motion: Lisa Buck moved to accept the minutes.

Second: Dave Thompson

On page two the word “tow” needed to be corrected to “town”, and Ms. Schwintzer pointed out that her name was misspelled in two places on page five. Mr. Ruck then asked for a roll call vote for the approval of the minutes. The vote to approve the minutes passed seven for, none against.

Old Business

Item A: Continued discussion and review of the Planning Board’s by-laws.

Mr. Drexler presented the newly amended by-laws to the Planning Board, highlighting the changes made according to the Board’s suggestions during their August meeting. Mr. Ruck asked the Board if they had any further comments or changes to propose.

Christa Schwintzer suggested that in section III.B.4 (“The Chairperson shall designate a member to fill in for the Vice Chairperson in the event that the Vice Chairperson is absent from the meeting.”) the intent was to allow a Board member to be appointed to chair a meeting if the Chair and Vice Chair are both absent. But the current language reads as though every time the Vice Chair is absent the Chair has to appoint someone to fill in. Mr. Ruck agreed and asked Mr. Drexler to clarify that language in the next draft.

Moving on to section III.C (“The Board shall designate a secretary either from its members or a non-member. The secretary shall be responsible for maintaining accurate records of the Planning Board and its proceedings.”) Ms. Schwintzer pointed out that at the last meeting they had discussed changing the language to reflect the fact that the position of secretary is usually filled by the Community Development Administrative Assistant. Mr. McIntosh countered with the fact that the flexibility of the current language allows the Board to appoint someone else as secretary in future if

the position of Community Development Admin should ever be nonexistent or vacant. Mr. Drexler agreed with Mr. McIntosh, and had not changed the clause after their last discussion because of its flexibility. In that case, both Ms. Schwintzer and Mr. Ruck just asked that the language about the secretary being able to be a Board member be removed.

In section VII.F (“ A public announcement of the hearing shall be made by posting a notice of intent in a newspaper of general circulation in the Town of Orono at least ten (10) days prior to the scheduled meeting date.”) Ms. Schwintzer noted that the language had been generalized to allow placement of an ad in any paper, not just the previously indicated Bangor Daily News or Penobscot Times. But she reiterated her concerns that newspapers are an outmoded form of communication. Mr. Drexler pointed out that the newspaper aspect is state law and it has to be retained, but agreed he would have a conversation with the Town attorney as to whether additional communications methods could be included in the by-laws.

Mr. Ruck asked if there were any further changes from the Board. There were not. Then Mr. Ruck asked if they wanted to see one more draft of the amended by-laws, or whether the Board was comfortable with Mr. Drexler proceeding with the new by-laws (included the new suggestions). The Board opted for a third review of the amended bylaws, and Mr. Ruck asked Mr. Drexler to provide them with a new draft at the November Planning Board meeting.

New Business

Item A: A minor site plan review application by Joseph Larson to operate a mobile food vendor 2, food truck, at 29 Stillwater Ave in the Commercial-1 District.

Mr. Ruck asked Mr. Drexler to introduce the proposal to the Board. Mr. Drexler explained that this was an after-the-fact application to approve Joseph Larson to continue to operate the food truck he has been operating under the conditional permit issued during the Covid shutdown. The food truck is currently operating out of the former Friend and Friend building located at 29 Stillwater Ave in the Commercial-1 District. In the C1 district, mobile food vendor 2 is an allowable use. Mr. Drexler explained that the difference between mobile food vendor 1 and 2 is the duration of operation. It was designed such that a food truck or similar venture operating on a limited basis can be approved by permit, but a food truck operating on a longer basis acts like an accessory structure/use to another primary land use. This applicant is operating on the weekends, from Friday to Sunday, between the hours of 7:00 am to 10:00 pm as permitted by the ordinance. Though the applicant has not provided a specific daily schedule, he has indicated that his hours will fall within that range. Because the truck meets the standards for consistent, long term operations and is therefore a mobile food vendor 2, the applicant is required to come before the Planning Board for approval. The truck meets all the necessary requirements - setbacks, property owner permission, signage, inspections by life and safety, etc.

Mr. Ruck asked the applicant, Mr. Larson, to present his application to the Board. Mr. Larson did not have any comments to add to Mr. Drexler’s summary, but asked if the Board had any questions for him. Mr. Ruck asked him, since this is an after-the-fact review, when Mr. Larson started operating his food truck. Mr. Larson replied that it had been in early May. Mr. Ruck then asked if the town’s conditions for his operation had been clear. Mr. Larson confirmed that Mr. Drexler had explained things very thoroughly to him in the spring. Mr Ruck asked if there were any other questions from the Board.

There were no further questions. Mr. Ruck opened the public hearing and asked the meeting secretary if there were any public comments on the matter. There were not. Mr. Ruck closed the public hearing,

and asked the Board for final comments. There were no additional comments, so Mr. Ruck moved on to the findings of fact (Attachment 1). The Board raised no concerns with the proposed findings of fact, so Mr. Ruck asked for a motion to approve Mr. Larson's application.

Motion: Jud McIntosh moved that the Board approve the application by Joseph Larson for a minor site plan review for the operation of a mobile food vendor 2 located at tax map 10-0 lot 20 in the Commercial 1 district with the following three recommendations:

1. The applicant will only be allowed to utilize one sandwich board sign. Any other signage, specifically the use of flags, is not allowed with this land use.
2. The applicant shall obtain a victualer's license from the Town at the soonest possible opportunity after obtaining approval from the Planning Board.
3. Should the property owner give notice that the applicant no longer has the right to use the property to operate a food truck, the applicant shall cease operation. Also, if the property is sold, the applicant shall cease operation unless an agreement with the new property owner is reached.

Second: Lisa Buck

Mr. Ruck then asked Jessica Chadbourne to take a roll call vote. The vote to approve Mr. Larson's application passed with seven for, none against

Other New Business

There was no other new business.

Discussion

Mr. Ruck asked Mr. Drexler what was on deck for the Planning Board. Mr. Drexler replied that there would likely not be any site plan reviews for the November meeting. There would however be a small amendment dealing with a sign exemption for the town. It would potentially be another short meeting, but a short meeting that would address a necessary issue.

Referencing the recent short Planning Board meetings, Mr. Drexler approached the Board with a proposition to try to make meetings with light agendas still valuable for the Board members. He offered to put together presentations or other informative/educational content on subjects that pertain to planning and land use that might be useful or of interest to the Board. These presentations could include topics like "how to review a site plan", "how best to read a site plan", informational presentations on existing Town ordinances to provide the Board with a deeper understanding of those ordinances, etc. He asked for feedback and presentation suggestions from the board.

Phil Ruck added his support to the idea, referring to workshops that the Board used to have that were similar in nature to what Mr. Drexler is suggesting. He asked if there were any topics that the Board would find particularly valuable. John Beckett suggested that a refresher on how to look at site plans would be helpful. Michael Costello suggested links to other Planning Board videos that might prove useful by comparison. Mr. Ruck raised some concerns about how effective that would be as a teaching tool. Christa Schwintzer suggested that if they had to actually travel to a physical meeting, a shorter meeting would feel like a waste, but given that the current meetings are digital, the shorter meetings are almost preferable. She was in favor of occasional presentations after short meetings reviewing important topics, but not in favor of just supplementing a meeting because it was short. Mr. Drexler introduced a suggestion from Dave Milan, Director of Community Development, who suggested that reviewing court cases relevant to issues the Planning Board may be called to make decisions upon could be useful. Ms. Schwintzer and Mr. Ruck agreed that seemed like a valuable

topic for presentations. Lisa Buck's request was that any additional education presented by the town be contextualized as much as possible for the purposes of retention and usefulness. Jud McIntosh asked for a list of the top 10 possible topics to give the Board an idea of the value of each, and he suggested that 20-30 minute was the preferable length for any presentation or discussion. Dave Thompson agreed that something like a site plan review presentation would be useful, but suggested it should wait until the board can actually, physically be in a room together.

Mr. Ruck asked if there were any other comments. With no other comments forthcoming Mr. Ruck stated that he and Mr. Drexler would work on some ideas for presentations going forward.

Adjournment

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

Motion: Lisa Buck so motioned.

Second: Dave Thompson

Ms. Chadbourne took a final roll call vote. The motion to adjourn the meeting passed unanimously and the meeting was adjourned at 7:29 pm October 21, 2020.

Attachment A

PROPOSED FINDINGS OF FACT JOSEPH LARSON SITE PLAN REVIEW OCTOBER 21, 2020

Pursuant to Article VI, Section 18-177, of the Orono Code of Ordinances, the Orono Planning Board has considered the application of Joseph Larson for a minor site plan for the operation of a Mobile Food Vendor 2 (food truck) located at Tax Map 10-0 Lot 20 in the Commercial-1 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 project is allowable in the Commercial-1 District and meets all dimensional requirements.
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. And should the existing structure on the property again be utilized for a new use, then the mobile food vendor 2 will continue to comply with all standards listed in Sec. 18-152, Mobile Food Vendors, including the standard stated as 18-152(c)(3) requiring any mobile food vendor to not decrease available parking on a lot to the point in which the primary use cannot meet its minimum parking requirement.
3. **Utilization of the site:** That this use takes place on an existing paved area and is within the natural capabilities of the site and is located in a suitable area of the site.
4. **Traffic and pedestrian access:** That there is no current use at the site generating traffic other than the mobile food vendor and the location of the mobile food vendor does not prevent access to the site.
5. **Storage of materials:** That there will be no exposed storage of materials.
6. **Stormwater management:** That no changes to stormwater management are expected as a result of the project.
7. **Erosion control:** That no new construction will take place and erosion control measures will not be needed.
8. **Water supply and sewage disposal:** That there is no change in water or sewer capacity needed.
9. **Utilities:** That no change to utilities on the site is required.
10. **Natural features:** That no change to natural features on the site will occur.
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 the shoreland zone.
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 use.
17. **Noise and lighting:** That the facility will operate within the noise and lighting standards in Town ordinances.