

Arundel Planning Board Minutes
January 12, 2021 7:00 pm
Zoom Meeting

Board Attendees: Rich Ganong, Chair; Susan Roth, Vice Chair; Jens Bergen, Marty Cain, Jamie Lowery, Roger Morin, and Tad Redway, Town Planner

Public Attendees: Paul Green

Call to Order: Chair Ganong calls meeting to order at 7:01 PM.

I. APPROVAL OF AGENDA:

Motion: Ms. Morin motions to approve the agenda. Mr. Cain seconds.

Vote: Unanimous in favor.

II. APPROVAL OF MINUTES

Minutes of January 5, 2021 deferred to the next meeting.

III. LAND USE ORDINANCE AMENDMENTS

Item 1: Discussion with Action: *Proposed revisions to the Residential Growth Ordinance*

The Chair described the staff proposal to exempt Accessory Apartments from requiring a growth permit. The proposed language also allows unissued growth permits to be issued above the four permits per month maximum. Ms. Roth asked if permits roll over into the new year, and whether that could serve as a hedge. Mr. Bergen asked if many towns Arundel's size enforce a growth ordinance. The Planner stated that few municipalities in Maine enforce a growth ordinance, and the Board may wish to consider whether the Growth Ordinance is even warranted given the very few times the permit cap has been reached.

The Planner explained that many communities use impact fees to offset the costs of rapid growth.

The Chair suggested that the Board pursue alternative strategies for controlling growth besides building caps. However, the Town Attorney advises that the point system in the current Ordinance fails to provide equal protection under the law and is a legal liability. The Chair further suggested that the point system problem be corrected while the Board works on alternative strategies for controlling growth cost impacts. Mr. Bergen and Ms. Roth concurred by suggesting that the Board focus on qualitative rather than quantitative standards.

Mr. Cain suggested that a public hearing be scheduled soon in order to build public support.

The Board generally agreed to eliminate the point system and exclude Accessory Apartments from growth permits to be presented to the public for reaction. The Chair will take it to the Board of Selectmen for their input and the Town Manager to solicit input from Department Heads on impact growth concerns.

Item 2: Discussion: *Land carrying capacity as factors in determining subdivision compliance with approval criteria*

Given the results of the Kennebunk River Study water testing results and the increasing problems with small clustered lots on marginal soils, the Planner proposed investigating basing minimum lot sizes not on location in a specific zone in Arundel, but based upon the lot's soils, topography, and land cover

ability to support a septic system, well, and a reasonable dwelling location with sufficient yard area. He referenced several communities including Chester New York, the Soil Conservation Service (SCS) soil surveys, and *Soil Base Lot Sizing* prepared by the Society of Soil Scientists of Northern New England (2003).

Jamie Lowery noted that since many of the soil carrying capacities were prepared by the SCS back in the late 1970s, the septic technologies have changed significantly. While these systems are much more effective than pipe and stone leach fields, long term effects of nutrient loading are unknown. The Board advised the Planner to seek the assistance of a hydrogeologist to establish more facts before proceeding further.

Item 3: Discussion: *Proposed changes to Cluster Subdivision Standards in 9.3.12 and the Subdivision Regulations in relation to carrying capacity*

The Planner referred to the checklist of questions in the January 6th memo regarding the effectiveness of the mandatory cluster subdivision provisions in LUO section 4.5 and 9.3.12. In response, the Board arrived at the following conclusions:

1. Cluster Subdivision is preferable unless the applicant shows a more compelling and beneficial conventional subdivision plan. The Board must establish clear objectives that are to be achieved by a cluster or a conventional subdivision. Mr. Lowery pointed to the Bartlett Farm as an example of good cluster project that preserves open space and creates a good neighborhood environment.
2. There should be a maximum to the reduction of the clustered lot. Mr. Bergen suggested that depending on the resident demographic undersized lots can be exchanged for active well-maintained and equipped common areas. The Board agreed that the PB should use its discretion to determine lot sizes based on a host of factors including, yard area, available septic and well locations and reserves, setbacks from roads, privacy, soils, topography, and buffers.
3. Landscaping should be provided in lieu of road buffers in the R1 and DB1 districts and any urbanized portion of Town. The Project buffer should be retained in more rural areas and the R3 and R4 districts and should be extended to 50 feet of no cut area.
4. All buffer and screen areas must be either owned by the Homeowners Association or conveyed to a land conservation group.
5. Large lot subdivision should be permitted but with design conditions to preserve either conceal the development from the road or preserve areas of rural openness and expansiveness. The Board debated whether minimum lot area should be 5 or 10 acres. Building locations should remain the discretion of the Board. Subsequent splits of large lots are prohibited.

ADJOURN

Motion: Ms. Roth moved and Mr. Morin seconded the motion to adjourn the meeting at 9:26 pm

Vote: *Unanimous in favor.*

Respectfully submitted,



Tad Redway
Secretary Pro Temp to the Planning Board

