

APPROVED

**Town of Pownal
Planning Board Minutes
Wednesday, April 12, 2023
Meeting Minutes**

Members Present: Matt Altieri, Secretary Marcia Bowen, Christine Watson, Brian Stornelli Todd Mellin, Mercedes Pour- Previti, Samantha Peikes with NorthStar Planning, Ginifir Giddinge, Codes Enforcement Officer and Recording Secretary: Alison Purinton

Members Absent: Orion Breen

Guests: None

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

Secretary report: Approval of meeting minutes of March 15, 2023

Matt- I have reviewed and did not see anything.

Marcia- noticed and will correct the page number.

Matt- I motion to approve the March 15, 2023 meeting minutes, as amended. Marcia to second. All in favor 5-0 motion carries.

Old Business: Budget & Warrant articles. Special meeting with Selectboard

Brian- We went with our numbers which were reduced. The Selectboard is going to investigate a town planner position. If they do that the number may be bumped up to compensate for it.

Marcia- The selectboard was trying to organize a meeting to talk about this. Matt responded they had proposed Monday and I was not able to meet then. It's unclear as to what the meeting is about. Marcia also said they wanted to meet with NorthStar. Sam confirmed this had already taken place.

Matt- The warrant is to include the ordinance amendments made to those discussed at the March meeting. I don't know if there are others. Does anyone know.

Marcia- I didn't realize that we needed to have a separate public hearing for the ordinance changes. That public hearing will be rolled into the warrant public hearing on the 24th and then the second public meeting on May 8th.

New Business- Review Draft of the Annual Report

Matt- Marcia has sent around the draft for the annual report. Jon Morris encouraged us to do everything we can to get the word out about the conservation subdivision proposal. The goal here is to be as transparent as possible. We're considering smaller lot sizes, that might be a point of contention. We also want to be clear that we are doing this for the purpose of conserving open space.

Marcia- This is the first official document, at the town meeting we present our findings with hopefully some graphics.

Brian- LD2003 as it is increasing the number of ADU that must be permitted; it also increases the number of dwelling units.

Matt- There is a bill before legislature that LD 2003 would not apply to towns under 10,000 people. Can we change the long title and just put LD2003? That is the only other change I see.

Marcia- I have two changes in that one paragraph and if we are okay with it I will just send it along to Becky. She knows it is coming even though it is a couple of days late. Thanks to Todd and Matt as they offered many good comments. I appreciate that.

Other Business: Draft for Conservation Ordinance Review

APPROVED

Matt- Before we go into the density discussion I want to speak about the next steps. The goal is to do a special town meeting in November. It would be ideal towards that goal when we are done with a draft to have the opportunity to circulate to other boards and committees. I don't think we have that much to do. The Selectboard raised a concern that this would cause a nightmare for assessing and we need to look at how the assessor would move forward. The feedback rec'd from Natalie, our attorney, and Donna, the tax assessor, said it is not a problem. This happens in other towns and there is a standard way of treating that. She isn't concerned and didn't think it would cause an overhaul. The conversation with Natalie did not have much to say other than this is very typical. She suggested the density issue is unique to Pownal. The existing ordinance we have really limits the number of lots that can be built in the subdivision. The combination of road length and frontage is unique. She did say it is okay to do a cap on number of lots per road and effectively accomplish the same thing. Other towns apparently do that and would encourage us to look at that avenue. In terms of our goals, our goal is to preserve our rural character and we are going to do that by allowing more development, which is not in line with our comprehensive plan. The better approach is to put a max on the number of lots per road. That leaves an issue that might be there with developments on existing roads. We have to think about that, discuss that with what is the right number to cap and how to give bonuses if we want to give a bonus for affordability or preservation for open space. The model ordinance definition is not just preservation of open space but low impact development. It was very helpful and it tracks well with what we have.

Marcia- I have looked at the other ordinances around the area and come back to density. The object of development is to lower the cost of infrastructure. You may have a shorter road. A lot of the ordinances have a maximum of road. They don't say minimum.

Christine-We are thinking of increasing our road frontage to 1000 feet.

Matt- That was the existing draft was 1000 feet.

Christine- If we keep the same 90,000 square feet for a buildable lot, what is the potential 8 homes?

Matt- Regarding the lot size, I don't want to wipe the slate clean from where we have been we have talked about going down allowing as low as ½ acre lot size. If it is 75 foot of frontage from the minimum is a lot more lots that you can have versus 300 feet. You can have 75 feet of frontage on a 5-acre lot.

Marcia- I was playing with Brian's density spread sheet. The smallest lot size would be .8 acre. Depending on the developer that doesn't seem horrible.

Matt- Natalie has said she had not seen it in other towns. It is a unique way to deal with density. What we heard from Sam and Ben is that will really restrict the ability of developers to put the puzzle pieces together. I think it does have the effect of saying that you will be able to do less with your land than previous. The more typical way is to follow the model ordinance.

Sam- The model ordinance keeps it open ended. With this it is important to think about that as well. Really gets back to basics which is to preserve rural character, affordable housing and allow for creative design and collaborative process. The density either should be capped or have a density calculation. Having both doesn't make sense.

Brian- I think the issue is on smaller lots. On a 10-acre lot you have a max of eight homes with a 1000-foot road.

Matt- Most of our developments are 10 acres.

Marcia- Minimum lot size would be 5 homes, so are we keeping the 1000-foot road.

Brian- A sliding scale with a deeper road but doesn't let you double or triple.

Matt- If you look at the model ordinance it says "you can't build more lots using this" so that is sort of a cap. This will not wipe out our minor subdivisions. That is one item. You have this density calculation. The calculation says it is based on topography they use 1 lot per 2 acres, based on the buildable space on the entire parcel. We could layer on top a cap of number of lots per road to avoid more development than under our existing ordinances. I think we can have all three and it has the same effect as our current ordinances but allows us more flexibility.

Marcia- I am concerned that we can't have shorter roads?

Todd- We can have shorter roads.

APPROVED

Mercedes- I was googling the term conservation subdivision and they were density neutral. They use existing ordinances and layer other things on top. When you layer other facets, you should be able to have as many houses or you should be able to have a bonus.

Matt- The cap isn't density neutral. It is the reality of Pownal ordinances.

Mercedes- The 100-acre pieces that are out there could conceivably push that.

Brian- Also the ½ acre pieces as well.

Marcia- So a cap plus density plus minimum lot size. Is that what I am hearing?

Matt- As I read the model ordinance it keeps the density calculations there based on two acres. It doesn't change based on reduced lot size allowed. It just says you can waive the dimensions requirements. It assumes the base lot size is 2 acres. Then it says you can waive those dimensional requirements. When you think about the density it is based on per 2 acres not per ½ acre. Which is the way to match up to the minor subdivision.

Brian- 50 acre you could get 22 lots.

Matt- Here we would say you are capped at 7 or 9.

Todd- That is the point of the cap to eliminate that risk.

Brian- Unless they have so much frontage, they can make 2 roads.

Todd- That is what I am concerned about. The model ordinance points out these should not allow more houses in general than what ordinances allow.

Matt- It does include a provision if you bring this to us you must show how it can be used in the future. When you put that on the plan that is the max for the future.

Todd- If they subdivided it.

Matt- If you bring us a plan you must show what can be done in the future.

Ginny- There is a state statute that you can have a single lot every five years. How can you get around that. The parent lot stays as the parent lot so they can subdivide every 5 years if they have the road frontage.

Matt- Here is the proposed" When a subdivision will not utilize the entire parcel and there is a potential for future subdivision total number of initial lots and future lots shall be provided and an area where future lots will be located in an area that space shall be delineated where open space subdivision. Once an initial subdivision has been approved the future lots and delineated areas of future development and future protected open space cannot be altered. Lot sizes can be changed. So you get your subdivision plan and get it approved and recorded with the registry of deeds. Any subsequent purchaser has to look at that and know what they can and can't do. I don't see why that's problematic.

Todd- They made the call.

Mercedes- What if they retain the larger part. I have 300 acres and I only put 100 into the subdivision.

Why can't I do something else with my parent lot? That would not need to be surveyed or anything.

Ginny- That is what I am saying.

Brian-If you do a minor subdivision first and carve out 3, 100 acre lots. Whereas if you start with a major subdivision I think the residual is still part of the subdivision.

Todd- He did it all at once. Is there some frontage restriction if there isn't shouldn't there be? Does 300 feet become the restriction. What does that look like moving forward.

Matt- The simplest way to deal with it is to say you need 700 feet from any existing road.

Ginny- That may work.

Christine – Essentially you are saying the same thing.

Matt- We are proposing three restrictions on density and describe each.

Ginny- Why are you doing this?

Matt- Under the existing ordinances the way development has to happen it's up against existing roads and takes up as much space as possible. There is nothing in the existing ordinances to encourage developers to preserve open space and rural character. Both have been in the comprehensive plan that we were encouraged to do in 2006 and again in 2020. The way the current ordinance is required them to take place is right up against the road so there are as visible as possible. There has been buffering.

Ginny- Can you put setbacks in place for those types of buildings?

APPROVED

Matt- We are trying to increase the buffering and setbacks. Another thing is we require the preservation of 60 percent of open space. We are allowing for smaller lot sizes. Draws a sketch of what we are looking for. Those are the 2 big goals. We are trying to figure out ways for flexibility that gives us teeth. Developers have come in and said where does it say it in the ordinance. We can say its here.

Ginny- I think you could make an ordinance. Does that help with those that have single lots?

Matt- This will be applied to subdivisions of 5 lots or more.

Ginny- I would look at the notes of what they did at Woodlands and that may give you some language that you could implement into it.

Marcia- I can visit the vault.

Matt- So we have consensus of the density concerns.

Sam- Is there a cap in the original subdivision ordinance of approved lots?

Matt- The cap that currently exists is based on the number of lots per road.

Sam- For the purposes of drafting keep A but basing on minimum lot size 2 acres.

Christine- So we are moving from 3 acres to 2 acres.

Sam- Yes because it is based on minimum lot size. The 3 acres is a separate issue and requires a different zone change. For this it has to be based off the minimum lot size which is 2 acres. The second part (minimum lot size in Section 2A.

Matt- Omit the second part.

Sam- Third the cap?

Matt- That is the road cap, it doesn't need to go in the lot density section. It's a limitation of number of lots per road.

Sam- If you think about a 50-acre parcel and divide by 2 have 25 lots, but you can't do more than 9 off a dead-end road. Please clarify because it doesn't seem to make sense to me. You should either keep it open-ended or keep one or the other.

Matt- I disagree you could have two roads there if you have a 50-acre lot. This is the part Brian brought up earlier. If you have a 10-acre parcel because we are allowing reduced lot sizes under existing ordinance that may allow for 5 lots.

Brian- For 50 acres if you had the frontage, you could put 600-foot road to give you 5 lots but now you're dividing by 2 into 50 you're at 25 houses: you can only put 22 based on less than 1000 feet with a 50 foot buffer.

Matt- That is not density neutral. You should be able to do the same under the new ordinance as you were the old.

Brain- Everything comes back to the road issue.

Christine- You have public roads and private roads. We can allow minor modifications to 600 feet for a minor dead-end street to accommodate topography as long as the minimum road frontage required, established by the applicable zoning district is, maintained and no more than 4 lots are created on a private dead-end road. The public road has not been addressed.

Matt- I don't think we have ever had a public road with a subdivision.

Christine- Under section 610 private roads we already state there will be no more than 4 lots.

Matt- That's right we already have a cap.

Christine - But this is the 600 hundred standard. Are we changing that piece to accommodate? Page 79

Matt- We should think about this as a whole new ordinance. Think about what we are able to do under the existing ordinance. This is a really good point under the existing ordinance we do place a cap. The problem with the existing ordinance I think it is encouraging developers to put new lots right along the road. Which to my mind is the opposite of open space and rural character. We are trying to push it back. To do that we have to say you need more buffering. Maybe say all new development needs to take place on the new road. We are going to have to figure that out. That's a good point a cap is not out of the blue. Do folks feel uncomfortable with the cap?

Todd- We have to.

Brian- How do you keep it in line? Describes several scenarios. I think there is a simple one size fits all.

APPROVED

Todd- The 10 acre lots solves itself. It is the 20–30-acre lot range where you are going to have those 8 or 9 houses which is way more than you could do today. I think that is what we cap at 8 or 9 is already more than they could do today. There is more to it. There are more 20 acre lots that are sub dividable than there are 50 acre lots.

Ginny- How does this affect the homeowner that doesn't want to sell to a subdivider but wants to put a home every five years and have 1000 feet of road frontage.

Todd- They are not subdividing. It is a single lot.

Christine- We have restrictions for 10-acre lot. Why not put in place the acreage of 11 acres and above fall into a different category and these are your parameters.

Matt- The goal is to be more flexible.

Christine- This allows the developer some flexibility and creativity. Put a cap in place.

Matt- If you get into a 50-acre subdivision there is a point you prefer to have one road. We don't want to say you have to build an additional road to get your lots.

Brian- At one point did we say you could not have multiple points of entry. Maybe keep that flexible too. It may make more sense. Maybe extend a second curb cut.

Sam- I think the board should write waivers on a case by case depending on the site. For most everything, this allows a design to be collaborative but also have standards in place.

Christine- So if you do a U shaped so there are not all these roads coming from the main road.

Matt- Lets recap, we are going to take the density calculation from the model ordinance. We are adding in the max number of lots per road according to a table.

Sam- Where did you find the table?

Brian- I made it up.

Christine- Sometimes it is easier to go out of the State of Maine to find things like south where they do a lot of these things.

Matt- That was a table for the number of houses.

Christine- A table would be easier and then there is a cap. Now be creative.

Ginny- It would be clear.

Mercedes- We can make the argument that this is parallel to our existing ordinance. This is how we do it now and this is how we do it in conservation.

Matt- The hard part is to be exactly parallel.

Todd- What would be the ultimate cap?

Matt- Per Road

Marcia- Number of roads you can build on the parcel.

Todd- This is capping the number of homes regardless of road length.

Matt- You need a straight max. I think 8. I want to be able to do what Mercedes suggested.

Todd- Gives an example of through roads.

Christine- 8 houses capped at 2 acres.

Matt- The number of lots per road would be max of 8 unless we grant a waiver. That is subject to a table.

Christine- So are we also putting in the ½ acre lots?

Matt- Yes, but that doesn't go into the density calculation.

Brian- That lets you get there easier.

Marcia- You are making a table based on the total acreage of the parcel?

Matt- The table Brian is doing is based on the number of houses per road.

Sam- If affordable housing is still a key issue you want to focus on it seems to make it tricky for doing a density bonus. If you want more lots and make more affordable housing.

Matt- We can add that in.

Brian- We can round up.

Matt- This is really close to where we got with Orion here.

Todd- This is per road.

Matt- We have the ability to waive it. We have a lot of discussion there.

APPROVED

Todd- I think we should have a minimum it also needs to be an additional 750 feet from any existing road. Is there a cap for the number of houses per lot or do we depending on the number of roads.

Matt- The way Natalie was discussing it today is a question on whether we can have set back. That would be a new zoning district altogether. To say you can't build more than one lot per two acre is different. She didn't say it wasn't permissible. She said we could not do one lot per 3 acres in subdivision. We must do the standard applied in the zoning district.

Todd- Going back to the road is really capped. If you are allowed to put in 3 roads, you could essentially put in 30 homes. If you had the land and frontage.

Matt- We want to be saying 600 feet for the first road and you must have some distance for the second. You have to have a lot of frontage on an existing road.

Todd- Agreed.

Matt- Isn't there a good rationale for saying you need to have significant frontage. It is more restrictive than we currently allow. I would be in favor of saying you need 750 feet to do a conservation subdivision. In talking about reducing the impact on the neighborhood.

Mercedes- Even for 5 lots.

Matt- That's the tough one.

Mercedes- It must be consistent.

Brian- Why can't we just have a blanket statement at the discretion of the planning board.

Christine- Everyone will want one and say you did it for this why can't we have one.

Matt- If we have got these standards in place with the discretion to waive them is better than having nothing at all. The idea of waivers that we recognize these ordinances aren't going to address every scenario. It requires us to be consistent, thoughtful, and careful.

Brian- It needs to be in the spirit of the ordinance.

Ginny- You could write that in.

Matt- We have gotten a lot of consensus to where we are headed and enough guidance for you Sam on where to go with a draft for May. The density will be effective as you have it in here, the same as the model ordinances. Then we go into the limitation of number of lots per roads and that will be according to a table. We have to set up the bones to the tables and decide at the next meeting. We have a good idea of what it will look like. Ultimately 8 but a density bonus of up to 11.

Sam- So 2B currently reads "The planning board may grant a 50 percent increase in the number of dwelling units if the applicant provides a minimum of 20 percent as affordable."

Matt- B should be this table.

Brian- So we do a fixed lot density bonus.

Marcia- Section 3 minimum lot size is a 1/2 acre.

Matt- Yes

Brian - Do we need 2 A anymore? That just creates confusion.

Todd- That keeps going back to my question. Multiple roads on the lot. You still need some overall cap.

Matt- We need both due to the larger lots.

Mercedes- I don't want to get too far away from the existing density calculation because it's not based on anything that is real. I think that is why the road is so beautiful because that is how it is controlled now.

Matt- She was very clear that the density calculation in the model ordinance is the standard one. I see what Brian is saying, it doesn't even matter because it ultimately will just be the road. That is much simpler to comprehend.

Sam- So delete 2A.

Matt- Yes, somewhere in my head there is a problem with getting rid of that, it is easy to get back if need be.

Marcia- I am the developer and I want to build the same thing I did before. Don't I still need 2A?

Matt- The table accomplishes the same thing as 2A. It is accomplishing the same thing it is just in table form. For the next meeting let's do just the table. I think we got to a consensus for distance can we include that in the draft as well. You require for a conservation subdivision 750 feet or frontage on an

APPROVED

existing road. The planning board may waive that requirement if necessary to accomplish the purposes of the ordinance. That will address what Mercedes pointed out.

Sam- 750 feet of frontage. Is there space in between roads?

Matt- Let's say for each additional road you must have an additional 750 feet between roads. We are going to encourage one road. That's fair.

Matt- Anything else we should have on our radar for the next meeting. This accomplishes the density which has been the biggest item. My goal for next meeting is to put the density piece to rest. Making a plan for talking about it to different committees and wrapping things up.

Marcia- I will be out of the country for next meeting. One thing I thought I was trying to marry the process we have starting with a sketch plan; I would like to see the developer to come in with an idea without requiring all of this site context mapping. Let them come up with a sketch and not make the developer come up with all the features.

Todd- Come up with a simple sketch, not a bad idea.

Marcia- After that we would go into the application review, which we call a preliminary plan and then have a fee. Would require changing some deadlines.

Brian- There was a concept of that awhile ago. It's hard to assess topography, wetlands, benefits and features. Maybe soften it some but you need something.

Matt- Marcia do you think there is too much required up front?

Marcia- I understand what you are saying Brian. But doing a complicated plan is an expensive process.

Matt- We have this informal meeting.

Marcia- When they come in with a sketch plan.

Christine- In the past they could have come in with a napkin and say this is my concept.

Matt- Some want to come in with as much as possible early on. Then it is not a sketch plan at all. It is tricky and worth talking about. The earlier we are involved the better. It is hard later in the process to say no.

Brian- They may choose to bring a site context map. If you choose to, here is the laundry list. It is at your discretion. Do we want to keep the required part? We want it to be collaborative.

Marcia- When do they pay a fee.

Matt- It should be as simple as they should pay a fee if they are going to bring something to us.

Marcia- The minor subdivision the same as the preliminary plan?

Matt- I don't know why we shouldn't have them submit a fee with the sketch plan. I don't feel strongly about it. It does force the applicant to take it seriously.

Brian- Maybe half of the fee.

Christine- We can suggest, the Selectboard is who determines the fees. You could propose it in stages.

Matt- I don't think this is a problem.

Marcia- I was worried the minor subdivision would change. I will suggest the Selectboard amend the fees.

Christine- Send to the Selectboard and they decide how it is to be applied with the amended conservation subdivision.

Matt- Next meeting will be on May 17, 2023. We need to button up the density requirement, any provisions, procedures, and road limitations. Sam, I think you have enough for a draft to circulate. Brian will provide draft language related to 8 max per road cap. A table will replace 2a. Then we will decide on presentations to the different boards and committees. Public hearings are set for April 24th and May 8, 2023 starting at 5:30pm.

Christine- Do we have any new applicants?

Marcia- No. We did get a request for change in use for the North Pownal church. I will add them to the agenda.

Christine- Can you send the new draft of this ordinance earlier than in the past.

Sam- I have been sending the Monday before.

Matt- Can you send the Wednesday before. That would be ideal.

I move to adjourn the meeting; Christine to second- All in favor.

APPROVED

Meeting adjourned at 8:13pm

Respectively submitted,
Alison Purinton
Planning Board Recording Secretary