

## Arundel Planning Board Minutes

September 24, 2020 - 7:00pm  
Planning Board Zoom Meeting

**Board Attendees:** Rich Ganong, Chair; Susan Roth, Vice Chair; Tom McGinn, Secretary; Jens Bergen Marty Cain, Roger Morin, and Tad Redway, Town Planner

**Attendees:** Stacy Gile, Dewey Gile, and Susan Sinnott

**Call to Order:** Chair Ganong calls meeting to order at 7:00 PM.

### I. APPROVAL OF AGENDA:

**Motion:** Mr. Cain motions to approve the Agenda as written. Ms. Roth seconds.

**Vote:** Unanimous in favor.

### II. APPROVAL OF MINUTES-

**Motion:** Mr. Cain motions to approve the minutes of September 10, 2020, as written. Ms. Roth seconds.

**Vote:** Unanimous in favor.

**III. PUBLIC COMMENT:** No public comment.

### V. LAND USE ORDINANCE REVISIONS:

#### **Item 1 Bucket List Prioritization of LUO Amendments: Member surveys**

The Planner summated the LUO amendment priority lists provided by five PB members. After much discussion, the Board determined that the prioritization of LUO Amendments should proceed as follows

1. Frontage Amendments in all three Shoreland Zone Districts
2. Special Exception Criteria for the Resource Protection and Stream Protection Districts
3. Accessory Sheds
4. Age Restricted Housing
5. Cluster Housing
6. Rural Conservation

#### **Item 2: Discussion with Action: Amendment to LUO 8.6.1.4; 8.6.2.4; and 8.6.3.4: Limiting shoreland lot frontage requirements to property on the Kennebunk River and Brimstone Pond**

The Planning Board had already consented to this Ordinance amendment at the September 10<sup>th</sup> meeting, and agreed that it should be set for a public hearing.

#### **Item 3: Discussion with Action: Addition of LUO 8.6.1.5 and 8.6.3.5- Special Exception criteria for the Resource Protection and the Stream Protection districts.**

After considerable discussion, the Board arrived at a consensus that the Special Exception provisions in the Shoreland Zone should stand but with strict approval criteria that focuses on preservation of the resource. The Planner stated that exceptions to the Resource Protection District setbacks but might pose some challenges given the DEP's strict limitations.

Board also concurred that if the Special Exception criteria were abused or difficult to administer, then the Special Exception provision should be eliminated, especially since it does not exist in DEP Chapter 1000.

The Board reviewed the language of the proposed Stream Protection District Special Exception Criteria prepared by the Planner: Mr. McGinn asked for definition of "landscape elements" in section 8.6.3.5.c. The Planner responded that these elements were catwalks, paved pathways, non-indigenous plants, and garden structures, and agreed that the definition should define these elements. Ms. Roth added that the exemption criteria should stress that the

Special Exception should not be used as a remedy for violations. The Planner will amend the Board's recommendations for LUO 8.6.3.5 accordingly and include provisions for LUO 8.6.1.5 and 8.6.2.5 for the next meeting.

**Item 4: Discussion of Proposing Amendments to the R4 as prescribed in the Comprehensive Plan**

Mr. Ganong asked the Board how "rural character" should be defined and preserved via land use mechanisms as prescribed in the Comprehensive Plan. Ms. Roth provided examples on how rural character can be best preserved by preserving the view from public ways while allowing the property owner flexibility in activities behind the view from the street. Mr. Ganong cited the Merritt Parkway in Connecticut as an example of how effective a rural landscape design can conceal a highly urbanized environment in metro New York City.

Dewey Gile of MacChipkay Lane commented that the concealing incompatible uses behind a treed façade at the street level does not always effectively preserve the rural character of an area. The Board should be very careful about defining rural character as being only that which can be seen or not seen from an automobile. Mr. McGinn agreed that landscape beauty strips can be very deceptive, and rural character is an elusive commodity that the Planning Board has struggled for years to define.

Susan Sinnott of Laura Lane testified that the existing project buffers required in the Land Use Ordinance are too narrow and fail to account for second growth forest conditions that result in tall trees with dead understory, that once removed, provide little buffering and little rural preservation to unfortunate residents and other viewers. Ms. Sinnott suggested that the Planning Board needs to have a mechanism to determine the buffering qualities of a tree stand during the approval process and then an enforcement policy to bolster thinned tree stands.

The Planner stated that though "rural character" may be elusive to define, there are landscape prototypes that have been identified in the field of visual assessment that can guide the Planning Board. A preferred rural landscape is not limited to one archetypical scene but often involves a sequence of open space or fields, narrowing down to tree line corridors, then opening up to a small neighborhood. The Planner does not believe that hiding all land uses behind a curtain of trees achieves the goal. Every community has sacred spaces that have particular local meaning and value. The trick is identifying those valued landscapes. The Planner stated that Nantucket conducted studies identified such valued landscape on the island and then developed a system of rewarding developers for preserving those important scenes and feelings of "openness". Redway further agreed with Ms. Sinnott and Mr. Giles that the current 25-foot buffers cited in the LUO are an abject failure.

Mr. Giles stated that this subject of preserving the rural landscape of Arundel is very important to the residents and if more knew about the challenges posed by new development to that character, they would find a way to get involved. Remote meetings can enable busy residents to participate in identifying and solving the problem.

Stacy Giles echoed these statements and observed that people from away move to Arundel because of its rural character, and then they wish to change Arundel to what they had in their former communities. That is the dilemma we face.

All participants discussed how to better notify residents of critical issues and using zoom and other technologies to encourage public opinion and participation.

**Item 6:** Reschedule of Oak Ridge Terrace Site Walk

The Planning Board discussed various times to reschedule the Site Walk for Oak Ridge Terrace, Phase I and Phase II.

**Motion:** Mr. McGinn motions to schedule a public site walk at the Oak Ridge Terrace project site at 5:00 pm on October 1, 2020. Ms. Roth seconds.

**Vote:** Unanimous in favor

**Item 7: Proposed Amendments to Planning Board Bylaws: *Discussion with Action:*** changing meeting days to first and third Tuesdays of the month

**Motion:** Mr. Morin motions to approve the proposed amendment to Section 5A of the Planning Board Bylaws to change the regular meeting dates to the first and third Tuesdays of the month, effective January 1, 2021. Mr. Cain seconds.

**Discussion:** Mr. Ganong asked why the Board is changing the current meeting dates. Answers ranged from more convenient meeting date for several members and more convenient for the Planner to meet advertising requirements, given the Town Hall is now closed on Fridays.

**Vote: Aye:** Ganong, Roth, Bergen Cain, Morin **Abstain:** Mr. McGinn

**VI: OTHER BUSINESS**

Mr. Cain asked if the Planning Board will continue to conduct Zoom meetings. The Planner responded that the Manager states that the Zoom meetings may continue as long as the Governor maintains the State of Emergency in Maine. The Chair noted that the Manager may change that policy once the Town offices are occupied.

**ADJOURN**

**Motion:** Mr. Bergen moved and Mr. Cain seconded the motion to adjourn the meeting at 9:25pm

**Vote:** *Unanimous in favor.*

Respectfully submitted,

Tad Redway  
Secretary Pro Temp to the Planning Board