

Union Planning Board Minutes
Thursday, September 12, 2019, 6:30 p.m.
Continued to Tuesday, September 17, 2019 (w/Board of Selectmen)
William L. Pullen Municipal Building Downstairs Meeting Room

Present: Maria Pease (Chair), John Mountainland, Robin Milliken, Jerry Brooks

Others Present: Town Manager Jay Feyler, CEO Grant Watmough, Catherine Meyer, Robert Milliken, Sarah Drickey, Mike Drickey, John Shepard, Barbara Fang, Anita Brown, Peter Duffy, John Gibbons, Judith H. Murphy, Karina Shorten, Barbara Vittum, George Ebbinghousen, P. Jaine Jacobs

Additional Present on September 17, 2019: Dale Flint, Greg Grotton, John Shepard, Adam Fuller, Joshua White, Sandy Patrick, Town Attorney Roger Therriault, Jim Justice, Lorain Francis, Erik Amundsen, Debra Lowtwait, Bill Lombardi, Holly Lombardi, George Page, Rai Bernheim

Public Hearing September 12, 2019
(Changes to Land Use Ordinance and Subdivision Ordinance)

1. Opened at 6:30 p.m. by Maria Pease

Information not included at Town Meeting is now before you. CEO Grant said there were no specific standards for cluster development; Town Attorney did send standards for cluster development. All here is the same as at Town Meeting and Public Hearings, with pages 36-40 being the difference. Fifteen standards written by the Town Attorney were inserted, some as written, some expanded.

Sarah Drickey brought up road standards.

Mike Drickey cross-checked old documents versus new.

Topics included minimum lot size for cluster development and community facilities impact, as well as not being discriminatory as to who would live in developments hence referring to Town Attorney.

CEO Grant reiterated State septic requirements must be met. State law and plumbing regulations are required to be part of this.

Maria Pease said they need to demonstrate enough water for their project, domestic and fire safety.

Mike Drickey asked about impact of what they're building on water, sewer, traffic, schools which in his opinion is what was taken out of the regulations.

Karina Shorten warned against developers mincing words.

Maria Pease said there are standards that apply to almost all you are talking about. We thought we could use this and look at a cluster application and decide, but we will defer to legal. There are reasons we took out a bulk of comfortable standards we could have used.

Maria and CEO Grant said we could continue this public hearing.

Performance guarantees and septic warranty for cluster housing were brought up.

Maria clarified "burden of proof": cluster not that different from regular subdivision.

Peter Duffy talked about badness being offset by some goodness. There should be no way land is taken from residents.

John said Comprehensive Plan 2017 does address cluster development as not necessarily negative; it can be a good thing and successful with proper ordinances.

Peter said he would like to have it explained later, specifically what can be done with open spaces.

In sum Maria Pease said we didn't satisfy the removal of the impact-based standards. They were removed. The Board felt comfortable, but removal could be explained. Reference to Comprehensive Plan, ultimately a vision where ordinances should dovetail including about undeveloped land.

Jerry Brooks said we should have Town Attorney Roger Therriault on impact analysis studies. Grant said good solution. Maria said he is the author of the document.

John Gibbons said the impact that was deleted applied to all subdivisions, not just cluster.

Maria agreed changes were made to subdivision ordinance. We don't have a separate one for cluster.

John Gibbons' concerns: all cluster deleted from subdivision ordinance. All cluster deleted from land use. Four paragraphs, four pages reappeared ok; what could an applicant not do under the old ordinances that can now be done under these?

Maria said we have no applicant. Things brought up in the past include road standards and overall size of development. It's been constructive. At one time the Land Use Ordinance Committee did exactly what you did, what Mr. Drickey did, that was the purpose of that board. Now it's up to the Planning Board. Most times if we need revisions, we ask Roger or Grant to do the research. The whole issue of rewriting ordinances boils down to who is a) capable and b) has time. We paid legal counsel, reviewed it, feel comfortable with it. Not perfect. Dynamic document.

Jerry Brooks said the impetus behind the change was due to inquiry where we found faults. We could have waived it, but it seemed disingenuous. That's why we're here, that's why we adjusted. To waive all would make Town vulnerable to legal.

Grant said he went to the Town Attorney, who gave us info, and we also went to the Rockport subdivision ordinance when it came to street definitions. Certainly, Rockport deals with that more than we do. Regarding street standards, we used a model subdivision from the Southern Maine Regional Planning Commission.

2. **Motion to recess at 8:09 p.m.** by: John Mountainland
2nd by: Robin Milliken
4-0

**Continuation of Public Hearing September 17, 2019
(in conjunction with the Board of Selectmen's scheduled meeting)**

1. **Motion to reconvene recessed Public Hearing of September 12, 2019 at 6:30 p.m.**
by: Maria Pease
2nd by: Robin Milliken
4-0

Maria explained that the ordinance changes came about when a person interested in cluster development was represented by Gartley & Dorsky (Engineering & Surveying), who suggested some revisions to our Land Use and Subdivision Ordinance. The revisions presented at Town Meeting were not complete due to an administrative issue. It was voted to look at the ordinance again; we did, we completed the document and had a public hearing on September 12. During that

public hearing we had residents, the Drickeys, produce a document comparing proposed changes to existing. The document was presented to us that night. We asked for more time to go over it with the CEO and Town Attorney.

Maria cited the Comprehensive Plan 2017 - 2027, Item 23 on the Subdivision Ordinance being amended to promote affordable housing and environmental protection. It is up to the Planning Board, Ordinance Review Committee (disbanded), Board of Selectmen and Town Meeting vote. She said they did the work; it is a work in progress; and they went in what they think is the right direction to go for cluster development. She added that the Planning Board would like this to stay on the ballot.

She said the impact-based studies that were removed were, in their opinion, discriminatory and either too broad or overly restrictive. She added we don't require community facilities standards review for anything besides subdivisions. In her opinion we don't have a lot of huge subdivisions or many at all. Grant said since 2001, we have had three subdivisions, all small.

Maria feels these changes treat applicants fairly and are something the Planning Board can work with. If the Board of Selectmen wishes to have an Ordinance Review Committee again, great.

Sarah Drickey shared a letter from Karina Shorten and Alan Boyer, which spoke of moving to Union with a young family in the last three years and being concerned about unfettered development. The letter said there seem few protections to check commercial or residential development. They are concerned about eroding protections and ask how the proposed changes will benefit the town. They would like to see the ordinance protect what makes the town unique, and the quality of life they came here to experience. They see no need to weaken the ordinance.

Sarah expressed concern about lack of impact statements.

Erik Amundsen expressed concerned about sewer systems, as we're getting a lot of dense population; he mentioned the store on 17 having a negative effect on the town. He would like a moratorium, so we don't allow the town to go downhill. He said people are attracted to Union, sales are astronomical, and if there is a change of character it will have deleterious effect. He is in favor of cluster housing but believes studies should be done.

Debra Lowtwait said there are not a lot of properties in town available to people needing traditional financing. She wonders if there is a way to incentivize developers to utilize derelict properties.

Adam Fuller said he builds, develops, and is not a big fan of the store; however, we want to pave our roads, maintain our roads, and get broadband. Either we bring in business, or we bring in people. He's all for anything that entices first time homebuyers or elderly one-story. He thinks cluster development can be a great use of land, and we shouldn't turn up our noses at it. He added we were looking at cluster development five years ago.

Town Attorney Roger Therriault said he has not seen an ordinance like this in a town this size. It can be a slippery slope. There are provisions that allow the Planning Board to get information it needs such as effects on town services and facilities. Studies such as traffic studies can be expensive and time consuming. The purpose of any ordinance is to strike a balance between the people who live here versus the rights of a landowner to do what's possible on his or her land – public versus private. A lot of this information he has never seen in a subdivision ordinance. It becomes potentially discriminatory – demographics, effects on the school system, etc. Most of the time there is not a lot of impact, so making developers spend more time and money on these types of things does not happen often. He said to remember as well – this is Union. There is no public sewer system and very limited water in two locations. This is governed by state law. The Planning Board has a list of standards that address all these issues. How much further down the road do you want to go adding things you can't enforce?

Maria mentioned a cell phone tower report request, after which an engineer had to be hired to interpret the report.

Grant reminded that a cluster subdivision is still a subdivision thus subject to all that criteria.

Roger added the burden is on the developer to come forward and demonstrate to the board that requirements have been met and will be satisfied. The subdivision ordinance has very specific issues that must be dealt with in order to get approval. Many don't require impact studies and probably shouldn't.

The state also has a list of criteria. John Gibbons confirmed and thanked Roger.

Adam said in in Union you can put out a better home for the consumer. He is finishing a house in a Rockport subdivision, where they are paying more money for the same house – soils study, engineering, CMP transformer fee is higher. The big scary developer will pass costs on to the homeowner. Maybe that's people want. He thinks a bigger market for Union is more entry level, affordable homes. If you get kids in the school system, they're not going anywhere for 18 years. They will be opening businesses. There will be a steady tax base. It's not Rockport Harbor, where you have residents three months a year then dark. Those are the types of homes you get with all these rules. We want people who live, work, and raise a family here. Getting rid of red tape is a win win in his book.

Maria said she got involved with a subdivision on Barrett Hill, was treated fairly by the Planning Board, and wanted to be part of it. She believes they are doing a good job.

P. Jaine Jacobs asked about two sources cited, Southern Maine Regional Planning Commission on type of street, and Rockport on street description.

Grant answered that he did research to see what other towns were doing about street specifications. It appeared what Rockport had for a definition fit ours; our definition right now is awful – a collector road services 15 lots, for example, which is not accurate but that's what it says. Rockport addresses trips per day which is much more realistic. Why Southern Maine? He said our own regional planning board is having problems, not readily available, no model; his though was Southern Maine deals with this more often.

Greg Grotton said it seems like just a handful has a problem. He was born and raised here, served 20 years in the military, and had one desire when he retired: to go back to Union, his hometown. There were changes but same town, same people. You're going to have change no matter where you go. The best we can do is come up with ideas and plans to make sure the growth is done in the right manner. We already voted on these changes, and they will be voted on at Town Meeting in November.

John said his biggest concern was that it looked like regulations in the Subdivision and Land Use Ordinance had been removed with no explanation as to why. Since then it's come to light that four pages were left out of what was presented at Town Meeting. Since then he has a lot of concerns, but he can deal with them by argument and other means. We share these concerns. He sees no reason to block passage.

John Shepard pointed out the 4 pages were accidentally left out. That's been resolved.

Sarah wanted to confirm so all these changes – the red and the green as well – will be included in November. Maria said yes.

Sarah explained she is not against cluster development but comes from an area where houses were built back to back, because they were not strict enough in their rules.

Maria reminded we have the ability to amend and continuously revise these docs. This is not being done in fear. She believes this document addresses our needs.

Sarah asked if Common Road could handle 64 or 150 cars more daily?

Jay answered originally it was Route 17 and not designed for high speed.

Adam thanked the Planning Board for all their work on this He said like Greg he chose to come back to Union, his hometown. He doesn't feel our only weapon is to put ordinances down as fast as we can make them. He would like to see healthy development. We want people growing up here. We don't have that housing inventory, single story 1500 sf, etc. Knox County is an aged county; we need those homes, not the mcmansions. We need livable homes, and this is a great way to open the door. It's scary, but the Planning Board watches. They still have to go through the Board of Selectmen. He urged people not to come from a place of fear and to be involved.

2. Adjourn: 7:17 p.m.

Motion by: Jerry Brooks

2nd by: Dale Flint

4-0

Respectfully submitted by:

Sherry Abaldo
Secretary