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**Town of Pownal
Planning Board Minutes
Wednesday, October 18, 2023
Meeting Minutes**

Members Present: Matt Altieri, Todd Mellin, Marcia Bowen, Mercedes Pour-Previti, Orion Breen, Bill Schmidt, Thomas Ursia, Town Planner, Ginnifir Giddige, Code Enforcement Officer, and Recording Secretary, Alison Purinton

Members Excused Absent: Brian Stornelli,

Guests: None

Call to Order at: 6:02 pm by Matt Altieri

Matt- Thanks everyone for coming, calling the meeting to order at 6:02pm. We are happy to welcome Bill Schmidt as a new alternative member of the planning board, and Tom Ursia as the new Town Planner. Tom introduced himself as did Bill and members of the board.

Secretary report: Approval of meeting minutes of September 20, 2023

Matt- I move that we accept the minutes as amended for the September 20th, meeting. Marcia to second, All in favor 4-0 motion carries.

Old Business: None

New Business: Review final Conservation Ordinance

Matt- We need to review the final conservation subdivision ordinance. I can give my background on this, but I think Marcia should lead the charge as you are closer than I.

Marcia- Part of the comprehensive plan is to preserve rural character. As part of that is the opportunity to review the ordinance and bring in line with the comprehensive plan. We began with a review of what other communities had done. We went through the review process, and 8 or 9 drafts on this ordinance. The last couple of meetings have been to bring the rest of the zoning ordinances in line to the changes of this new ordinance which replaces the cluster ordinance. We are keeping the minor subdivision ordinance which is up to 4. This conservation ordinance replaces the major subdivision ordinance which was 5 or more. It is a more intensive process, however, takes into account a lot of the natural features. It allows for closer housing to allow for open space and allow that open space to be preserved and allow for natural features.

Matt- That is a great summary. The key characteristics are the preservation of open space. The challenges were everyone in the comprehensive plan voiced that it was a concern to preserve rural character. What everyone agreed on was that it meant keeping some sort of open space in the town, like keeping view sheds similar to what they are now. What we needed to overcome was the vigorous lot sizes that had been in place. Frontage requirements, and lot areas as well. The conservation model breaks that apart and shows that it just gives you a bunch of big yards and doesn't look like rural land. It does not preserve rural space. This is geared after a lot of those model ordinances to really try to preserve that open space as much as possible. It has been a lot of work. We needed to figure out how to mesh density which is something that wasn't considered before the existing ordinances. Tonight, we need to get to the finish line. We finished in September figuring out that we would go to a special town meeting in

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December. The select board suggested that because we did get feedback from the town attorney that we should clean up a couple of items. That is what we need to do tonight.

Marcia – It was determined that public hearings will be on December 11, 2023 and December 18, 2023. January 22, 2024 will be the Town Meeting. That's gives us more time to finalize everything, and it be provided to the Select Board to place on the warrant.

Matt- In terms of the categories that were flagged there were three.

1. Watershed- Jensen and Baird have recommended that we define watershed. I have asked Sam to provide us with a definition. I think all we need is a definition that will notify applicants that this is the category that needs to be delineated on a plan.

Tom- This is a perfect opportunity to sit down with Sam and create or analyze what may be appropriate for that water shed. It needs to be in the definition section and then be cross referenced. It is not terribly complicated. I have not been able to identify all the map work that has been done in the past with relation to water. The key components not only deals with the water shed but just plain water and access. I will get right on in the morning.

Matt- These were going to be voted on by the Town and by the Select Board. We would have been fine going forward. It is out of our hands at this point. I don't want the Select Board to come back and say we did not have everything. I want to make sure they have everything they need.

Marcia- They are okay with us making other changes. There are two water sheds. One being the Royal River and the second being a small part of Cousins River.

Tom- Have those been delineated on a scale map?

Marcia- The Royal River has, but not the Cousins River.

Matt- Other items flagged was we have a requirement that other subdivisions that are near a parcel, or in proximately of a parcel be identified on the site features map. He suggested subdivisions by x number of feet of the parcel. We could say 500 feet of the parcel as we would require abutters, or we could leave it as is. Given what we do now we require all abutters of 500 feet of the proposed subdivision be notified. That is sort of a due process notice requirement. We could set 500 feet, or we could think broader than that.

Mercedes- Is this where it says immediately adjacent or is it another area.

Matt- It is within proximately which begins on page 118, Section B under 1. Sam has proposed 300 feet. Does anyone have a thought?

Tom- In other parts of the ordinance it gives reference to 500 feet. We need to be consistent. My first thought is to move to 500 feet and add language existing residences and or subdivisions. It is equally important it may not just be a sub-division. Consistency is important. One of the discoveries that I have made in all the ordinances is the inconsistencies. This makes it difficult and creates strife.

Todd- This is just what we are recommending on the site context map but not necessarily whom the developer needs to contact.

Matt- That is a really important point. Spell that out.

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Todd- In part of what we are trying to do is connect open spaces to other open spaces. It would be important information for us to know when we are thinking about these things. We don't necessarily need to know where every single house is.

Matt- I think the 500 feet came to mind because that is the number of feet to notify abutters. This is an early stage of a proposed sub- division. I hear your point about subdivisions vs. houses. The key for the submission is we are trying to get a sense of what is in the area. We are asking them to provide us with a limited amount of information. How much do we ask them to spend in the early stage.

Tom- There may not be any subdivisions but there might be 18 single family homes that have large parcels. I am trying to anticipate things that could come before the board. If a mobile home park comes forward for the board, it's better to have slightly more information. A good developer would do some type of field research. They know it's forthcoming for either a public hearing or when they get to that second level. It is in the development process. I would like to get as much data as possible to perform a formal review. I am not bashful to let an applicant know where they are deficient.

Matt- I appreciate your relationship with the board and the applicants. Let's look at the section as a whole. This is the site context map that we are asking applicants to submit. In a conceptual plan meeting which is a key to what we have done in the past with sketch plans very early on, what we ask first an outline of the subject parcel along with abutting properties from perhaps tax maps and current uses on those properties. I think that covers a lot of what you are talking about. Perhaps from tax maps and that gives us a broader look at what is in the area. So combine a and b together. That way we get a broader scale of what the neighborhood looks like. That requires the applicant to look up the tax map and find it.

Mercedes- I am looking at context and in the next plan we talk about immediately adjacent and then in the next map we talk about all the parcels of all adjacent parcels of land either directly abutting or across the street. I am not sure going to 300 feet gets us anything because what parcel would be 300 feet. Would there be anything of 300 feet that is not abutting.

Marcia- I think abutter is across the street, where as adjacent is directly next to. So abutter covers it all.

Todd- Potentially that could be in the neighborhood but not abutting.

Matt- I don't think it's an issue. Are there people in Pownal that don't know where the sub-divisions are.

Marcia- Why can't we say adjacent or abutting.

Matt- Do we strike B all together.

Todd- We know where it is but to have it on a plan that they submit to us, so we can see how their plan sits in context to an existing plan. Even if it is a lot over. If there is a property or two over and we are thinks of connecting these things. We really need to know the context in that property. It does play a role if we are referring to connecting trail systems.

Mercedes- Does 300 feet get you that.

Todd- Does it cover enough of that? We do want to see it.

Matt- I don't think we are asking too much of the applicant. I am fine with any number the board can agree on.

Mercedes- I think the number needs to be more than 300 feet or strike B.

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Tom- I suggest 500 feet for consistency. I also question why the word perhaps is in there. We want to make things as clear as possible. The more detailed information that comes to us in the beginning process helps us to move forward. Does Pownal have a land trust?

Matt- Pownal does not have a land trust. Pownal did and it was transferred to the Royal River Conservation trust, so they hold all of those easements.

Matt- Sounds like there is consensus on 500 feet. No push back on striking perhaps on Section 905 C1A so we have three items to follow up on. I can send to Sam the following;

1. We will strike perhaps.
2. Modify her footage so it reads existing sub-divisions of 500 feet.
3. Request that she, Tom and Ben come up with a definition of water shed in the definition section. We delegate that to them and then we send the final draft. We will make a motion to do those things.

I move that we make the three changes including one delegation of change that I just passed along to the board. Marcia to second. All in favor. 4-0 Motion carries.

Marcia- I have a couple more. On page 78, under C line 3 rights of way underscore 0. We have eliminated section 6-12 which has not been deleted in the table of contents. It is important that we mark it deleted in the table of contents, so people see. In the flood plain section, it references section 612 as it no longer exists. Section 613 is flood plain management. It references Section 612 and I think it should say 613 it was just never changed.

Matt- Agrees, it was a drafting error from the recodification.

Marcia- I am going to bring something else up that is beyond the scope of what we want to do but I was trying to compare. The administrative requirements we have the Section 806 calls for two copies and 1 100 scale and the preliminary indicate 4 copies of 1 to 150 scale and location of streets. It is not the same and maybe it is too much to take on right now. It is unclear.

Todd- Can you say that again of what the concern was.

Marcia-Section 806 the final submittal is 2 copies to a scale of 1 100 including location of all streets. The preliminary is 4 copies of 1-50 scale. I think we had four copies before because we had to sign a bunch of them.

Ginny- One goes to the Selectboard, one to Codes enforcement, one to the public for viewing and the final to the planning board and they all get signed.

Matt- This is site plan review. I am so unfamiliar with site plan because I have only handled one and it was in and out. Tom, Do you know what is typical in other towns?

Tom- There is no typical. May I suggest the submittal of digital copies. We will reach a point where having them digitally may be a good idea and gives some instances. Most digital files can be compressed if needed. It will be a paper saver and makes transparency easier.

Marcia- We have been getting some digitally and they have been posted to the town's website. You still have to search to find it. I think we all rely on the digital until we get to the meeting.

Ginny- Ben used to do CD's and then forward the CD to Becky. Becky would put it onto the website.

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Tom- To make it a timesaver for the board and relieve the town administrator of some tasks I would like to do those time-consuming things. I don't know if you need to put int into the submission bit it is a direction we are headed in.

Marcia- Are there any regulations on retaining a paper copy for the vault?

Ginny- I am not sure about that. Historically I think it is a good idea.

Tom- I don't see any information to that. It gives better trackability and makes everybody's life easier.

Bill- Asked about page 129 open space use and trails. "The designated open space created by the subdivision shall be accessible to the owners or residence in the development and the general public. Is that saying this private land must have access to the general public? Further below F, ii Access for the public those owners may be limited to passive recreational.

Ginny-There was a lot of discussion around this, and I think it got left in accidentally.

Matt- We want to have a say on how they may connect to other trails if they chose to have them. We can't force them to put trails in. What I hear from what Bill just read is an oversight. It is not required to be accessible.

Bill- On the same page "The minimum lot size maybe reduced to an ½ acre as long as the applicant(s) submits a plan for an advanced wastewater treatment disposal system. That implies that because the lot is an ½ acre an advanced wastewater treatment disposal system is required. It could be just a regular tank and leach field depending on the soils type that could be satisfactory. They may not need this. Go to the definitions and it sounds a little vague.

Matt- The recommendation from Northstar is if you have lots that are this close together with septic tanks and leach fields you lose a lot of efficiency and might cause a lot of soil degradation. Instead, the best way to go about it is to have a shared system. That is what NorthStar recommended, and it came from the model ordinance.

Bill- The advanced system will cost a lot more. I don't want to add additional burden if it is not needed.

Todd- Isn't an advanced system having a pump in the tank to go to a community leach field?

Bill- It could be gravity fed. The word advanced is not totally defined.

Tom- One of the more popular advanced waste systems is when you have a lot of different soil types. There are a fair number of pockets of clay and ledge. A group of soil scientists go out and they spot a location for a cluster system. That is an advanced system. It can take more units and has a larger bed and tank system but that is one of many. The EPA standard is more global vs the Maine DEP. Their maybe an advantage to have an expert come in that does those sorts of things. If nothing else for our own education. I can give a scientific overview or a watered down one. I think this definition is attempting to say it is more than a septic tank.

Matt- I am having a hard time picturing a leach field on a half- ace lot. I don't see it. A half- acre lot looks like a postage stamp.

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Ginny- Your septic tank needs to be 8 feet from the building then you have the distance the well has to be, unless they decide they are going to do variances for these, then they have to go to the state for those variances.

Bill- The well has to be 100 feet from the leach field.

Mercedes- This section only applies to 5 or more.

Bill- So 4 or less

Mercedes- 4 or less is a 2-acre lot.

Bill- Page 130. There could be details that I don't know about. "All conservation shall have 650 ft of public road frontage" What if the developer builds a private road? To me public roads means one maintained by the Town of Pownal.

Todd- What we are trying to limit is people gaining the system. We are trying to allow people to build the same number of houses that they could put in under current ordinances. We don't want them to put in a conservation subdivision and then 300 feet down the road put in another one. We have increased the space between two potential subdivisions. That is on the public road. You would need to have some buffer between that subdivision and another subdivision.

Bill- Could they have a conservation subdivision that has a 60 foot right of way on a public road right now. And then build a private road 650 feet.

Matt- Under what we have now, no. If the ordinance was worded different it is possible. You can imagine a lot that is shaped like a "v" That applicant might say I can build a private road, but I don't have enough frontage. I don't think there are a lot of lots shaped like that.

Bill- My brother built a private road, but they wanted him to have 300 feet, so it created a flag lot. You have a 60 foot right of way then 75 feet on each side then it opens onto the property.

Matt- This is an imperfect relic of our effort. Pownal historically has limited development by saying you need a 2- acre lot and 300 feet of frontage. We talked about it extensively and this is what we came up with. It is not an ideal solution, but I don't think it would infringe on anyone's rights.

Bill- There is lots of progress here, it is great.

Marcia- It needs to be changed in three places.

Mercedes- Is there somewhere in the ordinance that we spell it out? We talked about it a lot.

Matt- We need Tom, Sam and Ben to put their heads together to what it should say.

Mercedes- Open space is in our definitions.

Matt- Whatever the party that manages the open space. It is either a homeowner's group or a land trust. Whatever the originating document is needs to say one way or another if it is open to the public or not.

Mercedes- That makes sense.

Ginny- What is the goal for open space. Is it visual because you want to keep the rural character, or so that people can use the property or is it both.

Todd- It is a combination of both, but it doesn't have to be.

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Ginny- When you can utilize people's property, they know they can. That is the old rule of thumb. This way the requirement for them to have open space does the visual piece. If people are allowed to use property they either can or can't. That is what you are saying. If you eliminate that then you don't get into the turmoil of it and you still have open space.

Matt- So your saying leave out the reference in access to the public altogether.

Ginny- Yes.

Matt- That's simplifies things.

Marcia- Particularly if it is a private road.

Ginny- The proper thing to do is go to the landowner and say is it okay If I walk back there? Most moving to Pownal are a little more lenient with whom walks on their property. However most that are moving here are posting their property. If you have a developer, they already have that established. If you have a land trust they have a protocol.

Matt- I propose that with respect to Section 908, "C,1","F,I" We would remove little iii, remove the and, end sentence with a period and then that whole thing is strike out. Below that under "F" uses access for the general public may be prohibited or maybe limited to passive recreation on trails created within the designated open space. Everything else stays the same.

Marcia- Can we scroll through and make sure there is no more mention on general public.

Bill- the only thing is the word passive doesn't include hunting. On our property they bow hunt. We also need to control the deer. Does this indicate they can't?

Mercedes- No, all homeowners would have to agree.

Bill- But "i" says "Shall be limited to passive recreation or passive activities."

Marcia- But read the next sentence.

Bill- So double "ii" would override "I" if they chose.

Mercedes- I bet this is from the model ordinance.

Matt- I think that is right. I don't love the way this reads.

Tom- I have seen a lot of posted signs just driving around town. They cherish their land by themselves. You need to have some type of document determining a homeowners, association, landtrust or a hybrid. That document you have the opportunity to review, the developer or applicant will know how much they want to preserve the rights of the people to use or to allow the public to use. You could simplify the language. Make it simple but protect the planning board, public and the applicant(s) interest. Is there a way for the board to tie to a document?

Mercedes- Don't you think we have that in "b".

Matt- We require them to submit this. We don't require them to include the definition of uses within that. I want to push back that we should. I don't think that is subject to our review. We don't get to say we are going to allow hunting or not. We want to respect their rights. There is an argument that could be had that they include it in the homeowner's association. I don't know that is in the towns interest.

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Todd- I like the idea of those paragraphs in there. It is a nice guide. It is almost like a little encouragement.

Matt- How would it change if we leave in the strike out paragraph.

Todd- I was thinking maybe prohibited or limited. It may ease fears.

Matt- Leave as is.

Mercedes- If we took the first sentence from “ii” and swung it down to the end. It does flow a bit better.

Todd- Flip flop it.

Mercedes- I see where Bill is coming from.

Marcia- So we are still eliminating “B iii”.

Matt- I realize as it looks at that we have to tweak it to accessible to the owners or residents of the development and strike out the general public.

Mercedes- That is the definition of open space.

Marcia- So what are you proposing?

Mercedes- Passive recreation includes..... allowed based on the discretion of the owners of the open space access to the general public that is those that are not lot owners or guests of the lot owners may be prohibited or maybe limited to passive recreation on trails created by the open space.

Matt- I motion that we follow through with the changes on this subsection. Marcia to second. 4-0 All in favor, Motion carries

Other Business

Marcia- We will receive training on the microphone and recording system. People watching remotely cannot comment. It is easier to hear on the microphone.

Discussion

Next Month Agenda

Marcia- We need to review the checks lists and submission requirements. We also have a procedure for NorthStar planning and what we should change which I will pass along to Tom. Finally, we have a request for a potential mobile home park. It would be on town-owned land.

Ginny- Explains where it is located, and it is zoned for mobile homes. This gentleman came before and wished to purchase the property for a mobile home park. It would help with the LD2003 law.

Matt- Explains that our compliance needs to be in place by August or October of 2024. We comply be revising our ordinance in a couple of places to comply with the statue. We will be affected by the way our land use ordinances work.

Adjourn

Marcia- I move that we adjourn the meeting. Matt to second. All in favor. Meeting adjourned at 8:15pm

Respectively submitted,

Alison Purinton

Planning Board Recording Secretary