

Planning Board Public Hearing Minutes – Article 2, Definitions and
Article 6, Subdivision Ordinance

Wednesday, 20, May 2015

Mallett Hall

6:00 PM

Members Present: Ron Hodsdon, John Bowdren, Liza Nichols, Jerry Gould,
alternate Russ Schmidt, planner Tony Dater and later Matt St. Cyr around 7:00 PM

Guests: Sherry Dietrich, selectmen Tim Giddenge and George Anderson, Joan
Mueller, Bill Schmidt and selectman Jon Morris around 7:00 PM

Hutch went through the changes in the Subdivision Ordinance, explaining that
most of them had been made by the town attorney and are boiler-plate state
standards. A change we made was to move all definitions to Article 2.

At this point Russ pointed out that in Article 2, Subdivision is incorrectly defined.
This will be corrected to the state definition and a sentence added citing 30-A
M.R.S.A. § 4401.

Another correction to Definitions is with Street. There are two and the one
referring to “public ways” will be removed.

Tim preferred looking at the working copy of Subdivision with the strike-outs and
additions in red rather than the cleaned up copy and accompanying synopsis of
changes. Liza will see that it is available for town meeting.

After some discussion it was decided to insert into Section 4 Review and Approval
of Minor Subdivisions, C. Final Approval, Filing and Revisions After Approval, 1.:
*The applicant shall be responsible for having the Plan filed with the Cumberland
County Registry of Deeds. The applicant shall be responsible for presenting
evidence to the Planning Board of the respective filing.*

We then discussed the addition of water availability requirements for Major
Subdivisions (Section 5. B. 3). This was an addition we made at the request of the
Fire Dept. There were questions about sprinkler systems and cisterns and which
was the more effective or necessary. These added standards address only

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cisterns; they have the added benefit of being available to the Fire Dept. outside of the development.

Section 9 Variances and Waivers always generates confusion. The Board of Appeals may grant variances of standards ^{zoning Ord.} under ^{specific} certain criteria. The Planning Board may waive or modify some standards, as long as the intent or purpose of the ordinance is maintained. This broad ability of the PB to waive was of concern to Tony, but it was put in by the attorney when she changed Section 10 Appeals – appeals of a Planning Board decision now go directly to Superior Court and not the BOA. This seems to still be an area of confusion; the Board will continue to tread lightly when it comes to waivers.

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Specifically authorized by the Planning Board by the Ordinance and

Russ asked for clarification of Section 7.B. There has been no change here; it is exactly as written in the current ordinance. It does seem redundant, but raised no notice from the attorney. We may come back to it in a future review.

We briefly discussed the possible definition for Single Lot that the town attorney gave us and decided on the wording we will present to the town.

The hearing adjourned at 7:35 PM

Respectively submitted,

Liza Nichols

Liza Nichols, Secretary