

**MINUTES
PLANNING BOARD MEETING
TOWN OF BOWDOINHAM - 13 SCHOOL STREET
IN PERSON IN THE KENDALL MEETING ROOM,
ON-LINE VIA ZOOM, OR BY TELEPHONE
NOVEMBER 30, 2023 – 6:30 P.M.**

MEMBERS PRESENT: Nate Drummond (Chair)
 Tracy Krueger (Vice Chair)
 Justin Schlawin
 Reeve Wood
 Chris Vonderweidt

STAFF PRESENT: Yvette Meunier, Town Planner
 Matt James, CEO

Item 1: **Workshop – Call to Order and Determine Quorum**

On Thursday, November 30, 2023, a meeting of the Bowdoinham, Maine Planning Board was held in the Kendall Room at the Town Office. Chairman Drummond called the meeting to order at 6:30 p.m. It was determined that a quorum was present. Mr. Vonderweidt was designated a voting member.

Item 2: **Planning Board Workshop – Proposed Comprehensive Plan Changes**

Dave Asmussen, Comprehensive Planning Committee Chair addressed the Planning Board to discuss the following potential ordinance changes that the committee may come forth with to the Planning Board in the future. The group discussed the following:

1. New Village District: Name of district not determined but would be along the boundary with Richmond where public utilities are. A discussion on how much support was garnered at the land use forums for this concept. It was a growth area identified in the previous plan and continues to pop up though conversations. Moving forward on this would go through the same process as creating the village districts we have. Calling it a growth area during the forums might have been more palatable for some attendees.
2. Cluster development: Looking to bring forward language to support cluster housing which reduces the minimum lot size while keeping the density the same. This terminology exists in the ordinance as “cluster development” and is a different term than multi-family.
3. Expand existing Village District boundary lines to include the extent of the water lines. This would support more density in the districts.
4. Maximum Lot Size: Maximum lot sizes would keep the same density in the rural district while keeping more of the parcel undeveloped compared to having a minimum lot size. A challenge for this is how it affects real estate values. For instance, if someone has 100 acres currently, they have the ability to sell up to 100 parcels, this will reduce the number of lots

to be sold. It would also require more bookkeeping on land transactions. This would require a significant amount of education and work in the community to bring this forward as a future ordinance change as it is very divisive. A smaller step in this direction would be to increase the open space requirement in a subdivision.

In order to keep the town rural a change is required to the ordinance which needs further investigation to balance the character while increasing affordable housing.

Further discussions focused on the following areas in the Goals and Recommendations section of the draft comprehensive plan.

Key Issues:

1. Include “cultural resources” in this section.

Recommendations:

1. Item 1: Suggested the change to replace the word “encourage” to “allow”. Higher density will still have to overcome a wastewater system variance process the state has to allow for more housing density when new septic technology is used. Additionally, lessening setbacks in the village districts could encourage less lawns and still give off a village vibe. The town already has some parcels that have no setbacks. Lessening setbacks would support concepts found in cluster development. This could be something covered within a subdivision approval.
2. Item 9: Buffers around agricultural land.
 - a. The board thought the use of the words of buffers and setback in this recommendation did not convey the message well suggested proposing to change this recommendation to remove specificity about buffers and setbacks “ Protect the viability of active agricultural activities from negative impacts of new development.”
3. Item 12: Add the word multi-family to this list of diverse housing types.
4. Item 16: Discussed why recommendations which include implementing the waterfront plan would not necessarily come before the Planning Board.
5. Item 17: A discussion about the extent as to how the Town works with other land trusts and many other organizations so this language may be kept broad instead of calling out one organization.
6. Item 19 (c): There are no specific streamlining permitting concepts that have come out of the CPC, though some examples the Housing Subcommittee has seen tools like pre-approved development plans. These plans could include mentioning what types of engineered septic would be allowed.
7. Item 19 (e): This is something that should be kept up with, not something new.

Future Land Use Concept

Discussion about how the northwest corner had been identified in the past as a transitional area because of the three-phase power but will be dropped this time.

Typo discovered on page 5 “Marines” Resources should be Marine Resource

Item 3: **Planning Board Workshop – Proposed Land Use Ordinance Edits**

Matt James, Code Enforcement Officer, discussed proposed minor administrative edits to the Land Use Ordinance regarding spelling, grammar, and clarity as summarized below which were agreed upon by the Planning Board to move forward to a public hearing with minor edits;

Pages 12-41, Definitions:

(Remove extra space between the “Basement” and “Bed and breakfast” sections, the “Construction Business” and “Construction Operations” sections, and any other sections that have extra spaces – please check the rest of the Ordinance as well. Correctly indent subsections of the “Automobile graveyard,” “Extractive industries,” “Junkyard,” “Recreational Vehicle,” “Stream,” and “Undue hardship,” sections.)

Page 13, Back Lot:

Back lot: A lot (“that”) does not have frontage on a private or public (“public”) road, except to meet the Performance Standard in Article 4.B(“C”).

Page 16:

(Edit line spacing for the “Communication tower” section.)

Page 56, Footnote 2:

(Move Article 5.D.1.c from page 57 to 56.)

Page 56, Footnote 2:

²The Minimum Road Frontage requirement may be waived by the Code Enforcement Officer if the property meets the Back Lot Performance Standard in Article 4, Section B(“C”).

Page 60 (Now 59), Table 5.1:

(Remove underline from the “Accessory Dwelling Unit” row.)

Page 184 (Now 183), Section 10.B.5.a.iv.B,F:

(B) the boundaries of the parcel, as shown on the Town’s Tax Maps(“;”)

(F) proposed development including locations of buildings, impervious areas, storage areas, signage and lighting(“;”)

Page 186 (Now 1), Section 10.B.5.c.v.C.1,2:

1. Maps and Drawings

a. forty (40) feet to the inch is preferred, but in no case shall the scale exceed one hundred (100) feet to the inch for that portion of the tract of land being proposed for development.

b. (Move sections 10.B.5.c.v.C.2.a,b,c,e,f,h. here for clarity.)

2. General Information (“Written Materials”).

a. record owner's name, address, and phone number and applicant's name, address and phone number, if different.

b. the location of all required building setbacks, yards, and buffers.

- c. names and addresses of all property owners within two hundred (200) feet of any and all property boundaries.
- d. sketch map showing general location of the site within the municipality based upon a reduction of the tax maps.
- e. boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time.
- f. the tax map and lot number of the parcel or parcels on which the project is to be located.
- g. a copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- h. the name, registration number and seal of the person who prepared the plan, if applicable.
- i. cost of the proposed development.
- j. evidence of the applicant's financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed or available, and individual's or institution's interest in financing the project or in the form of a letter from a certified accountant or annual report indicating that the applicant has adequate cash flow to cover anticipated costs.
- k. evidence of the applicant's technical capability to carry out the project as proposed.

Page 189, Section 10.B.5.c.v.C.5:

- d) Site Plan Amendment. The applicant shall submit ten (10) copies of the following:
- ~~(A)~~(i) the approved plan
 - ~~(B)~~(ii) the proposed revised plan,
 - ~~(C)~~(iii) supporting information to allow the Board to make a determination that the proposed revisions meet the applicable performance standards and approval criteria.

Page 234, Section 12.I.1,3:

- 1) The Board may reconsider any decision reached under this Section within 45 days of its prior decision of its own accord, or upon the request of an aggrieved party. A request to the Board to reconsider must be ~~files~~ ("filed") within 10 days of the decision to be reconsidered. A reconsideration vote and the action taken on that reconsideration must be completed within 45 days of the date of the vote on the original decision.
- 3) If the Board ~~shall denies~~ ("deny") an appeal, a second appeal of a similar nature shall not be brought before the Board within one year from the date of denial by the Board of the first appeal, unless it is the opinion of a majority of the Board that an error, mistake or misunderstanding of facts has occurred.

Page 234, Town Clerk Signature:

"Attest: A true copy of an ordinance entitled Land Use Ordinance, as certified to me by the municipal officer of the Town of Bowdoinham, Maine, adopted by Town Meeting on the 10th day of June 2009 and amended by town meeting on the 9th day of June 2010, on the 15th day of June

2011, on the 13th day of June 2012, on the 12th day of June 2013, on the 11th day of June 2014, on the 10th day of June 2015, on the 15th day of June 2016, on the 14th day of June 2017, on the 13th day of June 2018, on the 12th day of June 2019, on the 14th day of July 2020, on the 9th day of June 2021, ~~and~~ on the 15th day of June 2022, (~~and on the 14th day of June 2023, and on the []th day of June 2024~~”).”

Item 4: **Future Meeting Discussion**

Additional land use changes was brought forward by Mr. Schlawin about including a public parking into a business plans.

Matt James, Code Enforcement Officer, alerted the Board that the following changes to subdivision law, effective 10/25/23, should be reflected in the next amendment of the Land Use Ordinance;

J. Unless the intent of a transferor is to avoid the objectives of this subchapter, the division of a tract or parcel of land accomplished by the transfer of any interest in the land to a holder does not create a lot or lots for purposes of this definition if:

(1) The transferred interest, as expressed by conservation easement, binding agreement, declaration of trust or otherwise, is to be permanently held for one or more of the following conservation purposes:

- (a) Retaining or protecting the natural, scenic or open space values of the land;*
 - (b) Ensuring the availability of the land for agricultural, forest, recreational or open space use;*
 - (c) Protecting natural resources; or*
 - (d) Maintaining or enhancing air quality or water quality; and*
- (2) The transferred interest is not subsequently further divided or transferred except to another holder.*

As used in this paragraph, "holder" has the same meaning as in Title 33, section 476, subsection 2. [PL 2023, c. 79, §1 (AMD).]

The Board discussed the procedure for waiving the Site Inventory and Analysis requirement for minor subdivisions as described in Article 9.C.1.c.xi. of the Land Use Ordinance. Mr. James questioned whether a formal application can be submitted during the same meeting that a waiver request for Site Inventory and Analysis was submitted, so that applicants do not have to wait an extra month after submitting their waiver request. The Board confirmed that reviewing both a waiver request and reviewing an application for completeness would be possible during the same meeting, and that there is precedent for doing so, but that they cannot guarantee that that the waiver request will be approved.

It was confirmed that the December meeting will be as regularly scheduled on the fourth Thursday of December. Agenda items may include a subdivision review, a SPR Amendment for the change in ownership for a marijuana establishment, and suggested ordinance changes.

ITEM 6 -ADJOURN

Motion was made, seconded and it was unanimously

VOTED

To adjourn the meeting at 8:44 p.m.



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