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**Town of Pownal
Planning Board Minutes
Wednesday, June 21, 2023
Meeting Minutes**

Members Present: Matt Altieri, Marcia Bowen, Todd Mellin, Christine Watson, Mercedes Pour- Previti, Orion Breen, Samantha Peikes with NorthStar Planning, Ginnifir Giddinge, Code Enforcement Officer, and Recording Secretary, Alison Purinton

Members Absent: Brian Stornelli.

Guests: None

Call to Order at: 6:01 pm by Matt Altieri

I would like to acknowledge this is Christine Watson's last meeting and thank her for her years of service and insight.

Secretary report: Approval of meeting minutes of May 31,2023

Matt- I have reviewed them and don't have any flags. Does anyone have any changes to the May 31st meeting?

Marcia- I have made some corrections.

Matt- I move that we accept the minutes as amended for the May 31st meeting. Marcia to second, All in favor 3-0 motion carries

New Business: Daycare Proposal

Matt- Did everybody get a chance to look at the information? Ginny, you sent this along. Can you give us a brief overview of what your thoughts were when this came in. Is there any ordinance that we should be focused on.

Ginnifir- It's a home occupation. The wording was left out of the recodification of the zone she is in. There is also another business there and she doesn't own the home. Her name is not on the deed.

Matt- Is she leasing it?

Ginny- It is her boyfriend, the fact is she is coming forward as a daycare center that will be there, where it did not fit in the ordinances, I saw it as not fitting as a home occupation.

Matt- I think even though she is dating someone she does have a right to be there.

Ginnifir- I am okay with that.

Matt- The question for me is does it fit as a home occupation. What's the scope?

Ginnifir- It is a daycare with 1 up to 8 children. It will have to be under the licensure of the State. They want verification on whether the home is up to code. The Fire Marshal will need to come in to verify that.

Matt- Would other neighbors know it exists of other than a sign?

Ginnifir- You don't have the wording. I did not want to make that decision.

Matt- What do people think?

Marcia- It's not a home occupation? Reads the definition of home occupations as an accessory dwelling unit having gainful employment, with exchange of goods and or services. It is a service. The only way you would know something is if there was a sign.

Matt- That's the basis. If it fits under a home occupation there has to be a certain number of kids.

Christine- The state regulates how many children a person can have.

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Matt- What I am saying is if we were to say “Yes”, assuming that it is up to code it would be fine to have 8 kids. Which is the level she is asking for from the state. Does that fit within a home occupation? Would neighbors not be aware of its existence if not for a sign?

Orion- I lean towards yes, it is a home occupation. If you had another employee so you could have more kids than it is no longer a home occupation. Since it is just her and several kids. She doesn't have an employee working out of it. Where is the line, you could have eight kids at someone's house during the summer. It is a normal use in people's homes. She is the only employee, and she is limited to eight kids. I would say we need more childcare.

Christine- Even if she hires an assistant, she is still considered a home occupation.

Mercedes- I agree. There is one on Leighton road, and you would not know it is a daycare. In terms of a Toddler Inn that is a different story. That would be obvious.

Matt- What does she need from the State.

Ginnifir- She needs a paper signed stating that she is of code. I don't have a problem doing that but how is it defined. I see it as she is providing a service. She is making money for kids and that is a home occupation business. That is the one thing from my chair that I hear is “we want it to be fair”.

Marcia- I am looking to what she needs to have signed and it says “There are no local codes or ordinances for childcare facilities.” Which is true.

Ginnifir- Right, not for childcare facilities per say, we don't require them to have a playground, or certain footage from the roads or anything like that. We do require it for home occupations. The other part is when you have a home occupation there is a fee with that.

Marcia- Can we write, there is no local codes, the owner says she will comply with all relevant ordinances. Would that work?

Mercedes- Have others gone thru this particular process? Or are they so old.

Matt- In the five years I have been on the board this is the first I have seen. We are seeing this because Ginnifir has brought it to our attention.

Christine- Jessie will have to go investigate.

Ginnifir- The State fire Marshall will have to come down and do that.

Matt- I think it is fine. The area of enforcement that could come into play was if you have more than 8.

Ginnifir- There is nothing to say that home occupation can't happen in that district.

Matt- That was left off during recodification.

Christine- Doesn't she still need to bring this before the board?

Marcia- Yes, she needs a signature.

Christine- She will need to come before the Planning Board because it is a change of use.

Ginnifir- I know you are not used to Codes Enforcement bringing this forward.

Orion- What is the difference between a home occupation vs. you work from home?

Christine- I work from home two days a week, but I also must go into the office.

Mercedes- If someone wants to do 16 kids with two employees where do we draw the line?

Matt- That is where people come to use for a change of use. We can say hey, our change is after 8.

Ginnifir- It says eight is what she can do. There is a grant from the state that she can get to help out.

The question for me is the deed is not in her name.

Matt- She needs to show you I have a title or a right to be there.

Christine- Most of the time that people have home occupations they actually own the property.

There is the catch, whose is to say they break up.

Marcia- The term is “accessory dwelling or accessory unit”. It doesn't say it is yours.

Matt- That requirement is strictly for administrative purposes. The idea is as long as they have a right to be there. Does it fit within our zoning ordinance or not? I think here assuming she gets a letter saying yes she is allowed to be here.

Ginnifir- That would be something we would need to have in the file.

Matt- She should also fill out the application for change of use.

Orion- Why do people need to come to the planning board?

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Matt- That is a good question. We have not had that many change(s) of one permitted use to another permitted use. I think the rational that you had before was if you are changing from one permitted use to another permitted use.

Christine- The North Pownal store is a good example it went from a store to a chip factory. That is a change of use.

Matt- That is a change of use because a chip factory is not a permitted use. What is the trigger that someone needs to apply for a change in use. This is confusing because of the change of use definition. I will ask Natalie when the planning board needs to review an application for a change of use whether it needs to move from one permitted use to another. I also want to encourage you to continue bringing us these questions. It helps.

Ginny- I had someone in my office today that had been on the board for 17 years. Their words were “I hope you don’t feel like you have to carry the weight”.

Matt- I don’t want to discourage you from doing that.

Ginny- I thought we had guidelines in our ordinance book.

Matt- I don’t see the definition of “change of use” as any guidance.

Christine- I gave Becky a change of use form that I created a while back. The Board Of Appeals approved it.

Orion- Why don’t we have a homeowner business in every district?

Ginny- It was left out in the recodification in error.

Matt- Sam. That is being added?

Sam- Yes.

Marcia- I will get back to Ashley and inform her she needs to attend the next planning board meeting.

Other business- Draft Conservation, Town meeting presentation and handouts

Matt-Begins by thanking Marcia and Orion for the excellent work done on the presentation slides. The picture really encapsulates it.

Orion- We received feedback from the public, took the feedback and experience from the comprehensive plan and created something a little more pleasing. We did not want to take away any homes that people could build under current rules, just have a better impact on the community.

Matt- The simplicity approach to density you can’t to more than you could under the existing ordinance. Including the frontage requirements which is the key topic. This should clarify that you can’t do less and you can’t do more. I will email Becky and CC Orion so we can understand what will be needed.

Orion- I think it would be great if you could do the intro.

Matt- It will be at the school in the gym, I think they have power point. Did anyone have changes to the slide deck. I think this is great.

Marcia- I love how you put in the comprehensive plan survey and the picture is really nice.

Matt- I had spoken with Becky today about the next steps. There was some fear that we may not have enough in the budget to do a special town meeting. It was confirmed that we could go ahead with planning that. We can either do Mid-October or early December. We would need to have two public hearings with notices sent in August. Review of the draft would need to be ready by the July meeting. That is putting us against the gun. The better option is early December. The potential issue is it’s December and people are busy with the holidays. There is a November date available with the Tuesday after Thanksgiving.

Christine- A lot of people go away for Thanksgiving.

Matt- So it sounds like early December is best.

Everyone agrees.

Matt- Will relay information to Becky when I speak with her about Power Point.

Marcia- Would like to see some sort of handout or poster, something that can be referred to. We have one chance to hit it home. Todd agrees and he will make a poster. Orion will forward him some material.

Christine- Can this be put on the website?

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Mercedes- The graphics for me was key. Please capture this one and holds up the graphic. It says what we are doing without using words. After further discussion, the consensus was that the oral presentation would suffice.

Matt- When I speak with Becky tomorrow about the power point I will also ask about the website. In terms of the next step. The conservation committee meets next week. I will be in attendance and share the draft and presentation. I would also like to go to a Select board meeting once we have finalized to make sure there are no holes they see moving forward. I am starting to understand from here and one of the public hearings. A concern raised early on is the tax implications. If there are many more major subdivisions than conservation subdivisions that is taking tax revenue away from the town. Those lots could be valued at 25% less of what they would normally be valued at. Do others have the same concern. We have heard it would be a nightmare for assessing. I asked Donna and I was informed that this was done all over the place. I think it was a misunderstanding on what the selectboard was saying. It will reduce the revenue for the town because it would be valued at a lower rate.

Orion- So there should be a way to tweak what gets assessed.

Matt- That is what Donna said and it is not a concern at all. They do this all the time. I spoke with the Selectboard and told them I had spoken with the assessor, and it is not an issue. So if you are comparing the same exact 10-acre lot under normal major subdivision that is 5- 2 acre lots every single one of those will be valued and taxed at the same high rate. Instead, we are taking that 10-acre lot and 60 percent will be subject to open space tax reductions.

Orion- There is a way to do your assessment on how many homes you can put on a piece of land vs the size of the land. If you could change the assessment so that 1 acre lot is equivalent to a 2-acre lot.

Matt- We can't do that. The assessment must be equivalent. One way to think about this is just because you buy a home in a subdivision. Doesn't mean that your one acre should be taxed the same as someone's 2-acre lot.

Ginnifir- She has a formula that she utilizes. She has been doing it for so long in so many towns she has a certain way that she does the assessing and fieldwork.

Christine- The selectboard was more about the revenue coming in and we are putting a big percentage of acreage into a lower tax.

Todd- What is the actual cost?

Christine- You got to have balance. It may cost some to take away some revenue but what are you gaining.

Marcia- Can we ask the assessor to give us numbers?

Matt- It is all hypothetical.

Christine- Our job is to look at the rural character, it is not our job to look at the tax implications. What do we want to town to look like visually is our priority.

Matt- I raise the question because I think it will come up at the town meeting. I agree with you Christine. It is not a huge issue. The town and state have already said they want to incentivize this.

Mercedes- It is not just the money it is the increased costs of the town as we grow.

Todd- That is going to happen anyway.

Matt- Changes to the conservation ordinance. Brian has sent along some changes. Sam, could you see how many towns have conservation ordinances. It may make since for Durham, Freeport, etc.

Sam- We would have to reach out to the town planners in those towns.

Orion- What would we do with that information.

Marcia- I looked at Windham, Falmouth, Cumberland, North Yarmouth and Durham.

Matt- Just observing this is very common in other towns.

Orion- I would like to add a slide of how long we have been working on this.

Matt- Agrees and will provide the longevity of how long we have been working and meeting on this.

Christine- The last item to be decided on is to have the town attorney consider an approach for density and number of lots on the subdivision.

Matt- I reached out to Natalie for some examples. She did get back to me and the frontage was not addressed, so I have proposed some which she is okay with. I wished I would have sent this around

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sooner. We will need to beef up the procedure for submitting a sketch plan. The language is as follows: “Number of Lots may not exceed the number of lots allowable Pursuant to Zoning District Net Residential Density and Road Frontage Requirements”. The number of lots in a Conservation Subdivision shall not exceed the number of lots that would be allowed pursuant to the maximum net residential density requirements of the zoning district in which the subdivision is located, including the dimensional requirements applicable to road frontage. The Planning Board may require applicants to submit a model (?) sketch plan showing that the parcel could be subdivided into the number of proposed lots in a manner that meets the dimensional requirements applicable to road frontage in the district in which the subdivision is located.

Todd- What is the actual language saying it is density neutral? Once this gets approved the major subdivision reference goes away. We will not be able to reference that anymore.

Matt- The challenge is expanding by 1 ½ lots, instead you can only use 600 feet of road.

Todd- Counting existing road frontage under the existing you can't. You can use the road frontage.

Orion- Our sketch plans should say something like equivalent to a 600-foot road with each lot having 300 feet of road frontage each doing a 100-foot road. You can have more roads than 600 feet.

Matt- That is more than they would have had.

Orion- We must communicate that.

Matt- I haven't asked Natalie but I would like to have the Major Subdivision just stay that way it is as reference point. That way we could say under the major subdivision. That would be another way to create neutrality.

Orion- I don't know that it is clear.

Matt- Maximum 1 lot per 2 acres. Including the dimension requirements applicable. I think we should say 1- 600-foot road.

Orion- If your property could have 2- 600-foot roads under the ordinance, then you can have more homes on one road. We want to make sure that is clear. That is the only way you get a major subdivision.

Matt- The simplicity of it avoids the conflict of a sliding scale. We can't say only one road because that is different from existing road. So, the language should be no more than 600 feet on any new road. Or something along those lines. Let me think about the language. Sam, can you come up with the language for the sketch plan? They must show topography. Any other thoughts on that approach.

Sam- For roads you can't have more than one entrance off a public road.

Matt- Christine, what were you saying?

Christine- I thought we wanted the homes to come off the new road. I thought that was in there.

Orion- If they are in a major subdivision, it could be 200 feet from the main road. They could have to have a 200-foot-long driveway basically.

Matt- Which is unlikely. We should say all driveways need to come from the new road.

Marcia- Where would that be?

Sam- Number 7.

Christine- We have cul-de-sac so it will be a case by case or do we have something that spells out the dimensions?

Sam- I don't have something for it I thought it was going to be for next year adding dimensional standards.

Matt- I was hoping we could steal the language from another town.

Sam- Ok.

Matt- That can be an additional article to this warrant. If we could steal that from another town we should get it to the road commissioner for review.

Sam- I can do that.

Marcia- I thought we had created a section for trails.

Sam- That has moved to section G.

Matt- Brings forward a concern from Brian and will forward to Sam. Sections G thru L could come towards end of the ordinance as they are administrative pieces. It reads more cleanly.

Sam- Ok.

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Matt-He also mentions section 5B. Under frontage all conservation subdivisions should have at least 750 feet of road frontage. We might want to strike this I don't think we have discussed expanding existing road frontage for a minor subdivision, 750 feet for a new road, see section 7 C.

Marcia- We deleted that didn't we?

Matt- New private roads shall be spaced at 750 feet apart. Do we also want to require that any major subdivision have at least 750 feet frontage on an existing road?

Todd- I thought we had talked about doing that. It would eliminate curb cuts and roads coming off main roads.

Matt- This was addressed if someone were to subdivide twice.

Todd- You prevent them from divide cut, divide cut, divide cut.

Matt- I think we should keep it.

Orion- I think we should keep it but lower it to 600 feet.

Matt- Do folks understand that.

Christine- Yes

Mercedes- I want to make sure we can say this in a way that is simple. I do like changing it.

Orion- Why don't we change both to 600 hundred? Why did we change to 750?

Matt- I think the idea was to avoid the possibility of someone subdividing during one conservation, and then two years later doing another one. New private roads should be spaced at least 750 feet apart. That means it must be 750 feet regardless.

Mercedes- What is going to stop them.

Matt- I don't have a strong feeling either way.

Todd- Does it say private road?

Matt- Yes.

Todd- Using a hypothetical situation with someone who has a mile of road frontage 300 acres that could be a city of homes. It may create a situation of where you have many more homes than anticipated. Some limitations that you can't put in a new road within 750 feet of a curb cut or something to those lines. Just to space things out.

Mercedes- Are there rules for that in the roads?

Matt- I think so.

Mercedes- 750 feet it not a lot.

Matt- That is a good point, maybe we address that with the road ordinance. Sam, do you know if there is a general standard.

Sam- No I don't know; I don't think there is.

Matt- Lets table this. It could not be in the ordinance itself but the public and private roads. It should be more than just subdivision language.

Christina- So this new private road under 7 C is minimum width? Width of shoulders shall only be 2 feet.

Matt- Yes.

Christine- Where did we get that?

Matt- The idea was we did not want 20 feet, which I thought was our current, there was a long series of discussions mostly with applicants. Applicants would say we don't want a 20-foot road. That is very wide, and we don't want 4-foot-wide shoulders, that also is very wide. If the fire chief doesn't have a concern about it, we are okay with that. We have not had Jessie say he has problems with it.

Christine- My concerns is if you have two fire trucks trying to pass each other you got a tank truck that feeds the other fire engine. If you have the tanker truck coming one way and the other truck coming in there may not be enough room. That creates a fire hazard. I would dig more with Jessie.

Ginnifir- What is the width of a back lot road, Is it 50 feet. Isn't it geared to the firetrucks going in and out?

Matt- I don't know why.

Christine- Depending on the road itself and where it is located.

Matt- Jessie has commented on this. He has said 16 feet is fine.

Christine- I am not talking about the hammerhead. I am referring to the road itself.

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Matt- 16 Feet is also consistent with the conservation subdivision.

Christine- The width of shoulders.

Matt- We have run this by Jessie like 4 months ago. We can run it by him and explain there has been a concerned raised. 16 feet is also the same in most towns.

Christine- But the width of the shoulders 2 feet on each side.

Matt- Let me send to Jessie and ask if he has changes to this and the cul-de-sac language.

Marcia- It seems that the draft would go to everybody.

Matt- Any other language?

Christine- Cisterns, I thought we had it in here. Are you going to have some kind of notice in here.

Ginnifir- The fire chief asked me if there was anything that referenced that.

Matt- There has to be. Is it possible the cistern language applies to all subdivisions?

Christine- I would want it into this conservation subdivision to at least say they are required.

Matt- Sam, can you add that to your list to include something about cisterns and I think it makes sense to cross reference our existing language.

Matt- Any other items? Hearing none.

Next month Agenda-

Matt- Next month we will elect officers. I am also going to announce that next year will be my last year on the board. I would encourage anyone to consider the chair and I will be here for the year. I want to mention that and will talk to anyone about it and what it entails. It is a pretty awesome opportunity.

Marcia- We have an extra year to figure out LD2003. Marcia reads an invite to attend a luncheon focused on the latest housing trends and the obstacles associated. The luncheon will be at USM. She will forward to the board.

Orion- I will get an update tomorrow on what is going on in the legislature and what is going on with LD2003.

Matt- we need to work with the selectboard figuring out what next year's work plan will look like. One is working with NorthStar on updating all ordinances to comply with LD2003.

Ginny- We start that work on July 1st?

Marcia- Yes, there is a ripple effect with other ordinances that need to be updated.

Orion- I was able to attend a luncheon via zoom. There is an idea zoning to mandate a percent of homes to be affordable.

Matt- I move that we adjourn the meeting. Marcia to second. All in favor. Meeting adjourned at 7:55pm

Respectively submitted,

Alison Purinton

Planning Board Recording Secretary