



PLANNING BOARD
MINUTES OF APRIL 25, 2023

1. CALL TO ORDER

Chair Good called the Meeting to order at 6:00PM.

2. ROLL CALL

Members Geoffrey Young, Beth Gott, Brett Witham, Lawson Wulsin, and Chair Mark Good were in attendance.

A. EXCUSED ABSENCES

There were none.

B. UNEXCUSED ABSENCES

There were none.

3. ADJUSTMENT/ADOPTION OF AGENDA

Mr. Wulsin moved, with Mr. Witham seconding, to move Item 7 of the agenda to before Item 5 of the agenda.

Motion approved 5-0.

4. MINUTES:

Minutes March 28, 2023

Mr. Wulsin moved, with Mr. Witham seconding, approval of the March 28, 2023 Minutes as presented.

Motion approved 4-0-1 (Young in Abstention)

5. PUBLIC HEARING: Orchard Hills Subdivision

Chair Good opened the Public Hearing for the Orchard Hills Subdivision at 6:40PM.

Agent Greg Johnston provided a summary of the process. Public comment ensued.

There were no questions or comments from the Planning Board.

Chair Good closed the Public Hearing at 6:42PM.

Further discussion of the project ensued.

6. OLD BUSINESS:

a. Subdivision Application – Orchard Hills

438 Tremont Road – Tax Map 005 Lot 052-003

Residential – Business Zone

Findings of Fact

Mr. Wulsin moved, with Mr. Witham seconding, that, per Planning Board discussion held on March 28, 2023 regarding the applicability of the Land Use Ordinance and Subdivision Ordinance, review of the Orchard Hills Subdivision under the Site Plan Review Ordinance is not necessary, finding that Article 2, Section B1 of the Site Plan Review Ordinance that states that the construction, alteration or enlargement of a single family or two-family dwelling, including accessory structures, is excluded from the Site Plan Review.

Motion approved 4-0-1 (Young in Abstention).

A review of the subdivision application criteria was made.

Pollution:

Mr. Witham moved, with Mr. Young seconding, that the Pollution criteria have been met; the proposed subdivision will not result in material water or air pollution, taking into consideration the factors including the elevation of the land, nature of the soils, and slope of the land, etc.

Motion approved 5-0.

Sufficient Water:

Mr. Wulsin moved, with Mr. Witham seconding, that the Sufficient Water criteria have been met; there is adequate domestic water supply as evidenced in the letter from John Gilbert and the accompanying summary, beginning on page 67 of the Subdivision Application.

Motion approved 5-0.

Municipal Water Supply:

Mr. Wulsin moved, with Mr. Witham seconding, that the criteria of Municipal Water Supply is Not Applicable; there is no available municipal public water supply.

Motion approved 5-0.

Erosion:

Mr. Wulsin moved, with Mr. Witham seconding, that the Erosion criteria have been met as evidenced in the grading plan submitted in the Application.

Motion approved 5-0.

Traffic Condition:

Mr. Wulsin moved, with Mr. Young seconding, that the Traffic Condition criteria have been met as evidenced by the Traffic Assessment data beginning on page 85 of the Application.

Motion approved 5-0.

Sewage Disposal:

Mr. Wulsin moved, with Mr. Witham seconding, that the Sewage Disposal criteria have been met as evidenced in the Subsurface Sewage Disposal information beginning on page 46 of the Application, including the HHE-200 submission prepared by William Labelle.

Motion approved 5-0.

Municipal Solid Waste Disposal:

Mr. Wulsin moved, with Mr. Witham seconding, that the Municipal Solid Waste Disposal criteria is Not Applicable; The Town does not have Municipal Solid Waste Disposal.

Motion approved 5-0.

Aesthetic, Cultural, and Natural Values:

Mr. Wulsin moved, with Mr. Witham seconding, that the Aesthetic, Cultural, and Natural Values criteria have been met as evidenced by letters received from Maine Natural Resources Commission, Maine Department of Inland Fisheries and Wildlife and Maine Natural Areas Program, beginning on page 90 of the Application.

Motion approved 5-0.

Conformity with Local Ordinances and Plans:

Mr. Wulsin moved, with Mr. Witham seconding, that the Conformity with Local Ordinances and Plans criteria have been met; a conformity review by the municipal reviewing authority is currently under way.

Motion approved 5-0.

Financial and Technical Capacity:

Mr. Wulsin moved, with Mr. Witham seconding, that the Financial and Technical Capacity criteria have been met as evidenced by the letter from Franklin Savings Bank submitted on page 88 of the Application.

Motion approved 5-0.

Surface Waters, Outstanding River Segments:

Mr. Wulsin moved, with Mr. Young seconding, that the Surface Waters, Outstanding River Segments criteria is Not Applicable; no portion of the subdivision is in the watershed of any pond or lake.

Motion approved 5-0.

Ground Water:

Mr. Wulsin moved, with Mr. Witham seconding, that the Ground Water criteria have been met as evidenced by the subsurface sewage disposal system submission beginning on page 46 of the Application, the adequate groundwater supply submission beginning on page 67 of the Application, and the stormwater management report beginning on page 108 of the Application.

Motion approved 5-0.

Flood Areas:

Mr. Wulsin moved, with Mr. Witham seconding, that the Flood Areas criteria have been met; no structures will be built in a floodzone as evidenced on page 43 of the Application.

Motion approved 5-0.

Freshwater Wetlands:

Mr. Wulsin moved, with Mr. Witham seconding, that the Freshwater Wetlands criteria have been met as evidenced in the letter from Roger St. Amand and map beginning on page 79 of the Application.

Motion approved 5-0.

Rivers, Stream, or Brook:

Mr. Wulsin moved, with Mr. Witham seconding, that the Rivers, Stream, or Brook criteria have been met, as evidenced on Page 84 of the Application stating no waterways were identified within the subdivision property.

Motion approved 5-0.

Stormwater:

Mr. Wulsin moved, with Mr. Witham seconding, that the Stormwater criteria have been met as evidenced by the report beginning on Page 108 of the Application.

Motion approved 5-0.

Spaghetti Lots Prohibited:

Mr. Wulsin moved, with Mr. Witham seconding, that the Spaghetti Lots Prohibited criteria have been met; there is no shorefrontage.

Motion approved 5-0.

Lake Phosphorus Concentration:

Mr. Wulsin moved, with Mr. Witham seconding, that the Lake Phosphorus Concentration criteria are Not Applicable; no portion of the proposed subdivision is near a great pond.

Motion approved 5-0.

Impact on Adjoining Municipality:

Mr. Wulsin moved, with Mr. Witham seconding, that the Impact on Adjoining Municipality criteria are Not Applicable; no portion of the proposed project crosses municipal boundaries.

Motion approved 5-0.

Land Subject to Liquidation Harvesting:

Mr. Wulsin moved, with Mr. Witham seconding, that the Land Subject to Liquidation Harvesting criteria have been met; no such plan has been included in the Application and as reflected in the Minutes.

Mr. Johnston stated for the record that the property has not been licensed for forestry activity.

Motion approved 5-0.

A review of the Land Use Ordinance was made.

Buffering Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that Buffering Standards have been met as evidenced by the narrative beginning on Page 93 of the Application.

Motion approved 5-0.

Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting Standards:

Mr. Wulsin moved, with Mr. Young seconding, that Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting Standards are Not Applicable: the property is not in the Shoreland Zone.

Motion approved 5-0.

Cluster Development Standards:

Mr. Wulsin moved, with Mr. Young seconding, that the Cluster Development Standards are Not Applicable; the project is not a cluster development requiring lot size reductions.

Motion approved 5-0.

Erosion and Sediment Control Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Erosion and Sediment Control Standards have been met as evidenced by the narrative starting on page 94 of the Application.

Motion approved 5-0.

Fill and Excavation Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Fill and Excavation Standards have been met; slopes will be revegetated, roadways and down slopes will maintain a less than 2:1 ratio.

Motion approved 5-0.

Fire Protection Standards:

Mr. Wulsin moved, with Mr. Witham seconding that the Fire Protection Standards have been met as evidenced by the narrative beginning on Page 105 of the Application and also because access to the pond will be granted in the easement.

It was confirmed the Fire Chief was consulted and emergency vehicles will be able to access the property.

Motion approved 5-0.

Flood Hazard Area Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Flood Hazard Area Standards have been met; the property is not within a FEMA floodzone, as shown on page 41 of the Application.

Motion approved 5-0.

Parking Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Parking Standards have been met as evidenced by the parking spaces illustrated on the Site Plan.

Motion approved 5-0.

Roads, Driveways, and Driveway Opening Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Roads, Driveways, and Driveway Opening Standards have been met as evidenced by the narrative beginning on page 105 of the Application.

Motion approved 5-0.

Septic Waste Disposal Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Septic Waste Disposal Standards have been met as evidenced by the submission beginning on page 46 of the Application.

Motion approved 5-0.

Sign Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Sign Standards have been met as evidenced by the narrative beginning on page 106 of the Application.

Motion approved 5-0.

Soil Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Soil Standards have been met per the narrative beginning on page 106, the State soil survey tables beginning on page 72, and the drive detail on the site plan, all of which are included in the Application.

Motion approved 5-0.

Stormwater Runoff Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Stormwater Runoff Standards have been met per the stormwater report beginning on page 108 of the Application.

Motion approved 5-0.

Water Quality Protection Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Water Quality Protection Standards have been met per the narrative beginning on page 150 of the Application.

Motion approved 5-0.

Lake Watershed Phosphorous Protection Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Lake Watershed Phosphorous Protection Standards are Not Applicable: the proposed subdivision is not in a Great Pond watershed.

Motion approved 5-0.

Outdoor Lighting Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Outdoor Lighting Standards have been met per the submission beginning on page 150 of the Application.

Motion approved 5-0.

Blasting Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Blasting Standards have been met per the narrative beginning on page 155 of the Application which states that if blasting is required, appropriate licensing required by the Town will be adhered to.

Motion approved 5-0.

Temporary Sale of Food or Merchandise Standards:

Mr. Wulsin moved, with Mr. Witham seconding, that the Temporary Sale of Food or Merchandise Standards have been met per the narrative beginning of page 155 of the Application.

Motion approved 5-0.

Mr. Wulsin moved, with Mr. Witham seconding, to approve the Land Use Ordinance Findings of Fact for the Orchard Hill Subdivision, finding all standards to be Met or Not Applicable.

Motion approved 5-0.

Mr. Wulsin moved, with Mr. Witham seconding, to approve Orchard Hill Subdivision Application.

Motion approved 5-0.

Mr. Johnston noted he would provide the required mylar sets of plans for the Planning Board to sign. Discussion on timing of gathering the signatures ensued.

7. NEW BUSINESS:

- a. Short Term Rental Ordinance Discussion w/ Noel Musson of The Musson Group

Consultant Noel Musson was in attendance. Discussion ensued regarding the hoped for goals of the Ordinance, how other communities are proceeding, and what types of issues the ordinance should address and enforceability.

Mr. Musson suggested starting with a draft ordinance to be brought to the Planning Board for their thoughts and comments. Mr. Wulsin requested Mr. Musson work with the Town Manager with regard to staffing requirements for ordinance administration. The Board hoped to have the draft back for review in time for the May 23, 2023 Meeting.

8. CEO ISSUES:

NONE

9. OTHER:

Discussion ensued considering a future agenda item to discuss the creation of a checklist to make the application process easier for both applicants and Board members.

10. SET DATE FOR NEXT MEETING: SUGGESTED May 2, 2023

Mr. Wulsin moved, with Ms. Gott seconding, to schedule the next meeting for May 23, 2023, unless the need arises for a meeting to occur sooner, in which case the Planning Board Chair and CEO would coordinate the meeting schedule.

11. ADJOURN

Mr. Young moved, with Mr. Witham seconding, to adjourn.

Motion approved 5-0.

The Meeting adjourned at 7:44PM.

Planning Board Chair _____

Date _____