

PLANNING BOARD MEETING MINUTES

November 4, 2019

Members Present

GEORGE FOX, CHAIRMAN

MOLLY BUTLER-BAILEY

VINCENT GRASSI

JAMES HALL

Members Absent

SCOTT FIRMIN, VICE CHAIRMAN

JAMES ANDERSON

MICHAEL RICHMAN

Staff Present

**THOMAS M. POIRIER, Director of Community
Development**

CAROL EYERMAN, Town Planner

BARBARA C. SKINNER, Clerk of the Board

George Fox, Chairman, called the meeting to order at 7:00 p.m. The Clerk called the roll, noting that James Anderson, Scott Firmin and Michael Richman were absent.

APPROVAL OF THE OCTOBER 7, 2019 MEETING MINUTES

Molly Butler-Bailey MOVED and Vincent Grassi SECONDED a motion to approve the October 7, 2019 meeting minutes and as written and distributed. Motion CARRIED, 4 ayes (Scott Firmin, James Anderson and Michael Richman absent). [7:05 p.m.]

CHAIRMAN'S REPORT

Mr. Fox said there was no Chairman's Report this evening.

COMMITTEE REPORTS

- A. Ordinance Review Committee** – Mr. Grassi reported that this committee has not met since the last Board meeting.
 - B. Comprehensive Plan Implementation Review Committee** – Mr. Fox noted that this committee has not met since the Board's last meeting.
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ADMINISTRATIVE REVIEW REPORT

Mr. Poirier reported that there is one new administrative review report for an application for a 6,000 square foot storage building and parking for six cars in the Olde Canal Business Park. He said that review comments have been provided to the applicant, and staff is awaiting a resubmission from the applicant.

- ITEM 1 Discussion – Land Use and Development Code Amendment – Impact Fee Waiver –**
Proposed amendment to Chapter 7, Section 7-1.G to add a section to allow application for a refund of an impact fee.

Mr. Poirier explained that the proposed amendment was forwarded to the Planning Board for review by the Town Council. The proposed language would add a provision that the development activity will not result in

a net addition of a new dwelling unit and is specifically tailored for a homeowner getting an impact fee waiver for a fee already paid in.

Mr. Fox confirmed that this proposed amendment is specifically crafted for a case where a residential house is sold and demolished and the new house is built.

Ms. Butler-Bailey recommended that the item be moved to public hearing at the next available Planning Board meeting.

Molly Butler-Bailey MOVED and James Hall SECONDED a motion to move the item to the next available Planning Board meeting for a public hearing. Motion CARRIED, 4 ayes (Scott Firmin, James Anderson and Michael Richman absent).

ITEM 2 Discussion – Zoning and Land Use Map Amendment – Proposed amendment to the Zoning Map in the area of Harding Bridge Road to match the Future Land Use Map in the Comprehensive Plan currently zoned as Rural to Suburban Residential

Mr. Poirier said this item has been forwarded to the Planning Board for its review and recommendation concerning the proposed zone change in the vicinity of Huston Road and Harding Bridge Road from the current designation as Rural to the Suburban Residential zoning district as identified in the Comprehensive Plan. The Council did not indicate which parcels the Planning Board should look at so Staff has provided a map which shows that the proposed area for rezoning stretches from Huston Road, back down through Fort Hill Road, and then down through Phinney Street. A majority of these areas is land that has been developed with residential subdivisions, with the other larger undeveloped parcels located in close proximity to public water. Staff recommends that the Board identify the area to be rezoned; once that has been done, staff will prepare a draft zoning map for public hearing.

Mr. Poirier said the item can be sent to either the Board's Comprehensive Plan Implementation Committee or its ordinance review committee.

Mr. Fox asked what the impact will be of the zone change. Mr. Poirier said going from Rural to Suburban Residential allows a density bonus for the lots that have public water, and lot sizes stay the same at 60,000 square feet for single family homes. Multi units in the Rural district require 60,000 square feet per dwelling unit and in the Suburban Residential it is 40,000 square feet, so 120,000 square feet is required for a duplex in the Rural district and 80,000 square feet is required in the Suburban Residential. Farm sales and small contactors' yards would not be allowed in the Suburban Residential district.

Ms. Butler-Bailey said she believes that the Comprehensive Plan Implementation Committee is the appropriate forum for discussion and review of this item.

Molly Butler-Bailey MOVED and Vincent Grassi SECONDED a motion to move the item to the Planning Board's Comprehensive Plan Implementation Committee for review and recommendations back to the Planning Board. Motion CARRIED, 4 ayes (Scott Firmin, James Anderson and Michael Richman absent).

ITEM 3 Pre-Application Discussion – Design Dwellings – Subdivision/Site Plan – A request for approval of 22 condominium units and a commercial unit on an approximately 5.32 acre parcel at 146 and 156 Main Street. Zoned UR/OR, Map 100, Lots 3 and 3.001.

Mr. Poirier reminded the Board that pre-application discussions are only between the Board and the applicant, and plans have not been distributed to staff. Mr. Poirier noted that the new Town Planner, Carol Eyerman, has provided comments regarding the proposal, centering around the Comprehensive Plan, zoning, subdivision, site plan, parking, streets and ways and historic preservation. Mr. Poirier said that Main Street is currently under construction and will be so in the summer of 2020. He said that the signal located at New Portland Road will be reconfigured with new mast arms next year, so concerns about traffic leaving this site and impacting that light will be a significant concern for Public Works. Therefore, staff will recommend that a traffic study as well as a traffic peer review occur as part of this application to make sure that there are no impacts to that signal.

Andrew Morrell, BH2M, appeared at the podium and introduced the applicant, Susan Duchaine. Mr. Morrell said that the applicant proposes to purchase two parcels, totaling 5.32 acres, at 156 Main Street. The parcel is zoned Office Residential in the front and Urban Residential in the back. The applicant proposes to develop 22 residential condominiums, 1100 linear feet of access road and two different roads with a sidewalk connected to the sidewalk on Main Street. The existing Cape on site at 156 Main likely will be rebuilt for a commercial use. All the units in the development will be served from Main Street with public sewer, public water, natural gas, and underground electric. Mr. Morrell noted that there is a stream in the back of the parcel and no work is proposed within 75 feet of that stream.

With respect to the staff notes, Mr. Morrell said that the applicant is intending to do standard zoning and is not proposing a Development Transfer Overlay development for this subdivision. Mr. Morrell said that they would like to have some discussion about impact fees with staff or the Board about what those impact fees would be. Mr. Morrell asked if there was some information about the re-design of the traffic intersection and its potential impact on this subdivision, and asked if a traffic study for the proposed intersection improvements was done. He said he would like some direction as to what the Board would be looking for in a traffic study, if it would be about the light at the Main Street intersection or further down at the 202 intersection. Regarding staff's recommendation that the access driveway for the Kerwin property be relocated, Mr. Morrell said he does not believe that Mr. Kerwin would be in favor of that, but he will speak to him about it. Mr. Morrell also said that the stream in the back of the property makes connecting to abutting parcels difficult, and connecting to the development in the northeast would be difficult because of the condominium unit at the end of Landing Drive blocking such a connection.

Susan Duchaine, applicant, came to the podium and said this proposed development is an opportunity to take advantage of the "empty nester" market. She said that the development at Ward Hill, primarily an over-50 project, is sold out, and she would like to label these units more as "over 40" or 45. Mr. Fox asked if the age of a buyer requirement would be a deed restriction. Ms. Duchaine replied that it can be done that way but she would like to look at impact fees because people 70 years old don't want to pay for a new junior high. She said the units would be two bedroom, an optional bonus room over the garage, one car garage, very similar in design to Ward Hill and Snowbird condos, which have no children in either neighborhood.

In reply to Mr. Fox's question about possible connections to abutting property, Mr. Morrell said that the drop at the back of the property down to the stream is 26 to 28 feet so the proposed development is limited to the top of the bank and crossing the stream would be a major undertaking. Mr. Morrell said again that connecting to the Landing Drive development is prevented by a condo unit where the connection might be.

Mr. Fox asked Mr. Poirier how the Board can deal with some practical limitations to road extensions. Mr. Poirier asked if the road will be private or a Town road; Mr. Morrell said it is intended that it be a private access drive, designed to the Urban Access standard.

Ms. Eyerman said that the two parcels abutting this site to the west are similar in size and connections could be made. The idea behind the ordinance is to create a right-of-way that goes to the property line, in the event for future connection. Ms. Eyerman said whether that occurs today is probably not possible, but the possibility exists 50 years from now for someone who has the desire to connect. It also goes to the vision of

the Town to make it more walkable and connected for someone to get to the businesses more easily, especially in the Village area where you want a more walkable environment. Mr. Fox confirmed that Ms. Eyerman is suggesting putting in a right-of-way to the west so a road way could be built in the event the abutting house is removed. Ms. Eyerman said the Town may have a different way of doing things in the future, and the ability of choice should not be limited. In reply to Mr. Morrell, Mr. Poirier said it would be an easement, not a right-of-way. Mr. Morrell pointed out some of the constraints on the plans which would preclude such an easement, but said the applicant would be willing to grant an easement to the abutting property on the west.

Mr. Morrell asked for clarification on the impact fees. Mr. Poirier said the recreation impact fee is the same as it has always been. Mr. Poirier said there is language in the ordinance about the Middle School impact fee where the fee can be waived, quoting in part "Any residential use that is permanently limited to occupancy by residents that are at least sixty-five years of age by binding legal restrictions shall be exempt from the Middle School Facilities Impact Fee." In addition, Mr. Poirier read the following from the ordinance: "Any residential use that is permanently limited to occupancy by residents that are at least fifty-five years of age by binding legal restrictions that are consistent with the Federal Fair Housing provisions shall be exempt from ninety (90) percent of the Middle School Facilities Impact Fee that otherwise would be applicable to the use." Mr. Poirier said that those are only age exemptions that can be granted. In reply to Mr. Fox, Mr. Poirier said he is not aware of any provision allowing the waiving of the recreation impact fee.

Ms. Duchaine said she does not like impact fees.

Mr. Poirier replied to a question from Mr. Morrell that there will be road realignment, the addition of traffic islands, and other changes at the Main Street/New Portland Road intersection. Mr. Poirier said he believes that the Public Works Director and Planning staff have copies of the plans, which was a PACTS study, which can be shared. Ms. Duchaine said she doesn't believe 20 houses will be much of an impact on that intersection. Mr. Poirier replied that even one car turning left on Main Street can back up the traffic significantly through the intersection. Mr. Poirier confirmed with Mr. Morrell that the impact review would be more for New Portland Road and Main Street intersection rather than the 202/Gray Road intersection. Mr. Poirier said that he, the Public Works Director and Mr. Morrell can meet prior to a traffic study for the applicant being performed. .

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

In reply to Mr. Fox, Mr. Morrell said that a formal study has not been done of the parcel, but using tax map data allows for 22 units, 10,000 square feet per unit, the maximum the site can support, without using the Transfer Development Overlay standards. Ms. Duchaine replied to a comment from Mr. Fox that the site will be pretty tight and not much landscaping will be possible, but they will try to save as many trees as they can.

Ms. Duchaine said they would like to start with construction in the spring to capture the market that is out there. In reply to Mr. Fox, Ms. Duchaine said they will run a sidewalk to Main Street, and lighting will be limited to porch lights and perhaps security lights on garages. Ms. Eyerman asked the applicant to consider pedestrian lighting, noting for example the gaps between lighting that exist along South Street for pedestrians. Ms. Eyerman said that while lights within the development might not be necessary, in order to meet goal of the Comprehensive Plan's goal for a pedestrian walkable Village, perhaps the applicant could consider the addition of 2 or 3 lights for sidewalk safety toward Main Street. Mr. Fox and Ms. Butler-Bailey agreed that such additional lighting would be a safety benefit. Mr. Morrell said he will take a look at the utility pole and see what can be done.

Ms. Duchaine asked about having a site walk. Mr. Fox replied that it is the Board's preference to wait until a formal application has been submitted before scheduling a sitewalk.

Mr. Morrell and Mr. Poirier discussed reworking the parking area for the proposed commercial building to remove back out parking and replace it with parallel parking. Mr. Morrell commented that reworking the parking may result in reworking the location of some of the units as they are now proposed to be.

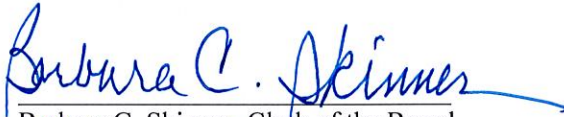
OTHER BUSINESS A discussion among the Board members and Town Planner Eyerman resulted in a decision to approve the 2020 Planning Board Meeting Schedule as drafted.

ANNOUNCEMENTS NONE

ADJOURNMENT

Molly Butler-Bailey MOVED and Vincent Grassi SECONDED a motion to adjourn. Motion CARRIED, 4 ayes (Scott Firmin, James Anderson and Michael Richman absent). [7:55 p.m.]

Respectfully submitted,


Barbara C. Skinner, Clerk of the Board
November 4, 2019

