

**Arundel Comprehensive Plan Review Committee Minutes**  
**Tuesday – August 5, 2014**

Present: Tad Redway, Town Planner; Members Donna derKinderen, Shawn Hayes, Tom Danylik, Dorothy Gregoire, Rae Reimer, Diane Robbins, Dan Dubois, John Bell, and Simone Boissonneault.

1. Call to order

The meeting was called to order by Chairman Donna derKinderen at 7:19 pm at the ML Day Library. Donna updated members who were absent at the July meeting regarding the review and discussion of R1, R2 and R3 Districts.

2. Approval of agenda

Motion was made by Dan Dubois and seconded by Diane Robbins to approve the agenda as presented with all in favor.

3. Approval of minutes

Motion was made by Diane Robbins and seconded by John Bell to approve the minutes of July 1, 2014 as written.

4. Old business

a. June Town Meeting – Comprehensive Plan wording status

Simone reported that the official posted document for the June Town Meeting did not contain the language change to Section B-3 #3. Donna stated that this can be added to future revisions, but mentioned the importance of all members checking details.

b. Residential districts 1, 2, and 3

**1. Review descriptions in *Future Land Use Plan Summary***

Donna distributed a worksheet she compiled that listed similar statements for each district as they were described in various sections of the current Comp Plan. (See attached sheet)

- Simone questioned the need to repeat these statements and felt this made the plan more cumbersome.
- Diane Robbins agreed that the repetition is confusing. Donna believed that the current format of the Plan was originally dictated by the State. Section B is a general generic statement and Section C goes into more specifics.
- Tad Redway stated that changes can be made as long as some basic formats are followed. He stated that the state requires all comp plans have certain components, but there is no required format.
- Tom stated that there are 3 separate headings and may be helpful for research.
- It was agreed that if consolidation was possible, this would be done as the review process continues.

**R-1 (Urban) Residential**

- (bullet point #3) Transfer of Development Rights – Program has been proposed but never adopted. Dan believed the Planning Board has not been in favor of TDR's in the past as it seemed similar to spot zoning. Tom stated no request has ever been made for a TDR to the Selectmen. Tad stated a "density bonus" was needed as incentive for

development in a desirable such as with sewer and water. Tom stated that at least if it is listed, it would be one less step if needed. (Listed under Implementation Plan 5.3)

- (bullet point #1) Shawn noted that the description did not mention the Limerick Rd – the whole length to the turnpike. Tom stated that the plan can be vague and should not “describe” the district only the general area that it is to be located in. The Planning Board must describe the boundaries in detail.
- (bullet point #2) delete “good” as repetitive of “quality”
- (bullet point #5) Rae asked what defined “reasonable standards” – Diane mentioned “good neighbor standards” were listed in the past in the LUO. Tom stated that “reasonable standards” limited “new” agricultural uses to small-scale. Discussion followed regarding significantly large lots which are restricted agriculturally because they are located in the R1 & R2 zones. Current zoning cuts many parcels and does not follow lot lines. Increased traffic for increased residential development vs. increased traffic for agricultural business was mentioned as a concern. Meeting with landowners was suggested especially with large landowners whose parcels are split to obtain their preference in which zone their parcel should fall. Rae also stressed the importance of small lot owners concerns adjacent to these large “agricultural” lots. Donna stated that the current zoning lines are random and cause some unfairness to some landowners especially along the edges of the current zones (split lot situations as well as large lots stuck in the middle of the R1 & R2 zones were pointed out on the maps).

Tad presented a map that color coded the lots sizes for better review/discussion of zones. Diane stated that she believed many large landowners were impacted but were not aware of the impact until after the Comp Plan and LUO were adopted.

Using Conditional Uses rather than Standards in the LUO was discussed as a way to protect small landowners near larger agricultural lots. It was agreed that if businesses must meet certain conditions for buffering and other standards then larger agricultural lots could be required to meet conditions as well in the R1, R2 zones. Tad stated that standards are harder to enforce than conditional uses and suggested that the Comp Plan can suggest to the Planning Board that the impact of various species under animal unit can be considered as part of the conditional use. R1 residents can be impacted by inappropriate uses and may cause push back in that zone and the committee needs to be prepared to respond on how this will be addressed.

Donna suggested options that could be considered such as increasing the lot size to 20 acres or current conditions of the lot that would limit use. Standards could be set regarding its accessibility for arterial or collector roads. Further individual review of the large lots could show that there is no need for changes.

- Rural Overlay Zone – Tad stated this could be a performance based overlay zone that would exist where the conditions exist. He favored this over the listing of numerous conditional uses in various districts. Tad asked if the Committee wanted to pursue the

Rural Overlay district as a floating district and stated that if the agricultural issue were pulled out of each district and put into a floating zone then all three zones could be reviewed fairly quickly. The Committee agreed.

#### **R-2 (Suburban) Residential**

- No changes were noted  
Dan noted that the only minor differences between the two districts were: Farm retail, museums and nursing home. Tad explained farm retail uses currently in place.

Rural Overlay Zone - Tom suggested listing these as conditional uses that would allow residents to be heard as well as abutters due to potential impact on their property. The Planner stated the conditions would need to be written into each district standards and could be cumbersome. Tom stated that he could see potential problems in an overlay district if limited by acres and the examples focused described someone voluntarily decreasing their lot size but he suggested that problems could arise if involuntary decrease in lot size occurred such as: eminent domain, adverse possession, partition, mistake in the deed. The Planner thought there could be pitfalls both ways. Tom stated that under the conditional use permit the abutters have had an opportunity to be heard and the permit is not impacted by change in the acreage due to involuntary decrease. Conditions and standards were discussed vs. acreage. The focus is the acreage issue. The conditional use allows the abutters to be involved and the appeal process is available.

#### **R-3 Rural Residential**

- The location of the district is not described
- Tom questioned if R3 is needed or could this be distributed into R2 and R4
- Tad believed it was the intent to make it more “conservation” oriented because of the location – the map area was reviewed and Dan suggested that the difference in allowed uses be reviewed.

John Bell questioned if the “rural overlay zone” be restricted to agricultural activities only or would such things as a sawmill, for example, be allowed or is this more industrial and where should the line be drawn. Dan stated that there are currently 7 standards that the Planning Board must review on current conditional uses that would apply to most of these issues of noise etc.

Discussion ended due to the hour of the meeting.

#### 5. Next meeting date

Next regular meeting date set for September 2nd.

#### 6. Adjourn

Motion made by Diane Robbins and seconded by Shawn Hayes to adjourn at 9:10 p.m.

Respectfully submitted,

Simone Boissonneault  
Secretary