

Arundel Planning Board Minutes

March 9, 2017 7:00 pm

Code Enforcement Office 468 Limerick Road

Board Attendees: Rich Ganong, Marty Cain, Jamie Lowery, Tom McGinn, Roger Morin and Tad Redway, *Town Planner*

Call to Order: Chair Ganong called the meeting to order at 7:03 pm.

I. APPROVAL OF AGENDA

MOTION: Mr. Ganong moved and Mr. McGinn seconded the motion move Item # 1 Shoreland Zoning Amendments to the end of the agenda.

VOTE: Unanimous in favor

MOTION: Mr. McGinn moved and Mr. Cain seconded the motion approve the agenda as amended.

VOTE: Unanimous in favor

II: APPROVAL OF MINUTES: *March 2, 2017*

MOTION: Mr. McGinn moved and Mr. Cain seconded the motion approve the minutes of March 2, 2017 as written.

VOTE: Aye: Messrs. Ganong, Lowery, Cain, & McGinn. **Abstain:** Mr. Morin.

III. AMENDMENTS TO LAND USE ORDINANCE

Item 1: **Discussion with Action:** *Proposed Farm Retail Performance Standards LUO 11.3.21*

Members expressed concerns about the impact of the recent Marijuana referendum and moratorium on the definition of agriculture and agricultural sales.

MOTION: Mr. Lowery moved and Mr. McGinn seconded the motion delete the term "medical" from the definition of "Agriculture" in LUO §3.2

VOTE: Unanimous in favor.

Mr. Ganong advocated that the space and bulk standards in the proposed LUO §11.3.21.1.a be applicable to all districts and not just to the R1 and R2.

MOTION: Mr. Morin moved and Mr. Lowery seconded the motion that §11.3.21.1.a be applicable to all districts.

VOTE: Aye: Messrs. Morin, Lowery, Ganong, and McGinn. **Nay:** Mr. Cain.

Mr. Lowery recommended that the word *produced* be substituted in lieu of the current term *sold* in the proposed text of §11.3.21.4.b.

The Board instructed the Planner to make all of the proposed revisions and appropriate repagination of the proposed text for final approval at the next available meeting.

Item 2: **Discussion with Action:** *Approval of Revisions to §9.3.1 Accessory Apartments*

Mr. Morin and Mr. McGinn challenged the proposal to permit accessory apartments to be detached from the principal dwelling. The Board discussed the merits and deficits of a detached accessory apartments and determined that a detached structure would not conflict with LUO §4.3.

Mr. Cain suggested that all utilities be shared between the principal dwelling and accessory apartment, but it was determined that utilities like electricity and water would demand separate metering.

The Board discussed that the maximum area of 800 sf for the accessory apartment was larger than the average garage.

Mr. Morin suggested modifications to the wording of the LUO § 9.3.1 3 that emphasize that the accessory apartment cannot exceed 50% of the floor area of the principal dwelling, and that the principal dwelling can only be a single family home.

The Board directed the Planner to reword this section and present a final version at the next available meeting for final action.

Item 3: Discussion with Action: Residential Growth Ordinance :Recommended Building Permit Cap
The Board reviewed the assessments provided by the Planner last June and citizen comments provided at the December 1, 2017 public hearing on the proposed reduction of annual building permit cap from the current 40 to 28. The Board discussed the pros and cons of reducing the maximum number of annual building permits issued. A compelling reason for reducing the permit cap was the Growth Ordinance's peculiar mechanism that automatically increases permit caps during periods of sustained growth pressure. Equilibrium essential for the town's fiscal health can only be restored during periods of weak development pressure, like in the current market.

MOTION: Mr. Cain moved and Mr. Morin seconded the motion reduce the number of annual building permits issued by the Residential Growth Ordinance to 28.

DISCUSSION: During the discussion, Mr. Morin withdrew his second, but Mr. McGinn seconded the motion.

VOTE: Aye: Messrs. Cain and McGinn. **Nay:** Messrs. Ganong, Lowery, and Morin.

MOTION FAILED

MOTION: Mr. Cain moved and Mr. McGinn seconded the motion reduce the number of annual building permits issued by the Residential Growth Ordinance to 30.

VOTE: AYE: Messrs. Cain and McGinn. **NAY:** Messrs. Ganong, Lowery, and Morin.

MOTION FAILED

MOTION: Mr. Morin moved and Mr. Lowery seconded the motion reduce the number of annual building permits issued by the Residential Growth Ordinance to 34.

VOTE: Aye: Messrs. Ganong, Lowery, and Morin. **Nay:** Messrs. Cain and McGinn

MOTION PASSES

Item 4: Discussion with Action: Review Existing Shoreland Zoning: Definitions and District classifications

Based on the existing National Wetland Inventory, the Planner presented maps of wetlands that would be likely regulated by the Board's decision at the March 2nd meeting, including wetlands in excess of 10 acres in area, non-forested wetlands in excess of 10 acres, wetlands between 2 and 10 acres in area, and a breakdown of areas of wetland types. The Planner also presented maps of the streams and watercourses that should but are not are regulated under the current DEP definitions, as well as maps of streams that would be regulated under the proposed physical features definition.

After much discussion the Board concluded that all wetlands in excess of 10 acres should be included in the Resource Protection District (RP) regardless of vegetative cover, Goff Mill Brook should continue to be in the SO district with a 250 foot district and 100 foot setback, Brimstone should have a 100 foot setback, and wetlands in the 2-10 acre size category should be included in the Shoreland Overlay (SO) district with varying setbacks based on morphology. The Board agreed to the physical features classification for regulated streams in the Stream Protection District (RP).

The Planner was directed to incorporate his regulatory tables in the actual text of the Ordinance, and should prepare a range of setbacks for the SO wetlands in the 2-10 acre area for Board review at the next meeting.

Adjourn: MOTION: Mr. Ganong moved and Mr. Cain seconded the motion to adjourn the meeting at 9:35 pm.

VOTE: Unanimous in favor.

I hereby attest the preceding is a true and accurate account of the Arundel Planning Board Meeting of March 9, 2017.



Tad Redway
Secretary Pro Temp