

**PLANNING BOARD MINUTES
WEDNESDAY, JULY 27, 2016
MUNICIPAL BUILDING COUNCIL CHAMBER**

Planning Board Members Present: Michael Costello, David Thompson, John Beckett, Jeremy Chubbuck, Christa Schwintzer, Judson McIntosh, Phil Ruck (Chair)

Planning Board Members Absent: Lisa Buck and Jason Charland

Staff Present: Evan Richert, Town Planner; Paula Baines, Administrative Assistant

Meeting called to order at 7:00PM by Phil Ruck, Planning Board Chair.

Michael Costello was designated as a voting member for the meeting.

Acceptance of the Agenda. No action was taken on this item.

Approval of the minutes of May 18, 2016.

CHRISTA SCHWINTZER MOVED, AND JUDSON MCINTOSH SECONDED, APPROVAL OF THE MINUTES WITH THE FOLLOWING AMENDMENT: PAGE 4, ITEM 2C - AFTER "PROPOSED LAND USE ORDINANCE" THE WORD "AMENDMENT" BE INSERTED. THE MOTION PASSED BY UNANIMOUS VOTE.

4. Public Hearings.

- a. An amended subdivision review request by Milos Blagojevic to alter a lot line in the Eagle Crest subdivision, at the end of Merritt Drive, Tax Map 23 Lot 7 in the F & A zone.

Evan Richert informed the Board that the applicants, Milos and Bonnie Blagojevic, are requesting that the Board approve an amendment to the Eagle Crest Subdivision, which was originally approved in April 2002, by enlarging Lot 8 from 3.6 acres to 7.36 acres. This request also will clarify the status of a residual, 70 acre area at the end of Merritt Drive, from which land will be transferred to accomplish the enlargement of Lot 8. The proposed amendment involves Tax Map 23, Lot 19 (Eagle Crest Subdivision Lot 8 – 7.36 acres) and Tax Map 23, Lot 7 (Eagle Crest formerly "residual" property, now proposed to be renumbered Subdivision Lots 9 (18.13 acres) and 10 (residual, 48.26 acres).

Mr. Richert further reports that the request to move the boundary line between the parcels is fairly straight forward. In 2002, the Planning Board approved the eight lot Eagle Crest Subdivision from the residual 114 acre lot remaining from the previous Amesco Subdivision which was approved by the Planning Board in 1977. In June 2009, the Planning Board approved an amendment to the Amesco Subdivision that divided a 20 acre lot from the residual lot and left approximately 70 acres retained by Milos and Bonnie Blagojevic.

Mr. Richert also reported that research into this application also clarified the legal status of the private road that extends from the end of Merritt Drive to the town boundary and into a subdivision in Bangor as a private road. In accordance with Town Ordinance, because this road existed prior to January 1, 1978, this road constitutes "frontage" for existing lots located along it and land on either side of the road constitute lots in their own right, at least for the purpose of single-family homes.

Phil Ruck opened the public hearing and asked applicant to clarify the plan to reflect so-called Lot 8 in the older Amesco subdivision plan as "former" Lot 8. Applicant indicated

willingness to have a surveyor make the change on the plan. The applicant offered statements related to Mr. Richert's report and no members of the public offered comment on the application. Chairman Ruck closed the public hearing.

Mr. Richert recommended, for the Board's consideration, the following:

- Correcting a typo on Plan Note 6 should read "excepted" instead of "accepted";
- Adding a note to the plan that complies with the requirements of 30-A MRSA Aec 4407 (1), assuring that future title searches recognize that this amended plan supersedes the original plan;
- The amended, signed subdivision plan must be recorded at the Penobscot County Registry of Deeds within 90 days of approval;
- Plan note needs to reflect "Former Lot 8"; and
- Note 3 typographical error corrected to read Forest and Agriculture "District".

Chairman Ruck read each element of the following proposed findings of fact into the record – stopping after each to query if Planning Board members had any questions or revisions:

PURSUANT TO ARTICLE VII, SECTION 18-208, OF THE ORONO CODE OF ORDINANCES, THE ORONO PLANNING BOARD HAS CONSIDERED THE APPLICATION OF MILOS AND BONNIE BLAGOJEVIC TO AMEND THE EAGLE CREST SUBDIVISION, ORIGINALLY APPROVED IN APRIL 2002, BY ENLARGING LOT 8 FROM 3.6 TO 7.36 ACRES. THE PROPERTY IS LOCATED IN THE FORESTRY AND AGRICULTURE DISTRICT ON MERRITT DRIVE, AND, BASED ON ALL EVIDENCE PRESENTED BY THE APPLICANT, REVIEWING AGENCIES, TOWN DEPARTMENTS, AND THE PUBLIC, THE PLANNING BOARD FOUND THE FOLLOWING:

1. LOTS. THAT LOT 8 WILL BE ENLARGED BY SHIFTING THE PROPERTY LINE BETWEEN LOT 8 AND NEWLY NUMBERED LOT 9, WHICH PREVIOUSLY WAS CONSIDERED A PORTION OF THE RESIDUAL LAND OF THE SUBDIVIDER; AND THAT ALL LOTS WILL CONTINUE TO MEET THE MINIMUM DIMENSIONAL STANDARDS FOR THE FORESTRY & AGRICULTURE DISTRICT AND COMPLY WITH STATE STANDARDS FOR LOTS RELYING ON SUBSURFACE WASTEWATER DISPOSAL SYSTEMS;

FURTHER, THAT THE PROPOSED AMENDMENT PROPERLY RECHARACTERIZES THE LAND AT THE END OF MERRITT DRIVE, WHICH WAS PREVIOUSLY CONSIDERED TO BE A SINGLE PARCEL OF RESIDUAL LAND, AS TWO INDIVIDUAL LOTS, NOW NUMBERED LOTS 9 AND 10, DIVIDED BY AND WITH FRONTAGE ALONG AN EXISTING PRIVATE ROAD

FURTHER, THAT THE PROPOSED AMENDMENT PROPERLY ACKNOWLEDGES THAT FUTURE DIVISION OF LOTS 9 AND 10, IF ANY, IF SUCH FUTURE DIVISION CONSTITUTES THE CREATION OF SUBDIVISION LOTS, WILL BE SUBJECT TO LAND USE ORDINANCE STANDARDS IN EFFECT AT THE TIME OF THE SUBDIVISION

2. STREETS AND TRAFFIC. THAT THE PRIVATE ROAD, WHICH EXTENDS FROM THE END OF MERRITT DRIVE INTO ADJACENT PROPERTY IN THE CITY OF BANGOR, PRE-EXISTED THE STATE SUBDIVISION STATUTE AND THE DATE SPECIFIED IN THE TOWN'S LAND USE ORDINANCE (JANUARY 1, 1978) AND THEREFORE, AS DETERMINED BY THE CODE ENFORCEMENT OFFICER, SERVES AS FRONTAGE FOR LOTS 9 AND 10;

FURTHER, THAT THE AMENDED SUBDIVISION INCLUDES A 66-FOOT PRIVATE RIGHT-OF-WAY THAT ENCOMPASSES THE EXISTING PRIVATE ROAD, WITH THE PROPERTY LINE DIVIDING LOTS 9 AND 10 RUNNING ALONG THE MIDDLE OF THE RIGHT-OF-WAY;

FURTHER, THAT THE RIGHT-OF-WAY MAY BE USED FOR UTILITIES AS WELL AS ACCESS AND ITS RE-CHARACTERIZATION ON THE AMENDED SUBDIVISION PLAN DOES NOT AFFECT THE EXISTING EMERGENCY ACCESS RIGHTS OF ADJACENT PROPERTY IN THE CITY OF BANGOR;

FURTHER, THAT THE AMENDED SUBDIVISION PLAN DOES NOT AFFECT TRAFFIC VOLUMES OR PATTERNS OR IMPACT PUBLIC RIGHTS-OF-WAY.

3. OVERALL FINDING AS TO OTHER ELEMENTS OF THE EAGLE CREST SUBDIVISION. THAT THE RELOCATION OF A LOT LINE TO ENLARGE LOT 8 WILL NOT AFFECT ANY PREVIOUS FINDINGS LEADING TO THE ORIGINAL APPROVAL OF THE EAGLE CREST SUBDIVISION AND WILL NOT ADVERSELY AFFECT ANY ELEMENT OF THE ORIGINAL APPROVAL, INCLUDING STANDARDS FOR DRAINAGE IMPROVEMENTS, OPEN SPACE, WETLANDS, RECREATION LAND, SEWER AND WATER UTILITIES, POLLUTION CONTROL, OR FINANCIAL AND TECHNICAL CAPACITY.

JUDSON MCINTOSH MOVED, AND JOHN BECKETT SECONDED, APPROVAL OF THE AMENDED SUBDIVISION PLAN AND FINDINGS OF FACTS WITH THE FOLLOWING CONDITIONS

1. ADDING A NOTE TO THE PLAN THAT COMPLIES WITH THE REQUIREMENTS OF 30-A MRSA AEC 4407 (1), ASSURING THAT FUTURE TITLE SEARCHES RECOGNIZE THAT THIS AMENDED PLAN SUPERSEDES THE ORIGINAL PLAN
2. THE AMENDED, SIGNED SUBDIVISION PLAN MUST BE RECORDED AT THE PENOBSCOT COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS OF APPROVAL;
3. PLAN NOTE NEEDS TO REFLECT "FORMER LOT 8"; AND
4. NOTE 3 TYPOGRAPHICAL ERROR CORRECTED TO READ FOREST AND AGRICULTURE "DISTRICT".

THE MOTION WAS APPROVED BY UNANIMOUS VOTE OF THE BOARD.:

- b. A site plan review request by VanSyckle Inc. to allow auto sales at 240 Main Street, Tax Map 31-1 Lot 56 in the C-2 zone.

Judson McIntosh disclosed a potential conflict as he is related to an employee at VanSyckle, recused himself from the discussion, and moved to sit in the audience.

Applicant representative, Ed Viner, explained that Van Syckle had purchased the property and was requesting an expansion of existing permitted use to allow for the display and sale of up to 10 automobiles at 240 Main Street, also known as the former State Police Barracks property. Evan Richert informed the Board that the property is currently used primarily for office space for VanSyckle finance staff and reconditioning (detailing) of automobiles in garage. The applicant is before the Planning Board for site plan review to allow for displaying autos for sale, which is an allowed use in this district. He further explained that the Planning Board could not determine the appropriateness of the use at this location, because the ordinance allows it, but rather that the ordinance asks the Planning Board to determine whether the applicant has met the performance standards and to impose conditions as it deems appropriate to ensure conformance with the standards.

Mr. Richert explained that currently there is a lawn approximately 25 feet deep and 70 feet long with curves at curb cuts with a single low shrub that serves as the buffer between Route 2 and the building on the property. The applicant proposes to decrease the depth of the buffer area to 20 feet in order to maintain a fire lane of at least 20 feet adjacent to the building and also to extend the length of the buffer to approximately 80 feet to equal the length of the display area. The buffer area will be landscaped with five red maple trees and sea green junipers.

Chairman Ruck questioned the applicant about customer parking and confirmed that there will be two parking spaces, with one handicap, in front and nine in the rear of the building. Signage will remain in approximately the same historic location. The applicant indicated that there would be no additional lighting; however, it was clarified that the plans did show additional security lighting in the rear of the building.

Chairman Ruck invited public comment:

Maggie Tipping (Page Place) spoke of her concerns about having a car lot as the entry to Orono's historic downtown. She said that she understands that auto sales are allowed in C-2 District and wants the Planning Board and Town Council to change the allowed use. She also reminded Planning Board members that the Town's signage regulations clearly restrict property signage and commented that it didn't seem feasible to run a car dealership with that limited signage.

Debbie Averill (Main Street) indicated that she lived across from applicant property. She said that she had spoken with the applicant's representative who originally said the intended property use would be for offices and detailing vehicles readying for sale at the Bangor location. She expressed concern that this development will change the complexion of her neighborhood. She said that traffic is currently very difficult to manage on Route 2 – especially in the morning and questioned if the cars would simply be on display and those interested in buying car directed to Bangor to complete the purchase. She also expressed concerned that this will change the aesthetic character of the downtown. The area has changed dramatically over the years and she wondered if the value of her property will decrease because there is a car dealership across the street.

Chairman Ruck explained that car dealership is an allowed use and that the Planning Board could not change the ordinance for this application. He offered that the Planning Board could discuss and contemplate performance standards or approval conditions; however, he informed the public that comments related to the type of use or change in property value have no bearing on the Planning Board's decision.

Mohamad Musavi (Page Place) – Spoke in opposition to the proposed site plan. He quoted the purpose of the C-2 District listed in Orono's Land Use Ordinance as being to allow a mix of residential and compatible commercial uses. He indicated that he did not view a car dealership a compatible small business as envisioned by the purpose of the C-2 and suggested that it would be more fitting with the C-1 purpose. He questioned the number of cars that would be displayed of 10 when the site plan shows 19 total cars. Chairman Ruck explained that with the 10 cars for display, along with employee and customer parking, approximately 20-30 cars would be parked on site each day.

Mr. Musavi expressed that traffic is problematic currently. He questioned whether the proposed use is consistent with the neighborhood and if it fits the master plan for the Town of Orono. He expressed concern about the interpretation of smaller scale including 20-30 cars parked; stated that he believes this is a larger scale development.

Chairman Rick explained that the definition of C-2 includes the schedule of uses and car dealerships are allowed in the schedule of uses. Mr. Richert followed up by explaining

that that the Planning Board is an administrative body that is undertaking a review of an application based upon the ordinance adopted by Council. By adoption of the ordinance, Council has defined the allowed uses in the schedule of uses. The Planning Board does not have the authority to change the schedule of uses and the proposed use fits within the allowed land uses for this zoning district.

Steve Dexter (236 Main Street) stated that he agreed with several points brought up by the public previously. He asked for clarification as to whether the lot will be lit up.

Chairman Ruck explained that, according to application, no new lighting is proposed by the applicant. There is an existing flood light by roadside. Applicant stated that the three lights on building will stay, the company is considering a 100W LED light in rear of building for security. Chairman Ruck pointed out that the submitted plan shows two flood lights in the rear.

Mr. Dexter said that he was in favor of new businesses in Orono and that offices and detailing seemed to be low impact; however, that a dealership seems a little different. He asked for clarification about trees to be planted.

Chairman Ruck explained that, by ordinance, buffer strips are required along any property line that abuts Route 2 in any area that the Planning Board determines is needed. The current buffer is grass and a small bush. The plan shows 5 maple trees, a minimum of 5 feet tall at planting, with junipers, a minimum of 3 feet tall at planting, interspersed between the trees. Chairman Ruck stated that the Planning Board understood the significance of the Route 2 corridor and did not question the need for a buffer. He said that the buffer proposed in the ordinance met the ordinance's minimum requirements.

Mr. Dexter asked about the plans for buffers between residents on each side of the VanSykle property and said he felt that it would be common courtesy to have privacy fence on each side to preserve neighbors' yards.

Mr. Richert stated that screening at side property lines has not been discussed as part of the application process; however, it could be.

Maggie Tipping expressed concern that current entrance is directly across from Page Place and asked if there were anyway to change flow so that there are not conflicting left turns between the property and Page Place onto Route 2.

Mr. Richert stated that the curb cuts are legally non-conforming.

Ed Viner, applicant representative, said that he talked with Ms. Tipping yesterday. He suggested putting up a dead end sign on Page Street to reduce traffic on the street as well as signing this exit for no left turn to improve safety.

Stuart Dexter (Fernwood Street) stated it was very seldom that would anyone know that there were vehicles at the former State Police Barracks. He expressed concerned about parking for 10-12 vehicles and assumed that there could be more.

Mr. Richert explained that the plan explicitly detailed a maximum of 10 cars for display and that displaying more than that would be a violation of the site plan. Such violation would open the property owner to Town enforcement action.

Mr. Dexter asked if anything in the plan or ordinance that prohibits flags and balloons at the site.

Mr. Richert stated, and Bill Murphy (Town Code Enforcement Officer) confirmed, that the applicant could use windshield stickers; however, banners, flags and pennants are not allowed and the ordinance limits the size of signage at the site.

Carrie Dexter (236 Main) asked the Planning Board to consider maintaining the integrity of Orono and Orono's downtown.

Debbie Averill asked if there would be sales people on site or if people who wanted to purchase cars on display in Orono would need to go to Bangor.

Mr. Viner stated that people would be able to purchase the cars on display from employees at the site.

Glenn Koehler (360 Main Street) asked the Planning Board to consider what Wilson Street in Brewer looks like and whether that would be good for Orono.

Christina Strong stated that she was a new Orono resident looking to purchase a home. She said that she is looking for somewhere with trees and space and not near a dealership.

Chairman Ruck closed the public hearing and invited comments from the Board.

Jeremy Chubbuck stated that in reviewing application and listening to audience the question of the issue of noise has been raised and questioned if the applicant planned for noise.

Mr. Viner responded that there will be no sound system or radio outside the building.

Chairman Ruck said that the Board had reviewed written material provided by the applicant and staff prior to the meeting as well as comments and signatures (48) presented immediately before the start of the meeting and listened to public comment.

Chairman Ruck asked the applicant about screening of side lot lines.

Mr. Viner said that the south side is completely obscured from neighbors by trees and there is no buffer on the north side; however, the applicant does not object to screening on the north side.

Mr. Richert indicated that the Planning Board can make screening a condition and specify what it thinks is appropriate – either a fence, vegetated buffer, or combination of the two.

Christa Schwintzer expressed that the neighbors asked for a fence and thought it would be prudent.

Chairman Ruck suggested not prescribing what specifically needs to be done and suggested that the applicant work with neighbor to select an appropriate buffer. Mr. Richert suggests that the Planning Board consider requiring screening and that Town staff reviews it for consistency with Town ordinances.

Christa Schwintzer expressed concerned about having a minimum height of trees planted in the buffer area of only 5 feet. She stated that trees are sold by diameter of tree, not height, and suggested a minimum diameter of 2 inches.

Mr. Richert said that the minimum standard is 1" diameter and 5 feet tall; however, since the buffer was along Route 2 (Main Street) and the ordinance gives the Planning Board

some discretion in deciding what is required to meet the purpose of visually separating development from Route 2,, the Planning Board can require something bigger.

David Thompson expressed that the species makes a difference and suggested that cedar would make a better hedge/buffer in than red maple.

Chairman Ruck informed the applicant that it appeared the Board would be requiring trees at least 8 feet tall with a 2" diameter and requested that they plant them all the same size.

Chairman Ruck read each element of the following proposed findings of fact into the record – stopping after each to query if Planning Board members had any questions or revisions:

PURSUANT TO ARTICLE VI, SECTION 18-177, OF THE ORONO CODE OF ORDINANCES, THE ORONO PLANNING BOARD HAS CONSIDERED THE APPLICATION OF VAN SYCKLE, INC., TO ADD AUTO SALES AS A USE AT 240 MAIN STREET, TAX MAP 31-1, LOT 56, IN THE COMMERCIAL-2 DISTRICT BASED ON ALL EVIDENCE PRESENTED BY THE APPLICANT, REVIEWING AGENCIES, TOWN DEPARTMENTS, AND THE PUBLIC, THE PLANNING BOARD HAS FOUND THE FOLLOWING:

1. **REQUIREMENTS OF THE DISTRICT:** THAT THE PROPOSED ADDITIONAL USE OF THE PROPERTY [FOR AUTO SALES](#), IN ADDITION TO ITS CURRENT USE AS AN OFFICE AND A GARAGE FOR RECONDITIONING AUTOMOBILES, IS AN ALLOWED USE IN THE COMMERCIAL-2 DISTRICT; AND THAT THE ADDITIONAL USE WILL NOT INVOLVE NEW CONSTRUCTION AND WILL NOT AFFECT BUILDING SETBACKS OR OTHER DIMENSIONAL REQUIREMENTS OF THE SITE.
2. **RIGHT, TITLE, OR INTEREST:** THAT THE APPLICANT IS THE OWNER OF THE PROPERTY
3. **COMPLIANCE WITH TOWN ORDINANCES AND CODES:** THAT THE PROPOSAL DOES OR IS ABLE TO COMPLY WITH TOWN ORDINANCES AND CODES.
4. **UTILIZATION OF THE SITE:** THAT THE ADDITIONAL USE OF THE SITE FOR AUTO SALES WITH UP TO TEN SPACES FOR THE DISPLAY OF AUTOMOBILES WILL USE THE EXISTING DEVELOPED PORTION AND WILL NOT ENTAIL SIGNIFICANT PHYSICAL ALTERATION OF THE SITE.
5. **TRAFFIC, PARKING, AND ACCESS:** THAT THE PROPOSED ADDITIONAL USE WILL NOT SIGNIFICANTLY INCREASE TRAFFIC VOLUMES ON THE ADJACENT MAIN STREET, WILL NOT SIGNIFICANTLY CHANGE ACCESS OR TRAFFIC FLOWS INTO AND OUT THE SITE OR AFFECT PEDESTRIAN CIRCULATION, AND WILL PROVIDE ADEQUATE PARKING FOR EMPLOYEES AND CUSTOMERS UTILIZING THE SITE
6. **BUFFERS AND SCREENING:** THAT THE SITE PLAN, [AS AMENDED PER CONDITIONS OF APPROVAL](#), PROVIDES A LANDSCAPED BUFFER WITH APPROPRIATE PLANTINGS BETWEEN ROUTE 2 (MAIN STREET) AND THE AUTOMOBILE DISPLAY AREA ON THE SITE; THAT THIS BUFFER, IF PROPERLY MAINTAINED, WILL PROVIDE FOR VISUAL SEPARATION BETWEEN THE ROAD AND WILL ADEQUATELY PROTECT THE VISUAL CHARACTER OF THIS SECTION OF ROUTE 2; AND THAT THERE WILL BE NO OTHER EXPOSED NONRESIDENTIAL STORAGE ON THE SITE.
7. **STORMWATER MANAGEMENT:** THAT THE ADDITION OF THIS USE ON THE SITE WILL NOT INVOLVE EXPANDING PAVEMENT OR OTHER IMPERVIOUS ELEMENTS ON THE SITE; WILL NOT INVOLVE SIGNIFICANT RE-GRADING OF THE SITE, AND WILL NOT INCREASE THE VOLUME, RATES, OR PATTERNS OF STORMWATER RUNOFF FROM THE SITE

8. **WATER SUPPLY, SEWAGE DISPOSAL, AND ELECTRICAL UTILITIES:** THAT THE SITE WILL CONTINUE TO BE SERVED BY PUBLIC WATER SUPPLY, PUBLIC SEWER, AND ELECTRICAL UTILITIES, AND WILL NOT SIGNIFICANTLY CHANGE THE SITE'S CURRENT USE OF THESE UTILITIES.
9. **NATURAL FEATURES, WATER QUALITY, SHORELANDS:** THAT THE ADDITIONAL USE OF THE SITE WILL NOT ALTER NATURAL FEATURES OF THE SITE AND WILL NOT AFFECT WATER QUALITY; AND THAT THE PROPERTY IS NOT LOCATED IN A SHORELAND AREA OR FLOOD ZONE.
10. **HAZARDOUS, SPECIAL, AND RADIOACTIVE MATERIALS; SOLID WASTE MANAGEMENT:** THAT THE PROPOSED ADDITIONAL USE OF THE SITE WILL NOT GENERATE HAZARDOUS SPECIAL, OR RADIOACTIVE MATERIALS; AND WILL NOT SIGNIFICANTLY ADD TO OR ALTER THE MANAGEMENT OF SOLID WASTE GENERATED ON THE SITE
11. **HISTORIC AND ARCHAEOLOGICAL RESOURCES:** THAT THE PROPOSED ADDITIONAL USE OF THE PROPERTY DOES NOT AFFECT KNOWN HISTORIC OR ARCHAEOLOGICAL RESOURCES.
12. **FINANCIAL CAPACITY:** THAT THE PROJECT WILL NOT REQUIRE THE INSTALLATION OR REDEVELOPMENT OF PUBLIC INFRASTRUCTURE AND WILL NOT INVOLVE SIGNIFICANT DISTURBANCE OF THE SITE FOR WHICH COMPLETION OR REMEDIATION AND A RELATED SHOWING OF FINANCIAL AND TECHNICAL CAPACITY WOULD BE REQUIRED
13. **SIGNS:** THAT THE PROPOSED SIGNAGE WILL CONFORM WITH THE DIMENSIONAL STANDARDS OF THE LAND USE ORDINANCE ..
14. **NOISE AND LIGHTING:** THAT NO NEW EXTERNAL LIGHTING IS PROPOSED TO SERVE THE PROPOSED ADDITIONAL USE OF THE SITE IN FRONT OF THE BUILDING AND ANY NEW LIGHTING ELSEWHERE WILL COMPLY WITH THE STANDARDS OF THE LAND USE ORDINANCE; AND THAT THE USE OF THE PROPERTY WILL BE WITHIN THE NOISE LIMITS OF THE TOWN'S NOISE ORDINANCE.

GEREMY CHUBBUCK MOVED, AND JOHN BECKETT SECONDED, APPROVAL OF THE SITE PLAN AND FINDING OF FACTS, AS AMENDED, WITH THE FOLLOWING CONDITIONS:

1. **SCREENING BETWEEN THE PROPERTY AND THE NORTHERLY NEIGHBOR WHICH TOWN STAFF WILL REVIEW FOR COMPLIANCE WITH TOWN ORDINANCE AND APPROVE;**
2. **A MINIMUM SIZE OF TREES IN THE BUFFER OF 8 FEET TALL AND 2" DIAMETER AT PLANTING;**
3. **SIGNAGE TO DIRECT TRAFFIC NO LEFT TURN AT THE EXIT ACROSS FROM PAGE PLACE; AND**
4. **NO NEW LIGHTING AT THE SITE.**

MOTION PASSED BY 6-0 VOTE OF THE BOARD. (J. MCINTOSH ABSTAINED)

- c. A proposed amendment to the Land Use Ordinance to provide for self-storage facilities, as distinct from warehousing.

AFTER DETERMINING THAT NO MEMBERS IN ATTENDANCE WANTED TO PROVIDE COMMENT ON THE ORDINANCE AMENDMENTS SCHEDULED FOR PUBLIC HEARING, GEREMY CHUBBUCK MOVED, AND JOHN BECKETT SECONDED, TABLING PUBLIC HEARING 4C, 4D, AND 5A UNTIL THE PLANNING BOARD'S AUGUST MEETING. THE MOTION PASSED UNANIMOUSLY BY THE BOARD.

- d. A proposed amendment to the Land Use Ordinance amending definitions and districts for types of travelers' lodging.

TABLED, SEE ITEM 4C FOR PLANNING BOARD ACTION.

5. Old Business.

- a. Continuation of the proposed Land Use Ordinance amendment to Section 18-31 Definitions, Section 18-105 Purpose of Districts and Section 18-106 (e) and (f) Schedule of Uses concerning certain land uses and dimensional standards in the C-1, C-2 and EDZ districts.

TABLED, SEE ITEM 4C FOR PLANNING BOARD ACTION.

6. New Business.

- a. Sketch plan review by M & M Truck Sales Inc. for an 8 lot subdivision on Union Street.

Applicant M&M Tuck Sales, represented by Jim Kiser, explained it was proposing an 8 lot residential subdivision along the lower end of Union Street. While the applicant owns approximately 36 total acres in this area, the subdivision will occupy approximately 6.3 acres. One lot would be on public sewer, as required by the ordinance, with rest of lots on subsurface wastewater disposal systems. All 8 lots will connect to the Orono-Veazie Water District's public water system. All lots will exceed the 30,000 square foot lot size required in MDR District. The applicant is looking to improve drainage on road as the property currently drains toward the railroad spur and Johnny Mac Brook.

The applicant is planning to submit documents necessary for preliminary review in next few days to be considered at the Planning Board's August meeting,

Applicant proposes widening the existing road right of way by 5 feet and deeding the area to the Town.

Mr. Richert informed the Board at Town staff has reviewed the sketch plan and expressed no major concerns. He said that this is a single family subdivision, with no new streets and no extension of public utilities – except the 5 feet of their lot deeded to town for a wider right of way. There is no turn around at Union Street at this point, just a dead end. No sidewalk anywhere along Union all the way to Margin Street. Of note, this is a fairly long dead end street. Ordinance allows development along the street; however, Union Street can only be extended an additional 2500 feet. Mr. Richert queries whether a turn-around for public vehicles could be provided or if there is any way to interconnect for public safety? There is a former railroad right of way that may be utilized for a connection. The railroad still owns this property, but it could allow for a bypass of the lower part of Union Street. The proposed development includes approximately 6 acres of a 30 acre holding. The preliminary application must include discussion of the applicant's concept for potential development of its adjacent land so that Planning Board can consider this 8-lot plan in context of potential future cumulative impact.

Chairman Ruck stated that the Planning Board has been quite consistent working to address interconnections and safety issues and asked if turning of public vehicles on private land be rectified through this process?

Mr. Kiser stated that he and Mr. Richert have discussed interconnectivity. He said that the applicant will look at the full master plan and will bring in a sketch of the potential full

plans for the property. He stated that the Town probably already has proscriptive rights to the turn around, but the applicant will look at putting something on the plan.

Chairman Ruck said that the Planning Board has discussed walkability at length and has required sidewalks in prior subdivisions. Mr. Richert suggested that learning about the trail system will shed light on pedestrian ways in this area.

Chairman Ruck opened the floor for public comment:

Roxanne Sinclair (Brooks Street abutter) said that there are a lot of wetlands and people use the property for recreation. She questioned using railroad right of way and connectivity. She understood that this is Forest and Agriculture zoning district; however, Mr. Richert confirmed it was located in the MDR zone. Ms. Sinclair expressed concerned about all the traffic being added and the potential of adding homes that would be turned into student rentals.

Julia McGuire (38 Union Street) expressed concern about traffic pattern changing the neighborhood. She asked if there were going to be covenants related to the size of structures and requirements of subdivisions. Chairman Ruck explained that usually covenants are included as part of preliminary review and that the process required two more hearings with abutters within 500 feet of proposed development being notified. Mr. Richert clarified that Town Ordinance does not require covenants related to certain size house or garages. Ms. McGuire sought clarification related to extension of the road. Mr. Richert stated that in the preliminary subdivision plan, the applicant must provide a general concept of what may be proposed in the future for the rest of their adjacent holdings.

Alan Nadeau (104 Union Street) informed the Board of an active eagles nest on the property that has been documented by letters from 2005 stating that it fell under the State of Maine threatened species. Mr. Nadeau expressed concern over the idea that the railroad bed could be used for interconnectivity given the adjacent wetlands. He stated that traffic would be an issue as residents currently have a hard time getting out of Union Street and commented that the roadway is quite narrow and not conducive to pedestrians.

Paul Schroeder (Hamlin Street) asked if the entire parcel is zoned MDR. Mr. Richert explained that it is located in the MDR zone with a portion zoned Shoreland Zoning Limited Residential. Mr. Shroeder asked if the parcel extended to the river. Mr. Richert stated that there are two parcels – a 9.2 acre lot, where the subdivision of 6 acres proposed, and a 30 acre parcel which is not proposed for immediate development; however, since the parcels are held by same owner, the applicant must show general concept for future build out. The 30 acre parcel extends to the river.

Tony Nadeau stated that someone has purchased a piece of former railroad land that goes across to Ayers Island and questioned the ability to find interconnectivity. Chairman Ruck said that the Planning Board needed to look for opportunities to connect; however, it doesn't mean that there are feasible possibilities.

Robin Fisher (112 Union Street) asked if there was a number of users or length of road that trips need to have connectivity. Mr. Richert explained that within a subdivision the road can't be a length of more than 2500 feet or serve more than 20 homes without an additional way to connect. Ms. Fisher expressed concern about residential density and safety for egress. Mr. Richert explained that since Union Street is an existing road it isn't subject to the same restrictions as a road in a newer subdivision. He stated that fire safety is always an issue and explained that there are standards; however, they apply to an older road differently than new construction.

Cathy Nadeau asked for more information of the type of buildings the applicant is planning to build. Chairman Ruck explained that the process is in the early stages and more information will be available during preliminary review.

Hearing no other requests to speak, Chairman Ruck closed the public comment period.

JUDSON MCINTOSH MOVED, AND DAVID THOMPSON SECONDED, THAT THE PLANNING BOARD CLASSIFY THE PROJECT AS A MAJOR SUBDIVISION. THE MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

7. Discussion.

Chairman Ruck asked Board members to review the material Mr. Richert provided related to the tabled public hearings in advance of the August Meeting.

8. Adjourn.

JOHN BECKETT MOVED, AND GEREMY CHUBBUCK SECONDED, THAT THE MEETING ADJOURN AT 9:28PM. THE MOTION PASSED BY UNANIMOUS VOTE OF THE BOARD.

Respectfully submitted,
Sophia L. Wilson
Acting Recording Secretary