

07/10/06

Town of Damariscotta
Planning Board Meeting
July 10, 2006
Minutes

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ROLL CALL:

Chairman of the Board, George Parker called the meeting to order at 7:33p.m. There was a quorum present throughout. Members present were Jonathan Eaton, Paul Stevens, George Parker, and Fred Sewall.

The audience included:

- Florence Bourgon, 62 Bristol Road, Damariscotta, ME – Neighbor to McConnell project.
- Ernest Bourgon, 62 Bristol Road, Damariscotta, ME – Neighbor to McConnell project.
- Janet K. Wynne, 52 Bristol Road, Damariscotta, ME – Abutter to McConnell project.
- Bonnie R. Wynn, 52 Bristol Road, Damariscotta, ME – Abutter to McConnell project.
- Rev. Edward J. Wynn, Jr., 52 Bristol Road, Damariscotta, ME – Abutter to McConnell project.
- Jane Herbert, 14 High Street, Damariscotta, ME – Abutter to McConnell project.
- Raymond Cole, Academy Hill Road, Newcastle, ME – Applicant – Negenia Change in Use at 95 Biscay Road.
- L. Cole, Academy Hill Road, Newcastle, ME – Applicant – Negenia Change in Use at 95 Biscay Road.
- Raymond McConnell, 22 High Street, Damariscotta, ME – Applicant – Change in Use at 22 High Street.
- Marilynn McConnell, 22 High Street, Damariscotta, ME – Applicant – Change in Use at 22 High Street.

1. Minutes

The Board was presented with and reviewed a draft copy of the minutes for the June 5, 2006 meeting. Paul Stevens made a motion to approve the minutes as presented. Jonathan Eaton seconded the motion. The Board voted 3-0 to approve the June 5, 2006 minutes as submitted.

2. Raymond & Marilynn McConnell - Change in Use Application – Convert portion of residence into 3 room Bed & Breakfast – 22 High Street.

George Parker reminded the Board that the McConnell's had previously been before the Board for preliminary discussion on this project. Parker asked Mr. McConnell if he had notified abutters. Mr. McConnell confirmed that he had and submitted the proof of notification to the Board. The Board reviewed the application & drawings. Parker noted that there were no exterior modifications planned for the building. Mr. McConnell agreed. Parker asked if the entire building was to be sprinkled. Mr. McConnell stated that it would be and that his contractor had made that application with the State Fire Marshall's Office as required. Parker reviewed the site plan and asked Mr. McConnell if the trees had been cut down yet. Mr. McConnell stated that they were and except for pavement, the parking area has been established. Parker stated that they would still need to obtain a construction permit from the Fire Marshall's Office, but that there should not be any issues since the McConnell's have decided to sprinkle the entire building. Mr. McConnell stated that he had actually gone to the Fire Marshall first, so that was all set. Parker stated that Board could approve the application contingent upon receipt of the Fire Marshall's permit because once it's issued the Town gets a copy.

Parker then acknowledged some abutters present in the audience and explained to them that they would have an opportunity to speak. Parker mentioned to the Board that the McConnell's currently have and plan to use their own septic system. He noted that there was a letter from Great Salt Bay Sanitary District Superintendent Marry Bowers included in the application, stating that they could hook into the public system if ever needed. Parker asked Mr. McConnell how many bedrooms were in the home. Mr. McConnell told him there were 8 bedrooms. Parker asked if he knew the age of the existing system. Mr. McConnell did not, but he stated that he had a letter in his application from Ken Cotton. He went on to say that there will actually be less usage as proposed then with the previous owners because they had 5 children.

Fred Sewall made a motion to consider the McConnell's application complete. Jonathan Eaton seconded the motion. The Board voted 3-0 in favor of considering the application for Change in Use complete.

George Parker then opened the floor for questions and comments from the abutters. The Bourgon's spoke from the audience about an ongoing issue they've had since they moved in 14 years ago. He told the Board that they had standing "water" and raw sewage that ran onto their property. He stated that it was believed to have come from the McConnell's property (previous owners) and

the septic system had failed and was replaced 10-12 years ago. Jonathan Eaton expressed an extensive knowledge of the property and disagreed with there ever being a system failure. He recalled a sewer line getting crushed sometime in the 1970's or so and causing a back up in the basement. He went on to say that it was caught & replaced. Mr. Bourgon told the Board that he has had on going issues with coli- form & raw sewage in his yard for years from a number of sources. The Great Salt Bay Sanitary District had been working with them for quite some time to try and remedy the issue. When they ran the new sewer line down the road they did find some contributing issues and fixed them. Mr. Bourgon expressed concern that a Bed & Breakfast may contribute to the problem and feels the McConnell's should be forced to connect to the public system as a preventative measure. Reverend Wynn spoke from the audience in support of the McConnell's project. Mrs. Bourgon asked if they McConnell's planned any sign for the corner of High Street and Bristol Road. Mr. McConnell told them they did not plan to put a sign at the intersection of High Street & Bristol Road. They only plan a sign right in front of their property and out on U S Route 1.

Parker stated the principal issued appears to be the septic system. Eaton questioned whether the Codes Enforcement Officer could substantiate any of the complaints, stating that there were a lot of other homes above the Bourgon's home that may be contributing. Mrs. Bourgon told the Board that Mary Bowers had records of their ongoing problems and stated that she felt it was a good idea to take preventative measures. Eaton stated that it might be a good idea, but asked if it was fair to require the McConnell's to abandon a working, 8-bedroom septic system and incur the cost of hooking into the Town system for unsubstantiated issues. He then stated that he felt they should verify that the problem originated at the old Sanford place. Fred Sewall asked what the cost was to hook into the town sewer. Mr. McConnell told him it was a substantial cost. There is an impact fee to pay because of the change in use, then there is the actual connection and then there is an additional fee because of the sprinkler system. Mr. McConnell told the Board that he feels if it is not broken, why fix it. He told the Board that they have the back up plan in place and will be more than happy to undergo those expenses if necessary. He then reiterated that they were planning a seasonal use and did not plan to be full every night. The usage will be less than what it was when the Sandford's owned it. Jane Herbert asked what the time line was for hooking into the town system if necessary. Both Parker and Eaton stated that it would be almost immediate; the Sanitary District does not wait. Parker acknowledged that there is some apprehension about operating a B & B on a private system, but stated that the McConnell's have had professionals inspect the system and confirm that it is currently operating properly. There is a level of comfort in knowing that there is a backup plan in place.

Paul Stevens asked the McConnell's about lighting. Mr. McConnell stated that they did not really think about additional lighting, but now that it was brought up, they may add some low solar lighting along the parking area and along the driveway.

Paul Stevens made a motion to approve the McConnell's application contingent on the Town's receipt of a construction permit from the Fire Marshall's Office. Fred Sewall seconded the motion. The Board voted 3-0 in favor of approving the McConnell's application for Change in Use.

3. Raymond Cole – Negenia, LLC – Change in Use Application – Convert residence into Take Out Food Restaurant – 95 Biscay Road

Raymond Cole presented the Board with an application for Change in Use with site plans. He told the Board he was proposing to convert the residence at 95 Biscay Road into a seasonal take out restaurant serving mainly seafood. He submitted his proof of notification to abutters as well as proof of ownership. Mr. Cole told the Board the lot was approximately 10 acres in size and the portion of the property he was using was located in Commercial Zone C. He told the Board he was still waiting for his septic system plan from Ken Cotton. He stated that the soil test had been done and the system was all designed and laid out on the ground, Mr. Cotton just hasn't had the time to do the actual paperwork for the permit. He told the Board he was planning an "enviro septic system". They were putting in a 1,000-gallon grease trap and a 1,000-gallon septic tank with a pumping station. He went on to state that they were not planning a toilet at this time, so the tank is only for gray water. Parker asked Mr. Cole if he planned to use only the Heater Road as access. Mr. Cole stated that he was. Parker asked about water and Mr. Cole stated that they planned hook into the well at Billings & Cole across Heater Road (Mr. Cole owns Billings & Cole as well). Parker then asked the Board if they felt they could act on the application without an approved septic permit. Mr. Cole told him they were all set to open up, except for the septic plan and they were hoping for approval contingent on receipt of an approved septic permit. Fred Sewall asked him how far along Ken Cotton is. Mr. Cole confirmed that it was all done except for putting it on paper, all the blue flags were laid out on the lot. Sewall stated that if that was the case, he would be comfortable in approving the application with the contingency of the septic system attached. Parker acknowledged receipt of letters from both the Fire Department and the Police Department.

Fred Sewall then made the motion to approve the application for change in use contingent upon the receipt of an approved septic permit and installation of said septic system; meet all Fire Marshall requirements; and obtain all required State licenses to serve food. Paul Stevens seconded the motion. The Board voted 3-0 to approve the application for change in use with the above-mentioned contingency.

4. Other Business – Procedural Changes?

There was discussion about possible changes in Planning Board procedures regarding who does the advertising and number of copies required for submission. Parker noted that the Land Use Committee was currently working on updating the ordinances to reflect some of these changes. The Board opted not to make any decisions but to think about the items in question and possibly discuss it further next month.

Adjournment: The meeting was adjourned at 9:00 PM

Fred Sewall made a motion to adjourn. Paul Stevens seconded the motion. The Board voted 3-0 in favor of adjournment.

George Parker, Chairman

Jonathan Eaton

Wilder Hunt

Respectfully Submitted by:

Pande Paul Stevens

Rebecca J. Bartolotta

Fred Sewall

DAMARISCOTTA PLANNING BOARD