PLANNING BOARD MINUTES
WEDNESDAY, AUGUST 17, 2016
MUNICIPAL BUILDING, COUNCIL CHAMBERS – 7:00 P.M.

Present: Geremy Chubbuck, Michael Costello, Jason Charland, Phil Ruck (chair), and Christa Schwintzer
Absent: John Beckett, Lisa Buck, Judd McIntosh, and David Thompson

Chair Ruck designated Michael Costello a voting member.

Agenda and Minutes:
Christa Schwintzer moved to accept agenda as presented, Geremy Chubbuck seconded. Motion passed.

Christa Schwintzer moved to approve the minutes of July 27, 2016, meeting, as amended, and Geremy Chubbuck seconded. Motion passed unanimously with the following amendments:

- Page 2, 2nd bullet, correct citation to read 30-A MRSA Sec. 4407(1)
- Page 3, correct typographical error to read "Chairman Ruck"

It also was requested that pages be numbered.

New Business:
No new business

Old Business – Public Hearings continued from July 27, 2016:

A. PROPOSED AMENDMENT TO LAND USE ORDINANCE TO PROVIDE FOR SELF-STORAGE FACILITIES AS DISTINCT FROM WAREHOUSING AND WHOLESALE BUSINESSES AND TO CLARIFY DEFINITIONS OF THESE USES. THIS AMENDMENT HAS BEEN REFERRRED TO THE PLANNING BOARD FROM THE TOWN COUNCIL FOR ITS RECOMMENDATION. THE PLANNING BOARD'S PUBLIC HEARING ON THIS MATTER WAS CONTINUED FROM JULY 27, 2016, MEETING.

Evan Richert reported that this amendment was being considered to clear up confusion in the ordinance. At present, "self-storage facility" is not defined or specified as a use. In the past it has been treated under "warehousing and trucking terminals," but self-storage facilities are primarily a personal service that does not involve large-scale commercial or industrial storage or distribution, while warehousing is an industrial use. Further, at present "warehousing and trucking terminals" are allowed only in the EDZ district at I-95 Exit 193, which means the Maine Technology Park.

The proposed amendment defines these uses, as well as "wholesale business." It proposes that both "self-storage facility" and "warehousing and trucking terminals" be allowed in the C-1 and EDZ districts (which are at Exits 191 and 193), limited to the areas west of I-95, with site plan review. The current ordinance provides for "wholesale businesses" (with and without outdoor storage) in the C-1, C-2, EDZ, and University districts. Because a wholesale business may range from simply being an office-based use (that arranges for the purchase of goods from a producer and the sale of those goods to a retailer, without taking physical possession of the goods) to an industrial-scale operation that takes delivery of goods for re-shipping to retailers; and because the latter might have land use impacts similar to warehousing and trucking terminals, the proposed amendment specifies that if it involves outdoor

storage, it would not be allowed in the C-2 District and, in the EDZ district, would be limited to west of I-95.

Mr. Richert asked for particular guidance on whether "warehousing and trucking terminals" fit the purpose of the EDZ district.

No members of the public offered comments on the amendment.

Chair Ruck asked if there were questions from Board members. He stated that one type of warehouse use may involve "food hubs" – a type of activity that is endorsed by the Comprehensive Plan; and that the EDZ district both east and west of I-95 may be well suited for this activity. Christa Schwintzer noted that a "food hub" may also function much as a "wholesale business," because it is principally involves distribution of foods gathered from area farms and producers. As proposed, "wholesale businesses" would be allowed in the EDZ district both east and west of I-95 (if it does not entail outdoor storage of goods).

Geremy Chubbuck asked whether the allowable locations of self-storage facilities should be regulated based partly on size, allowing small scale "mom and pop" situations – such as an extra garage bay or part of a barn – to rent out space for personal goods elsewhere in Town. Michael Costello commented that this approach would allow low-traffic, winter storage of seasonal equipment such as RVs. Christa Schwintzer stated it may be important to define size in terms of number of units as well as square footage. She also noted that a "food hub" if successful would need area to grow. She stated that she agreed that "warehousing and truck terminals" with outside storage does not fit in the C-2 zoning district.

Mr. Chubbuck stated that these uses need to be close to I-95.

Mr. Ruck stated that self-storage facilities have little need for public water and sewerage, and are a good use in the specified zones west of I-95.

Chair Ruck closed the public hearing.

Chair Ruck summarized the sense of the Board, based on the discussion, as follows:

- "Self-storage facilities" be allowed in C-1 and EDZ zones west of I-95, as proposed, but with direction to staff to make provision that clarifies that small-scale storage in accessory structures be allowed elsewhere in Town;
- "Warehousing and trucking terminals" be allowed in EDZ and C-1 zones west of I-95
- "Wholesale businesses" without outdoor storage be allowed in C-1, C-2, EDZ and University zoning districts, but such businesses with outdoor storage be excluded from C-2, as proposed.

Christa Schwintzer moved that the Planning Board recommend to the Town Council the proposed amendment as presented, with the addition of flexibility for small-scale storage (in terms of square feet of space and/or number of units). Geremy Chubbuck seconded. Motion passed unanimously.

B. A PROPOSED AMENDMENT CONCERNING "TRAVELERS' ACCOMMODATIONS." THIS AMENDMENT HAS BEEN REFERRRED TO THE PLANNING BOARD FROM THE TOWN COUNCIL FOR ITS

RECOMMENDATION. THE PLANNING BOARD'S PUBLIC HEARING ON THIS MATTER WAS CONTINUED FROM JULY 27, 2016, MEETING.

Chair Phil Ruck noted that this proposed amendment implements a recommendation of the updated Comprehensive Plan. He asked Evan Richert to summarize his report to the Planning Board. Mr. Richert reported that the Comprehensive Plan Committee found that there is an economic opportunity in a University town that is not well addressed in the Land Use Ordinance. At present, the only types of lodgings recognized are hotels and motels in commercial districts and the University District; and bed-and-breakfasts, provided they are operated as home occupations with no more than three guest rooms for no more than six adults staying nor more than three consecutive nights.

The proposed amendment would provide for a hierarchy of accommodations under an umbrella definition of "travelers' accommodations":

- "Homestay," a type of home occupation in a single-family, owner-occupied dwelling, no more than two bedrooms serving no more than four transient guests, limits a transient guest to seven consecutive days and 14 days per calendar year; permitted in all zoning districts with a permit from the Code Enforcement Officer (or with site plan approval in residential districts if new construction is involved).

- "Bed and Breakfast," a type of lodging in a single-family, owner-occupied building (but not otherwise limited as a home occupation), no more than four bedrooms serving no more than eight transient guests, may serve food to guests only, no kitchens in rooms, limits a transient guest to 28 days per calendar year; permitted in commercial districts with permit from Code Enforcement Officer and with site plan approval in residential districts, except in MDR and GMDR Districts allowed only on lots that front on certain major roads.

- "Hotels, motels," not limited to number of rooms, can include restaurant services, meeting rooms, etc., allowed with site plan approval in high density residential, commercial, and university districts.

  Mr. Richert asked for guidance on a key question: Currently, "bed and breakfast" – in its very limited definition (including a stay of no more than 3 consecutive nights) – fulfills the role of the small-scale lodging for travelers. As we create a hierarchy of accommodations, bumping "bed and breakfast" up a notch in terms of allowable rooms, guests, and days, the amendment seeks to recognize the growing popularity of "shared economy" types of offerings (such as through Airbnb). It does so by creating the use "homestays." But Orono, already allows, by implication and without regulation, up to 2 "rooming units" – i.e., rooms for sleeping/living, but not cooking/eating -- in a dwelling. The assumption is that these are for long-term rentals offered by the person living in the home – e.g., to a student, a medical resident, a professor visiting on sabbatical, etc. (More than 2 such rooms constitute a "rooming house," which then becomes regulated.) The idea that 2 or fewer "rooming units" in a dwelling probably was not envisioned as part of a travelers' lodging system. But the question is whether it is all that is needed – whether someone is staying for a day, a week, a month, or a year, does it matter? The argument for "homestay" is that it would be an explicit part of the traveler's accommodations hierarchy and explicitly limits them to owner-occupied single-family homes. This would not affect the ability of someone – whether a renter or a home owner -- to rent out up to 2

"rooming units" for longer terms, but it would separate the two land uses – one for transient/travelers, one for long-term rentals of rooms to people who are living in Orono.

Members asked for a clarification of "rooming house" in the Land Use Ordinance. Mr. Richert stated that a "rooming house" is a single-family home that is owner-occupied and rents out more than two rooms up to six rooms for a fee. This is a residential use typically involving long-term occupancy under a lease or similar rental agreement, as distinct from travelers' lodgings. "Rooming houses" are allowed only in certain zoning district. Under the Town's Rental Registration ordinance, owners are required to register any rooming units (whether falling under the definition of "rooming house" or not). Otherwise, renting out just one or two rooms in a single-family, owner occupied dwelling (and therefore not triggering the threshold to become a "rooming house") is allowed anywhere in town. The question is whether creating a category of travelers' accommodations called "homestays" now will unintentionally lead to regulating the traditional renting out of one or two rooms in a single-family home for a residential (as distinct from travelers) purpose.

A question was raised about the rental of camps, such as on Pushaw Lake. Many camp owners on Pushaw Lake rent out their camps weekly when not in use by the owners.

Mr. Richert said this proposed amendment can include a statement of intent to clarify what is intended to be covered and what is not intended to be included in "travelers' accommodations."

Chair Phil Ruck opened the public hearing. No members of the public offered comments. Economic Development Director Dave Milan stated that he favors including homestays in the definition of travelers' accommodation, as distinct from rooming houses (or rental of rooms to residents) or seasonal camps. Chair Ruck closed the public hearing.

Christa Scwhintzer moved to recommend to Town Council adoption of the proposed amendment on Travelers' Accommodations, but with a clarification of intent to distinguish between uses that accommodate visitors and those that accommodate longer term residency. Geremy Chubbuck seconded. Motion passed unanimously.

Old Business – Public Hearing continued from May 18, 2016:

C. A PROPOSED AMENDMENT CONCERNING CERTAIN LAND USES AND DIMENSIONAL STANDARDS IN THE COMMERCIAL-1, COMMERCIAL-2, AND ECONOMIC DEVELOPMENT ZONE DISTRICTS, INCLUDING, AMONG OTHER MODIFICATIONS, CHANGES TO MINIMUM LOT SIZES, MAXIMUM BUILDING HEIGHTS, MAXIMUM RESIDENTIAL DENSITIES, AND ALLOWING MULTIFAMILY DWELLINGS IN THE EDZ DISTRICT. THIS HEARING WAS CONTINUED FROM MAY 18, 2016, AND AGAIN FROM JULY 27, 2018.

Chair Phil Ruck noted that this proposed amendment also implements a recommendation of the updated Comprehensive Plan. He asked Evan Richert to summarize his report to the Planning Board. Mr. Richert reported that, as requested by the Planning Board in May, residential density standards for the EDZ District, where single-family attached and multifamily dwellings (including in clustered developments) would be allowed, have been added. In sum, the proposed amendment:

- Clarifies the definition of "light industry" and allows "light industry" to be located in the C-1 portion of the Maine Technology Park as well as the C-1 district west of I-95.

- Allows higher density residential uses in the EDZ district, with applicable density standards; the clustered development option also would be available in the EDZ District, with density and other standards the same as for the C-2 District.
- Reduces certain minimum lot sizes and frontages in C-1, C-2, and EDZ districts (NOTE: the amendment keeps minimum lot size for the C-2 district at 40,000 sq. ft. but increases the allowable density, making C-2 and EDZ residential standards the same)
- Increases maximum building heights in Village Commercial, C-1, C-2, EDZ, and Industrial districts
- Ties residential density in clustered residential developments in the C-2 and EDZ districts to number of bedrooms per dwelling unit. At present the allowable density is 8 units per net residential acre, without regard to number of bedrooms. The proposal adds a maximum standard of 16 bedrooms per net residential acre – meaning that a development could have the maximum of 8 units per acre only if the units all were two-bedroom.

Chair Ruck opened the public hearing. No comments were received.

Christa Schwintzer said the proposal is good but suggested that, for easier readability, in the Schedule of Dimensional Standards' references to sewer and water services to lots, the conjunctions "and" and "or" be put into bold face. Mr. Richert stated this could be done as part of the re-write of the Land Use Ordinance.

Chair Ruck stated that the Comprehensive Plan Committee had spent a lot of time on these proposed changes. There were no additional comments or questions.

Chair Ruck closed the hearing.

Christa Schwintzer moved and Michael Costello seconded a motion to recommend the proposed amendment to the Town Council as presented with the format change (putting the conjunctions "and" and "or" into bold face) made as part of future revisions to the Land Use Ordinance. Voted unanimously.

Discussion

Evan Richert indicated that the next meeting, on September 21, 2016, will include the Preliminary Subdivision Plan application of M & M Truck Sales, Union Street (Riverside Estates).

Michael Costello moved to adjourn, Christa Schwintzer seconded, voted unanimously. Meeting adjourned at 8:35 pm.