

**MINUTES
PLANNING BOARD MEETING
TOWN OF BOWDOINHAM - 13 SCHOOL STREET
IN PERSON IN THE KENDALL MEETING ROOM,
ON-LINE VIA ZOOM, OR BY TELEPHONE
DECEMBER 28, 2023 – 6:30 P.M.**

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

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

Item 1: Workshop – Call to Order and Determine Quorum

On Thursday, December 28, 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 Land Use Ordinance Changes

The Board made the decision to review Item 3 before Item 2. Matt James, CEO, addressed the Board to discuss PL 2023, c. 79, §1 (AMD), a change to the definition of Subdivisions. This change would be made to Article 2 of the Land Use Ordinance to include subsection 9 under the definition of a subdivision.

Recommendations:

1. Retain the reference to the definition of “holder,” by either adding a parenthetical reference in the first paragraph or by leaving the reference below the text as it is in the statute.

The proposed changes and edits were otherwise approved for a public hearing at a later date.

Item 3: Planning Board Workshop – Proposed Land Use Ordinance Changes

Tracy Krueger, Planning Board Vice-Chair, and Dave Asmussen, Comprehensive Planning Committee Chair, addressed the Planning Board to discuss the following proposed ordinance changes as submitted:

1. Article 2: Reduce major subdivisions to five or more lots, reduce a minor subdivision to four or fewer lots, and include a reference to the State statute for lots of 40 or more acres.
2. Article 4: Section C; prohibit residential back-lots. Section D; reference the current Maine Erosion and Sediment Control BMP manual instead of the 2003 edition.
3. Article 5: Change instances where density is calculated by acreage to being calculated by the number of dwelling units. Section D; include a maximum lot size for subdivisions,

reduce the front yard setback to 10 feet, base the minimum road frontage in minor subdivisions on the parent lot, and include a subsection for major subdivisions. In instances where residential density is calculated, gross shall be used in place of net. Section E; increase the maximum residential density to 4 dwelling units per acre, increase maximum lot coverage to 50%, and include a subsection for subdivisions. Section F; increase the maximum residential density to 10 dwelling units per acre, increase maximum lot coverage to 50%, and include a subsection for subdivisions

4. Article 9: Reduce major subdivisions to five or more lots, reduce a minor subdivision to four or fewer lots, and require that any subdivision amendment which includes the creation of additional lots or dwelling units follow the procedures for preliminary plan approval.

Recommendations and Discussions:

1. Article 5(D)(1)(b):
 - a. Rather than changing instances of ‘net’ to ‘gross,’ the Board suggests that neither word be used, and that the definition of residential density be changed instead. A footnote should be added to note that the maximum lot size for subdivisions does not apply to the parent lot.
 - b. Chair Drummond questioned how maximum lot sizes may affect estate planning, and if the proposed change would be too financially challenging for some property owners. Vice-Chair Krueger stated that maximum lot sizes help to preserve rural land uses by condensing the developed land. Chair Drummond and CEO James worry that too many restrictions on minor subdivisions may result in property owners avoiding subdivision review. Vice-Chair Krueger states that more public outreach could be done before returning with this proposed change.
 - c. The Board brainstorms alternative ways to slow development in Town. Jason Lamoreau, Recreation Director, asks if open space is considered a separate lot, and if it would be limited by a maximum lot count or size. The Board determined that in some cases where a separate lot is created for open space, then said lot would need to be exempt from any lot size or count limits. This could be resolved by using a footnote in Article 5, and by changing the definition in Article 2. CEO James questions if this is addressed by PL 2023, c. 79, §1 (AMD).
2. Article 49(C):
 - a. Chair Drummond asks to switch to the topic of residential back-lots, stating that it is likely the largest change being proposed for the average resident of Bowdoinham. Town Planner Meunier states that this change is too vague to be sent for legal review and needs more work before it can progress. The Board discusses the requirements of back-lots in relation to road frontage and access management, and question what the background is for requiring road frontage. CEO James explains the current guidelines and procedures for site lines and E911 addressing, that may be influencing the road frontage language currently in the ordinance.

3. Article 5(D)(1)(c):
 - a. Vice-Chair Krueger provides an overview for the new subsection for major subdivisions, with particular focus on the inclusion of an 80% open space requirement. The Board questions if the 80% is determined before or after accounting for areas unsuitable for development. This brought up the question of ‘net’ versus ‘gross’ as defined by the Ordinance.
 - b. The Board questions if there has been any progress made on researching State laws regarding lot size in relation to subsurface wastewater disposal.
4. Article 5(E):
 - a. The Board discuss the reduction of the 10-foot setback for front yards and suggest that this should only be reduced internally to a subdivision – such as on a designated path or sidewalk. Dave Asmussen notes that structures are allowed to be built adjacent to roadways in cities.
5. Article 2:
 - a. Small edits were made to ensure that a State statute was appropriately referenced in the subdivision definition for lots of 40 acres or more.
6. Article 9:
 - a. The Board discussed the need to include previously accepted materials in a subdivision amendment, as the applicant may not have those materials and the review process may be more burdensome on the applicant and Board. The sub committee will reevaluate the need for this change.

ITEM 6 -ADJOURN

Motion was made, seconded and it was unanimously

VOTED

To adjourn the meeting at 9:17 p.m.
