

APPROVED

**Town of Pownal  
Planning Board Minutes  
Wednesday, July 19, 2023  
Meeting Minutes**

**Members Present:** Matt Altieri, Secretary Marcia Bowen, Brian Stornelli, Mercedes Pour- Previti, Orion Breen, Samantha Peikes with NorthStar Planning, Ginnifir Giddige, Code Enforcement Officer, Orion Breen, and Recording Secretary, Alison Purinton

**Members Absent:** Todd Mellin

**Guests:** Ashley Cooper, Jon Morris, Selectboard liaison

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

**Matt-** Acknowledges Ashley and informs her that we will be doing a few administrative tasks first and then will get to her.

**Secretary report:** Approval of meeting minutes of June 21, 2023

Marcia- I move that we accept the minutes as amended for the June 21<sup>st</sup> meeting. Matt to second, All in favor 3-0 motion carries

Matt- Welcomes Orion Breen as a full member and reminds the board of an open position for an alternative member.

**New Business:** Daycare Proposal

Matt- Ashley you have submitted a request for approval of a daycare?

Ashley- Not quite. The State of Maine is granting funds for home daycares. Currently I work for Dianne Thompson and she has been the only home daycare in Pownal for the last 40 years. She would like to retire. Having the grant will allow some funds to become available for that. The location will be 237 Tuttle Road. The grant indicates that I need local compliance which is why I am here.

Matt- How many children?

Ashley- If it just myself I am allowed 8. If I hire a helper, I am allowed 12.

Matt- I spoke with Natalie and she indicates it is the decision of the Codes Enforcement Officer. We can provide guidance; however, we should not be making any decision.

Ginnifir - In other towns these items came before the boards as it is a change of use of that property.

Matt- It fits within a home occupation.

Marcia- Are you making changes to the home?

Ashley- If approved there would be a small studio size addition, that would require a separate permit. Once built the Fire Marshall and everyone will give their inspections.

Ginnifir- It falls under DHHS (Department of Health and Human Services).

Ashley- I have complied with everything on their punch list. I just need to get this signature.

Matt- Thank you Ashley and good luck with the daycare.

Ginnifir- Asks for a letter to be placed in the file as the property is not in her name, as she signs the necessary document.

Ashley- I will get that for you as the state needs one also.

## Conservation subdivision

Matt- I think we are pretty much done. Does anyone have any thoughts on the newest draft?

Orion- Yes, the language about only 600 feet of new road should be used is confusing they really need 2 roads at 600 feet to qualify for the conservation subdivision. Feels the wording is not adequate. A discussion occurred with new roads, and calculating road frontage, what is a conservation subdivision .

Matt- Asks Sam to write something like “When calculating number of lots in a conservation subdivision only 600 feet of any proposed new road maybe used. Each new road would be considered allowable using minor subdivision ordinance.

Orion- In relation to having 2 roads we have a thing about 2 roads every 750 feet. To be square with our current rules. I am wondering if that number should be more like 700 feet and not 750 feet.

Mercedes- What is the distance that the next road should be?

Sam- There is nothing in the ordinance of distance between roads.

A conversation incurred with the differences between state roads vs private roads.

Matt- Welcomes Jon Morris and explains what has happened so far. We are discussing a provision in our current draft that says new private roads should stay at least 750 feet apart. The objective is to avoid the possibility of building more and more lots by adding more roads. Do we already have existing ordinances so how far apart do those need to be.

Brian- Look at the dimensions. 2 acres are 90,000 square feet that is 300x300- draws it out on paper.

Mercedes- So it could be two roads on one lot.

Jon- Sam, do you have any experience on that with subdivisions?

Sam- No, not in terms of distance between roads.

Jon- I don't think the state has a provision either.

Orion- There is a thing requiring conservation subdivisions to have at least 750 feet of road frontage. If they could stick two roads in 750 feet of road frontage, then we should allow them to build a conservation subdivision. The whole point of the conservation subdivision is we are not taking anything away.

Jon- Don't you worry about taking away flexibility, when describing road distances, it could be to your advantage to leave it undefined. Do you think you are overthinking it?

Matt- Yes. The way that we have finally got some control over the density is to say we are going to put in this ordinance that you can't build more lots than the existing subdivision. It is a simple way to do it neutrally. If we say you can build more roads under the new proposed than you could under the major subdivision ordinance. Then you are allowing for more lots and that is what we want to make sure we are not doing. We do have provisions that allow us to waive any road standards. There is flexibility.

Jon- You don't feel like you can prescribe the number of lots based on the ordinance.

Matt- When this was first proposed you made a very astute point. The way the town had always controlled the number of lots was through rigorous zoning ordinances. We struggled with five or more meetings with how to avoid the possibility of doing away with that. We figured the way was to say we are going to keep those restrictions in place but allow for more flexibility. The flexibility is to allow for smaller lot sizes. I think it is the right balance.

Jon- How much do you want to dictate. If I were a developer and saw this great opportunity to come in and do something unique and then I started looking at the other side of the page and start seeing restrictions that's when the attorney's come out.

Orion- The whole point is to make the new rules aligned with as much as we can with the old rules. That was our pitch to the town as well.

Matt- Brian would you be okay doing 650 feet given your calculation? That is the reality, the distance between roads now. We don't have a limitation now but that is the practical way.

Brian- Some of these are artifacts to prior discussions.

Orion- I think updating 5B to say 650 potentially?

Brian-Public Road frontage we need to be really careful to distinguish that.

Matt- Do you all follow that?

Marcia- I wrote down frontage and read the ordinance. So that is saying?

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Orion- We are talking about making that 650.

Matt- 750 originally was arbitrary. The discussion was to make sure people did not put in any additional roads to just add lots. 650 is tethered to the frontage requirements that Orion explained. That makes sense. For 5B.

Mercedes- Looking at the conversation easement, aren't we supposed to look at the topography.

Orion- We want it to be on one road. That was Todd's big concern. That is why were hesitant to change that too much.

Matt- I take it as each road should have less of an impact. We would generally want to push them out longer, so I think it is consistent.

Marcia- What about a shorter road, closer together so you can maximize space.

Ginnifir- The longer the road goes also puts a strain on the fire department.

Matt- I am talking about two roads vs one slightly longer road, the impact on the land is less. We should be pushing the roads to be aligned with topography and to minimize the number of roads

Jon- With questions like this do you ever just send it to NorthStar and say what are your thoughts.

Matt- I have not sent direct questions like that.

Jon- Okay

Marcia- We talk about it then ask Sam and they come back with a new document. There is still input from them and we ask questions to them.

Brian- Do we have a blanket waiver in here?

Sam- In the beginning it says the board can waive any of the standards.

Jon- If you had a road requirement then you would be going to the board of appeals.

Marcia- This is supposed to replace the major subdivision but what happens to the cluster subdivision.

Matt- The next step for the August meeting is to have a red line against the entire draft to see what has been removed from the ordinance as well. I think the cluster subdivision needs to go.

Sam- Agrees

Marcia- What else needs to be changed.

Matt- So where is the waiver provision?

Sam- It is on page 4 at the bottom.

Matt- We could see how the process goes.

Jon- Sam, do you agree with that. If they include a waiver option in the ordinance, they retain the authority to grant that waiver.

Sam- Yes that's right.

Matt- Sam, you will have for us the next meeting the pieces that will be pulled from the existing ordinance.

Brian- I have one more thing now that we are coming up with our number of lots in the site context map in D2 it shows 600 feet of proposed road. It should just say proposed road. It should be two maps. One that indicates what I could do under the minor subdivision and here is my calculation under the new conservation ordinance.

Sam- You said under D2 just a sketch plan showing proposed road.

Jon- Great idea

Matt- We want to spell it out as a site context map. Say these are the standards. Sam, Do you need more guidance on that site context map?

Sam- Can you repeat what you said I did not get all of that.

Matt- Page 2. 1<sup>st</sup> site context map and is for the purposes for calculating lots. Reference to the density in 2a. What needs to be clear is that shows the number of lots that could be built. Using the density and frontage requirements applicable for minor subdivisions. One piece to spell out is the placement of any road needs to match the placement on the site context map. We don't want them to be able to put a paper road in that goes through a swamp they would never actually build.

Brian- Page one we are saying it is optional to bring these maps this is all part of the preapplication review. We can sit down and go through it and help design it. We need this.

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Matt- As it is written it is inconsistent. One says shall the other says may. The applicant shall bring a site context map.

Marcia- I would like to see a developer come in like a pre pre and say this is what I am thinking. They can then receive feedback.

Brian- Currently that is NorthStar or another planner. In the future I don't know what we call it but it's a modified site plan review.

Jon- You want to see as close as you can get. I also think it should say they will bring the map.

Orion- With the 5B do we need to vote or are we asking NorthStar.

Matt- We are asking NorthStar. We are asking for a vote once the draft is complete.

Orion- J ownership page 9 regarding open space. It basically says only a private individual can be in charge of open space. Only after they have spoken to a land trust. Is that practical or is this wise for us to basically force them to talk with a land trust. We can suggest they talk to a land trust. Or we asking them to prove they spoke with a land trust and the land trust said no thanks.

Matt- Sam, Ben asked us to put in early on can you remember why?

Sam- This was taken from the model open space ordinance.

Matt- The vision was we don't want to push farms out if people are using this for farming. A short discussion was had then regarding HOA 's. Sam is asked, at what stage is the easement or HOA agreement submitted?

Sam- I have seen it both ways submitted as part of the application or separated out.

Brian- We can lift some language.

Matt- I envision a few things. 1. The easement or HOA shall be included in the applications. 2. Ask for a letter of intent from the land trust or HOA. Can we ask Ben for that language.

Jon- I have spoken with the Royal River land trust regarding a letter of support.

Matt- That's great, Thank you Jon.

Brian- The earlier to get them involved is a benefit.

Matt- Open space was discussed with 2 site maps one showing the existing conditions of the site. The site context map is what we are proposing here.

Sam- That can be switched.

Marcia- Believes it is fine because we want to see it in the open space.

Matt- A lot density map would be fine. Sam, can you work that in. The same applies to 903.

Ginnifer- In the application it is spelled out.

Matt- Sam, Can you include two different versions and redline them. In terms of public hearings

Jon-We need to be as transparent as possible. Will ask that Kathy Hogue include in the newsletter.

Marcia- Will write the letter.

**Next month agenda-**

Review of the ordinance

**Adjourn**

Marcia- I move that we adjourn the meeting. Matt to second. All in favor. Meeting adjourned at 7:52pm

Respectively submitted,

*Alison Purinton*

Planning Board Recording Secretary