

**PLANNING BOARD MINUTES
WEDNESDAY, JULY 18, 2018
MUNICIPAL BUILDING COUNCIL CHAMBERS – 7:00 P.M**

Present: Michael Costello (Associate Member), John Beckett, Phil Ruck (Chair), Judson McIntosh, Lisa Buck, Dave Thompson

Town Staff: Kyle Drexler, Katlyn Howlett, Dave Milan, Avinash Rude

2.) Acceptance of the Agenda

Lisa Buck moved to accept the agenda as submitted.
John Beckett seconded the motion.
The motion passed unanimously.

3.) Approval of the Minutes of May 16, 2018

Ms. Buck moved to approve the minutes of May 16, 2018 as submitted.
Dave Thompson seconded the motion.
The motion passed unanimously.

4.) New Business

- a. A Site Plan application of Michaele Potvin for a home business, which is a type of home occupation. The proposed home business is a Counseling Office within an existing, owner-occupied residence at 3 Forest Hill Terrace, identified as Tax map 19-3, Lot 32, in the Medium Density Residential zoning district.

Michaele Potvin provided the board with a brief description of her application, stating she intends to begin seeing counseling patients within an office in her home 4-5 hours per week.

Chair Ruck asked Town Staff why a proposal that seems so straight forward and non-invasive is coming before the Planning Board.

Kyle Drexler, Town Planner, explained to the Board that within the last couple of years the Town of Orono adopted an ordinance dealing with different levels of Home Occupation. The two agenda items tonight were required to come before the board because of the presence of clients coming to the home within a residential district.

Mr. Drexler provided the Planning Board with a summary of Ms. Potvin's application. It was outlined that the applicant is not requesting any signage, only one client will be visiting the property at a time and there will only be four to five clients per week, there will be no employees other than the applicant and there is adequate off street parking at the site. Mr. Drexler also explained Forest Hill Terrace is considered a minor street which allows the applicant to have a maximum of 10 trip ends per day related to the business.

Chair Ruck opened the public hearing.

Rodney Smith, representative of his mother, Rohda Smith of 16 Forest Hill Terrace, expressed several concerns with the application; How many clients per day? What are the business hours and days? Are there similar businesses in the area and are there any issues associated with them? When would the business begin? What types of counseling will the applicant be doing, drug offenders, sex offenders? What is the responsibility of the applicant in relation to her patients? Why here, in this neighborhood?

Chair Ruck asked for clarification about whether the Board can inquire about the type of clients being seen, because they cannot base their vote on that aspect.

Mr. Drexler confirmed that there is no language in the ordinances giving the Town the ability to approve or deny an application based on specific clientele.

Ms. Potvin explained she would be seeing four to five clients per week between the hours of 9am and 3pm on Friday afternoons only.

Dave Milan, the Town of Orono Community Development Director, explained to the Board that there are several Home Business around town that perform Counseling or Therapy style services and the only complaints that have been received were related to parking issues and those issues were quickly resolved.

Ms. Potvin told the board and Mr. Smith that she intended to start as soon as she received approval, and that working from her home was ideal because of scheduling.

Jillian Rose, 2 Forest Hill Terrace, asked if the number of clients would be increasing over time and if there is any proposed signage?

Ms. Potvin explained that at this time Private Counseling will be secondary to her current job so there are no plans to increase her clientele in the immediate future. She also stated there would be no signage.

Pastor David Natale, representing the Faith Baptist Church at 160 Forest Avenue explained that while he is completely in favor of helping people he believes the application is terribly vague about the type of clients that would be visiting the property. Pastor Natale expressed concern about the potential of sex offenders visiting the property so close to the church as there are several children that are part of the church. Pastor Natale explained his personal responsibility of overseeing the safety of children, widows and the elderly.

Mr. Milan explained to the Board and Pastor Natale that there are laws pertaining to where certain clientele can and cannot be and the business owner will be educated on those laws. Mr. Milan explained that the Town is not concerned about clientele that may be visiting the property because there are standards and processes put into the place to keep everyone safe.

Chair Ruck explained to the applicants and the public that the Planning Board is made up of volunteers whose responsibility is to vote on fact and standards set forth in Town of Orono Ordinances that are put into place by the elected members of The Orono Town Council. The Planning Board cannot vote based on personal belief or opinions.

Jud McIntosh stated that the applicant is welcome to address the concern about the types of clientele

that will be seen, but does not need to and that information will not influence if the application is approved or not.

Ms. Rose, 2 Forest Hill Terrace, questioned if the proposal would affect the value of surrounding homes.

Chair Ruck explained that is beyond their purview and would not influence approval of the application.

Ms. Potvin stated that she is happy to address the concerns about the types of clientele she would see because mental health can be a scary topic to some people. Ms. Potvin explained that in her ten years of counseling work she has never worked with a sex offender or criminals. 3 Forest Hill Terrace is her home with her children and the clients she will be seeing will mostly be students and staff from The University of Maine, working on anxiety and depression.

Christina Griffin-Eichelberger, 14 Austin Drive, stated she completely supports this application.

Chair Ruck Closed the public hearing.

Chair Ruck read in the Finding of Fact.

Mr. McIntosh moved to approve the Application of a Home Occupation of a Counseling Office within an owner-occupied home at 3 Forest Hill Terrace with 3 Conditions of Approval:

- 1.) If the applicant decides to add signage, they shall submit the plans to the Code Enforcement Office that would then be subject to review by the Planning Board if the proposal is greater than the 2 square feet allowed by ordinance.
- 2.) The applicant shall utilize no more than four (4) off-street parking spaces for the Home Business. If additional parking is required, according to the ordinance, the business no longer qualifies as a Home Business.
- 3.) The Home Occupation shall not create a nuisance to the neighborhood, and the Home Occupation Permit shall be subject to review by the Planning Board if any complaint is filed with the Code Enforcement Office and/or the Orono Police Department.

Mr. Beckett seconded the motion.

The motion passed unanimously.

- b. A Site Plan application of Dr. Charles Hanson for a home business, which is a type of home occupation. The proposed home business is a Psychiatric Office within an existing, owner-occupied residence at 52 Park Street, identified as Tax Map 20-1, Lot 1, in the Medium Density Residential zoning district.*

Andy Hamilton, representing Dr. Charles Hanson, provided a summary of the application for a home business of a Psychiatric Office. Mr. Hamilton explained that the report provided by Town Staff was very thorough and he did not have much else to report. Mr. Hamilton stated that this business has been run at 52 Park Street since 1998 and was only coming before the board because due to a loss of a long term staff member, renewal fell through the cracks and that there are no changes in the business.

Chair Ruck also stated that the proposal was straightforward and very similar to the first agenda item.

Chair Ruck opened the Public hearing.

With no one coming forward for public comment, Chair Ruck closed the public hearing.

Chair Ruck read in the Finding of Fact.

Mr. McIntosh moved to approve the Application of a Home Occupation of a Psychotherapy Office within an owner-occupied home at 52 Park Street with 3 Conditions of Approval:

- 1.) The applicant shall have no more than four (4) renters that are unrelated in the structure at any one given time, as according to the definition of "Family" in article II Section 18-31, there may be no more than five (5) unrelated individuals in the dwelling unit. If the structure is rented out to five (5) unrelated individuals, then the home occupation permit shall be revoked.
- 2.) The home business shall have no more than two (2) employees present at the dwelling unit at any one given time
- 3.) Parking for the home business shall take place only in the parking area on the lot and in the four (4) allowed off-street parking spaces. If problems due to parking arise and a complaint is filed through the Code Enforcement Office and/or the Orono Police Department, the the home occupation permit would be subject to review by the Planning Board, and a decision would be made whether to allow the home occupation to continue.

Ms. Buck seconded the motion.

The motion passed unanimously.

5.) Old Business

- a. None

6.) Discussion

- a. None

7.) Adjournment

John Beckett moved to adjourn the July 18, 2018 Planning Board meeting.

Lisa Buck seconded the motion.

The motion passed unanimously.

The July 18, 2018 Planning Board Meeting adjourned at approximately 8:00pm.

Respectfully submitted,

Katlyn Howlett