

10/02/06

Town of Damariscotta
Planning Board Meeting
October 02, 2006
Minutes

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4. Other business – Discussion – hours of operation – Ferrailo Concrete 74 Biscay Road, Damariscotta.

ROLL CALL:

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

The audience included:

- Mia Feltis, 294 Harrington Road, Pemaquid – representative for Mia's Shear Perfection – Applicant – Site Review to construct new building on Church Street for use as Hair Salon.

- Kevin Feltis, 294 Harrington Road, Pemaquid – co-representative for Mia’s Shear Perfection application for Site Review.
- Dale Wallace, 10 South Road, Damariscotta – representative – Ferrailo Concrete discussion.
- John Ferrailo, Owls Head – Ferrailo Concrete – discussion.
- William Fraser, 74 Biscay Road, Damariscotta – Ferrailo Concrete discussion.
- Barbara Fraser, 74 Biscay Road, Damariscotta – Ferrailo Concrete discussion.
- Neal Scott Connell, 648 Main Street, Damariscotta – Applicant – Change in use at 648 Main Street.
- Ann A. Trepanier, 648 Main Street, Damariscotta – Applicant – Change in use at 648 Main Street.
- Seth Hagar, 479 Egypt Road, Damariscotta – concerned citizen – Ferrailo Concrete discussion.
- Justin Hagar, 58 Willow Lane, Damariscotta – concerned citizen – Ferrailo Concrete discussion.
- Wayne Brewer, Boothbay Harbor – representative – Ferrailo Concrete discussion.
- Bill Burge, Boothbay – representative Poole Brother’s Lumber – abutter – Ferrailo Concrete discussion.
- Patti Whitten, Main Street, Damariscotta – abutter to Connell / Trepanier change in use.
- Steven Drake, Chief of Police Damariscotta – Ferrailo Concrete discussion.
- Kim Fletcher – Lincoln County News

1. Minutes

The Board was presented with and reviewed a draft copy of the minutes for the September 11, 2006 meeting. Jonathan Eaton made a motion to

approve the minutes as submitted. Fred Sewall seconded the motion, but noted some spelling errors. The Board voted 3-0 (including Parker) to approve the September 11, 2006 minutes. A clean copy will be submitted at the next meeting for Board signatures.

2. Mia Feltis, Mia's Shear Perfection – Site Review Application – construction of building & parking area for use as hair salon on Church Street.

George Parker stated that he did the site drawings for the Feltis Site Review so he should abstain from action on that application, however he also noted that with only 2 voting members present, there would not be a quorum to take official action and vote on the application. In an effort to wait for another member, Parker decided to take the other agenda items first.

Parker stated that the Feltis' had a limited amount of time to decide whether or not to purchase the property. The Board noted that there did not appear to be any abutters present at the meeting for the Feltis project, therefore if they did not object, Parker could participate & vote on the application. Mrs. Feltis stated this would be fine.

Parker stated that he had visited the site and questioned whether or not the site distance would be adequate for the type of use suggested. Parker stated that it was close and some trimming of some trees may help. He told the Board that Road Commissioner Sutherburg seemed to think the permit issued to the previous owner would be grandfathered. The Board discussed whether it could be grandfathered if the permit granted was for residential use and the proposed use was commercial. It was determined that the Road Commissioner should measure the site distance and review the proposed use. The Board asked how many vehicle trips in Feltis would estimate daily. She stated she thought she

had maybe 35-40 customers a day. Mr. Feltis asked the Board to remember that it was not a business where everyone came or left at the same time. The Feltis' also stated that they did not want to do something unsafe. Sewall stated that if Mr. Sutherburg still felt it was acceptable then he would go with that decision. Parker noted it would also need a permit from the Fire Marshall's Office.

Jonathan Eaton made a motion to approve the application for Site Review contingent upon the Damariscotta Road Commissioner, Terry Sutherburg's approval of the site distance & Fire Marshall's approval. Fred Sewall seconded the motion. The Board voted 3-0 (including Parker) in favor of the motion.

3. Neal Connell & Ann Trepanier – Preliminary Discussion – Change In Use – residence to retail at 648 Main Street.

Due to the possible problem with a quorum on the Feltis application, George Parker opted to take up the Connell / Trepanier application first.

Parker stated that at the preliminary discussion last month the only issue was that letters from the Fire Department and Police Department were missing. Parker noted the receipt of letters from both of these agencies, and that there were no issues from either agency. The Police Chief only required that cars not be allowed to park on the street. Parker asked the Board if they had any issues. Fred Sewall asked about abutter notification. Parker stated that those were done previously.

Fred Sewall made a motion to approve the application for Change in Use as submitted. Jonathan Eaton seconded the motion. The Board voted 3-0 (including Parker) in favor of approving the application for Change in Use at 648 Main Street.

5. Other business

- Discussion – hours of operation – Ferrailo Concrete 74 Biscay Road, Damariscotta.

Still waiting for the possibility of a quorum, Parker decided to engage in informal discussions about the Ferrailo Concrete hours of operation issue. Noting that he did not get official notices out to the parties involved, Parker told the audience the matter would need to be addressed more formally at the next meeting. Parker stated that he recalled discussion about hours back when the application was originally addressed. He went on to say that he could not find his copies of the minutes of that meeting to review exactly what was decided. Parker stated that Mr. Hilton has stated that his recollection is that it was 6:30 am, other members of the Board have stated that they thought it was 6 am. He went on to say that he remembers discussion at that meeting about an occasional earlier start, but that he could not remember the specifics. Parker then asked William Fraser, present in the audience and former owner what he recalled. Fraser stated that he remembers vague discussion about the hours, but nothing was put in concrete, it was to be “reasonable hours”. Fraser went on to say that 5:30 – 6 AM was the normal, but he did not recall anything written as part of the conditions of approval. Fraser told the Board that they had come to an informal agreement that if they had an early pour and had to start up earlier than usual, they would contact Mr. Hilton to “warn” him and this seemed to alleviate the problem somewhat. Fraser also stated that the area where this property is located is a primarily commercial zone. Parker brought up the fact that the business was originally started without first obtaining permits, Fraser disagreed with this, and showed copies of permits they obtained.

Fred Sewall told them that the Board understands that it is a noisy business. Parker stated that in all fairness to everyone involved, this needs to be formally addressed to get everyone on the same playing field and see if some agreement could be made. He went on to state that it would be officially scheduled for the November agenda.

Barbara Fraser asked the Board what they were hoping to come to an agreement about. Parker told her hours of operation. She then asked if it was just specifically for Ferrailo. Parker stated that Ferrailo was the only business creating noise. John Ferrailo asked if there was just the one person complaining and if it is common practice to change requirements to suit 1 person. The Board stated that it was not, but it has been ongoing for some time, and Mr. Hilton is really the only residential abutter in that area.

Jonathan Eaton asked about retrieving the official record of the meetings in question. Parker stated he might have to come to Town Office and dig through the minutes himself. Eaton stated that he thought it was important to review the record on file prior to the discussion. Eaton stated that he recalled 6 AM being discussed. Parker stated that with the exception of Paul Stevens, the current Board was in on those discussions, so they are somewhat familiar. It was noted that the Site Review was in 2001.

Parker stated that if it could be determined what was originally decided, then that needs to be adhered to. He went on to say that they are not looking to change the rules mid-stream, but with a new owner, it is important to get something down in writing to avoid having noise issues at 3 AM. He told the room that it is very vague in the Ordinance, and that is being addressed in the Ordinance Review Committee, but that will only effect new projects.

Dale Wallace, an employee of Ferrailo, told the Board that he is changing the location on the lot, where they wash out the trucks as well as constructing a retaining wall, all in an effort to block or reduce the sound.

Parker stated that the matter would be tabled until the November meeting.

- **Helgerson cottage on Pemaquid Lake**

Parker brought up a matter that may come before the Board in November. There are proposed alterations to an existing cottage. Parker stated that he could not get the numbers to work for him, so it needed to be looked at. Eaton stated that he is familiar with the location and stated that it needed to be scrutinized because it was very close to the beach. The Board agreed. Parker stated that he had not spoken with CEO Campbell yet, but by adding a loft, they were essentially adding a bedroom and he questioned the presence of a septic system capable of handling the additional use.

Parker stated that if the Board authorized it he could work with the Codes Enforcement Officer to ensure the Shoreland Zoning Ordinance was adhered to, rather than require them to come before the Board. The Board agreed.

Adjournment: The meeting was adjourned at 8:30 PM

Jonathan Eaton made a motion to adjourn. Fred Sewall seconded the motion. The Board voted 3-0 (including Parker) 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