

Planning Board Minutes
Wednesday, February 21, 2018
Municipal Building Council Chambers - 7:00pm

Present: Michael Costello, John Beckett, David Thompson, Lisa Buck, Jeremy Chubbuck, Christa Schwintzer.

Town Staff: Janna Richards, Katlyn Howlett, David Milan, Avi Rude

John Beckett moved that due to the Chairman (Phil Ruck) and Vice Chairman (Judson McIntosh) being absent, that Lisa Buck be appointed as Chair and Michael Costello as a voting member for the February meeting.

David Thompson seconded the motion.

The motion passed unanimously.

2.) Acceptance of the Agenda:

Jeremy Chubbuck moved to accept the agenda as submitted.

Mr. Thompson seconded the motion.

The motion passed unanimously.

3.) Approval of the minutes of December 20, 2017:

Michael Costello moved to approve the minutes of December 20, 2017 with one correction; replace the word “develop” with the word “development” on page 2, in paragraph 4.

Mr. Beckett seconded the motion.

The motion passed unanimously, with Christa Schwintzer abstaining due to her absence from the December 20, 2017 meeting.

4.) Public Hearing:

- a. *Amendment to a July 19, 2006 approved Major Subdivision Plan titled Forest Hollow located at the intersection of Grant Road and Forest Avenue (Tax Map 17, Lot 23; Tax Map 17, Lots 52 through 59; Tax map 9, Lots 8 through 19), a total of 62.3 acres in the Low Density Residential zoning district, for Don Benson. The proposed amendment is to reduce the number of lots from a 21-lot single-family residential subdivision to a 10-lot single-family residential subdivision.*

- i. *PUBLIC HEARING, DELIBERATION, FINDING OF FACT, AND CONCLUSION.*

Don Benson described the proposed amendment to his previously approved subdivision. He explained to the board that he would like to combine several lots in his subdivision to create larger parcels of retained land for the purpose of then asking the Town to reduce the taxes on those lots. Mr. Benson noted that he has not seen the interest he had hoped in his lots in the past 12 years, only selling two out of the twenty lots for sale. Mr. Benson further elaborated that the proposed amendment would maintain 4 residential lots for sale.

Janna Richards, Town Planner, explained to the board that all conditions associated with the original approval in 2006 would carry over with the proposed amendment. Mr. Benson built the subdivision road, Grant Road, to Town Standards and, in conjunction with his previous conditions of approval, deeded the road to the Town of Orono. Ms. Richards also stated that the current stormwater runoff buffer easement, also deeded to the Town, would remain in place. It was noted that Mr. Benson reached out to the Maine Department of Inland Fisheries and Wildlife, the Maine State Historic Commission, and S.W. Cole (soil scientists/engineers) to get updated documentation that demonstrates that the subdivision continues to comply with the subdivision standards. Ms. Richards also let the board know that all sold lot lines, the recreational path easement, the significant wildlife buffer, and the vegetative buffers on lots 1 and 2 would remain unchanged and are shown on the proposed plan as they were for the prior approval.

Chair Buck opened the public hearing.

Frank Alley, 232 Forest Avenue, asked to see a copy of the proposed subdivision plan. Second, Mr. Alley questioned if a subdivision could become dormant when there hasn't been a property sale in a substantial amount of time.

Ms. Richards explained that as long as the lots are actively marketed and for sale, the lots would not be considered dormant. Ms. Richards elaborated and said that once a subdivision plan is recorded at the Registry of Deeds, the subdivision layout runs with the land until any change is recorded at the Registry of Deeds.

Mr. Alley also questioned the implications of the Town's potential loss in taxes from combining the subdivision lots, as is being proposing. Chair Buck responded that the pending decision on Mr. Benson's taxes is not part of the Board's consideration when reviewing and making a decision on the proposed amendment to the subdivision plan.

Chair Buck closed the public hearing.

Mr. Chubbuck moved to approve the amendment to Forest Hollow subdivision with the following six conditions:

1. That all findings of the Planning Board with respect to this development at its meeting of July 19, 2006, and all conditions of approval and requirements pertaining thereto, are unchanged and remain in place;
2. That a note be added to the plan acknowledging that any future division of the retained land, 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;
3. That the net and usable acreage in the Acreage Table on the plan be corrected;
4. Note #17 on the plan should be corrected to read "approved by the Orono Planning Board on July 19, 2006 and recorded on August 25, 2006..."
5. That the applicant be granted an approved Site Location of Development Law land use permit for the amended plan by the Maine Department of Environmental Protection;
6. That the signed, amended subdivision plan, to include conditions of approval that run with the property, be recorded within 90 days of approval of the amended plan.

Mr. Beckett seconded the motion.

The motion passed unanimously.

Chair Buck read the Finding of Fact into the record.

Mr. Beckett moved to accept the Finding of Fact.

Mr. Chubbuck seconded the motion.

The motion passed unanimously.

Ms. Richards let the Planning Board know that there will be a meeting on March 21, 2018 with at least two agenda items.

Mr. Chubbuck moved to adjourn the February 21, 2018 Planning Board Meeting.

Mr. Beckett seconded the motion.

The motion passed unanimously.

The February 21, 2018 Planning Board Meeting adjourned at approximately 7:30 PM.

Respectfully submitted,
Katlyn Howlett