

MINUTES
Comprehensive Plan Review Committee
September 3, 2013
M.L. Day Library

Committee Members Attending: Donna Der Kinderen, Tom Danylik, Diane Robbins, Rae Reimer, Philip Printz, Dorothy Gregoire, Simone Boissonneault, John Bell, Tad Redway- Town Planner

1. **CALL TO ORDER:** Meeting was called to order by Chair Der Kinderen at 7:05 PM
2. **APPROVAL OF AGENDA:** Diane Robbins moved to approve the agenda, Rae Reimer seconded.
Vote: Unanimous.
3. **APPROVAL OF MINUTES FROM 8/6/13:** Tabled to next meeting.
4. **INTRODUCTION OF MEMBERS:** The attending members and staff reintroduced themselves to the Committee, with Dorothy Gregoire attending for the first time. Mr. Redway informed the Committee that Ann Boyce tendered her resignation. Town Clerk Simone Boissonneault swore in all of the Committee members in accordance with Town policy.
5. **NEW BUSINESS: REVIEW OF PROPOSED BUSINESS ZONES:**

A. DB1 DISTRICTS

Mr. Redway presented a synopsis of the Planning Board's current efforts to rewrite the Zoning Ordinance to make it more user friendly, more effective in achieving the Selectmen's goals to increase the non-residential tax valuation in Town, and responsive to some of the goals of the 2005 Comprehensive Plan. Two major goals were defined in the 2005 Comp Plan: 1) create a large business/industrial district in the northern section of the Rte 1 corridor and 2) create a village scaled business area in the southern half of Rte 1 and along the eastern portion of the Rte 111 corridor designed to cater to community needs.

In evaluating the success of these districts, the Planning Board concluded: 1) The BI district's development potential was highly limited due to poor soil conditions, 2) the CCS district setbacks and design standards did not encourage a village-scale environment along Rte 1; and 3) the land behind CCS was vacant and offered more business development opportunities than residential.

In response the Planning Board has proposed the creation of two districts in the current CCS district: 1) the Downtown Business District1 (DB1) which extends only 350 feet inland from Rte 1 and encourages smaller scaled business clustered along the roads in a "village" configuration; and 2) Downtown Business District 2 (DB2) which extends into the R1 and R2 districts which allows much more intensive and larger commercial development behind the DB1 district that cannot be accommodated in the BI district given its site constraints.

Ms. Der Kinderen noted that the zone boundaries for the two districts tended to follow existing property lines which would avert dividing properties into two zoning districts. She also noted that the DB2 made significant intrusions into the existing residential areas.

Mr. Printz inquired if these expanded business districts were to be exclusively non-residential or mixed use. Mr. Redway stated that the district would be mixed use with caveats-residential uses would be permitted providing they were subordinate to a non-residential use.

Whereas the 2005 Comp Plan only categorized growth areas as residential or commercial, Ms. Der Kinderen proposed that the Committee should adopt a third land use category – mixed use district containing both commercial and residential uses. This type of land use would be replacing many of the current commercial districts along Rte 1 and Rte 111.

Ms. Robbins and Mr. Printz asked if the individual property owners in the existing residential districts affected by the proposed DB1 and DB2 districts have been consulted prior to the development of the new districts. Mr. Redway stated that although business property owners were consulted, residential owners were not.

Ms. Robbins and Mr. Printz expressed concern that an exclusion of any residential uses from in the DB1 and DB2 district would deny owners their basic property rights and the ability to enjoy their land. Such a restriction could ultimately doom the proposal at Town Meeting.

Mr. Redway responded that the Planning Board was attempting to insure that limited land, reserved for commercial purposes, would not be prematurely consumed for residential purposes, thereby defeating the intent of the 2005 Comp Plan.

Mr. Danylik reminded the Committee that all zoning is restrictive by nature; some uses will be restricted and even prohibited in order to facilitate compatible and orderly development. He also observed that the purpose and the prescribed uses of the DB1 mirrored the existing CCS district and the real difference was in the creation of the DB2 district.

Ms. Boissonneault recounted that the 2004 Comprehensive Plan was defeated at Town Meeting due to the vocal opposition of a single property owner that effectively swayed the rest of the voters.

Ms. Der Kinderen suggested that if the Committee and/or the Planning Board were to solicit the consent and support for the proposal from every affected property owner prior to the Town Meeting, such an event would not be repeated.

Ms. Der Kinderen stated that the unbridled residential development could be curtailed by a number of mechanisms including prohibition on subdivisions and multi-family units that would reserve the commercial land without sacrificing the owner's right to build a single-family home on their land.

Mr. Printz suggested that goal setting for the other districts in Town should be based on identifying distinct neighborhoods as suggested by Ms. Der Kinderen. Ms. Der Kinderen

agreed that such an approach could be used not only for built areas like Town House Corner, but also for large undeveloped areas such as the northwest corner of Arundel which exhibited a distinctive flavor.

Given its site constraints, Ms. Boissonneault asked if the Planning Board was proposing any changes to the current BI district or any treatment of the gateway area at the Biddeford boundary where Champagne's new headquarters are being constructed. Mr. Redway stated that no dramatic changes were proposed for BI except the creation of a true Gateway District at the Biddeford-Arundel line. The Planner has had numerous discussions with many property owners in that area, who are very supportive of zoning changes that would reduce lot sizes and restrictions, and municipal efforts to improve the image and visual character of the area. Employing MUCF grants and force account work, a welcoming landscaped Gateway could be readily created for Arundel's northern entrance. In addition sewer service is currently extended nearly to the Arundel Town line from Biddeford.

To avoid the proliferation of too many Zoning districts, the Planning Board is recommending that the northern gateway be zoned as DB-1 rather than a separate district. Ms. Der Kinderen noted that the DB1 district does not have to be continuous or contiguous, and in fact could be applied to the up to four different locations in Town including the current CCN district along Rte 111.

Mr. Redway stated that the Rte 111 may be a different circumstance because of the potential for natural gas service and three phase power on the Biddeford side that is not available in the Arundel Rte 1 corridor now.

Ms. Der Kinderen said that the job of the Committee will be to draft language describing the intent of the DB-1 for inclusion into the Comp Plan.

B. DB-2 DISTRICT

Ms. Der Kinderen read the proposed preamble to the DB-2 district regulations as prepared by the Planning Board.

Mr. Danylik observed that the DB-2 district is intended to accommodate non-residential uses of greater intensity, and that great intensity would mean both in terms of the intensity of the use itself and as well as building or facility size.

Ms. Der Kinderen asked why the lot sizes in DB-2 were larger than those in the adjacent DB-1. Mr. Redway explained it was both a function of more intense uses requiring more land as well as the fact that although the septic suitability of soils in the DB2 is better than in the BI district, they are still marginal and will require larger land areas to be effective. He stated that the introduction of sewer to the district, as recommended in the 2005 Plan, would be a major game changer both in terms of reducing minimum lot sizes and successfully attracting more intense businesses.

Ms. Der Kinderen suggested that the DB-1 and DB-2 districts and Townhouse Corner district be classified as mixed use, the BI being classified as commercial, and the rest of the Town be classified as residential.

C. Residential Districts

Mr. Redway said that the R-4 Rural Conservation district was in fact a mixed use district in that numerous non-residential uses are permitted that are not permitted in the R1 and

R2, and R3 districts. The question is what the Town wishes to accomplish in the Rural Conservation district. If the goal is agricultural and open space preservation, then it has failed. If cultural rural preservation is the goal, then the definition of rural preservation has to be better defined.

Ms. Boissonneault suggested that if the R4 is primarily residential as a basic classification, then there is a conflict with home occupations, especially operations like fuel oil delivery and storage or paving contractors that have a distinct impact on surrounding residences.

Ms. Der Kinderen stated she has had difficulty reconciling such conflicts. She suggested that instead of requiring large lots of 10 or more acres to create rural character, the ordinance should permit more uses or more intensive uses relative to the size of the lot. The theory is that the larger the size of the lot, the greater the potential for mitigating any impacts to neighbors via setback distances or intervening vegetation and topography. Therefore zoning and use restrictions would be based not on location but land area.

Mr. Printz said that his hometown in Wisconsin was largely rural and employed a similar type of zoning criteria with setbacks and uses based on the size of the parent lot.

Mr. Danylik observed that such a method of zoning would eliminate all existing and proposed zones in Town, and the Land Use Ordinance would be three times larger than its current size since a list of uses would be required for every conceivable lot size and configuration.

Ms. Robbins commented that the application of blanket setbacks unrelated to the location or configuration of the lot creates undue hardship without achieving the desired result.

Ms. Boissonneault noted that most of the cluster subdivisions that have been built in the last 7 years were constructed in the R4 district, and although they were clustered they failed to preserve any large tracts of land as originally intended.

Mr. Redway agreed that the cluster subdivision ordinance fails to preserve "rural visual character" since the regulations do not require a minimum amount of open space or a configuration that preserves any contiguous open space. Mr. Redway proposed a "carrot and stick" approach in which density bonuses would be granted a developer if a large tract of open space was preserved visible from the road while the clustered development was situated behind the trees or intervening topography. Mr. Danylik asked why the Planning Board did not adopt such a preservation tool, and Mr. Redway responded that they could but have not embraced it as of yet. This method could be an alternative to the Transfer of Development Rights system adopted by the 2005 Plan to preserve open space.

Ms Robbins noted that the soils conditions in the receiving TDR areas such as the R1 and R2 districts especially around Rte 1 are worse than in the R4 district, making density bonus even more difficult. Ms. Der Kinderen stated that although TDR may have difficult applications in Arundel without sewer, she still believes that the Comp Plan should endorse the concept in the event that septic technology changes or sewer is installed in the future.

John Bell posed the question that if the Town of Arundel is so concerned about preserving open space and farmland why is there no program to purchase such valued properties using tax dollars. Ms. Der Kinderen noted that via regulations, the Town has placed the responsibility on the property owner to preserve open space. Ms. Reimer

expressed incredulity that residents would expect private property owners to provide public enjoyment of their property without just compensation.

Ms. Reimer went on to state she understood the public's desire since the "character "of Arundel is ill-defined. Rte 1 is the Town's primary display area and it is a hodgepodge of scattered uses but no defined Town Center. She further stated that she does not want the Town to be equated with Kennebunk but it needs to have its own distinct identity and a warm defined feeling with distinct boundaries. The Town is growing and changing and must be prepared to meet future demands of the residents.

Ms. Reimer stated that the Town could benefit from encouraging the creation of a Village Center. Ms der Kinderen stated that the proposed DB1 district will do that. A long discussion of the history of the proposed Village Center TIF ensued.

Ms. Robbins recounted those residential homes supporting children are fiscal deficits for the Town Yet the fact that large land owners are taxed even though they place no burden on municipal serves as a disincentive to retain open space. She acknowledged the Open Space, Tree Growth, and farmland tax programs. Ms. Boissonneault noted the penalties for taking property out of those programs is a disincentive.

Mr. Printz stated that opposed to Ms. Reimer, he opposed the concept of creating downtown districts and sidewalks. He came from the Midwest and wanted his land and neighborhood without sewers and water and sidewalks, and the trappings of suburbia. He conceded that a downtown commercial district would be acceptable with such amenities but not the residential areas.

A discussion of differing landscape expectations based on geographic location and culture ensued.

6. Setting Meeting and Agenda

Ms. Der Kinderen suggested that all members develop descriptive suggestions of the DB1 and DB2 districts. The next meeting was set for September 24, 2013.

ADJOURN: Ms.Gregoire made the motion to adjourn at 9:15 seconded by Ms. Reimer. Motion carried.

I hereby assert that the preceding minutes was an accurate and faithful account of proceedings at the September 3, 2013 meeting of the Arundel Comprehensive Plan Update Committee.

Tad Redway, *Secretary Pro Temp*

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