

05/07/07

Town of Damariscotta
Planning Board Meeting
May 5, 2007
Minutes

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5. Sarah Burnham-Site Review-Grill Zilla Lunch wagon
6. French Family-Preliminary subdivision
7. Cabell Curran-Convert 7 rental units into 7 condos. Subdivision

ROLL CALL:

Chairman of the Board, George Parker called the meeting to order at 7:30. There was a quorum present throughout. Members present were Jonathan Eaton, Wilder Hunt, George Parker and Fred Sewall.

The audience included:

- Tony Dater, Planner for Damariscotta
- Cabell Curran-Applicant-Condo Conversion-Elm St
- Sarah Burnham-Applicant-Grill Zilla-Main St
- Jean & Bob Strong-Abutters to Cabell Curran project
- Valerie Seibel-Abutter to Cabell Curran project
- Tony Joh-Applicant-Gourmet Store-Main St "Quacks"
- Sarah Davison-Jenkins-Applicant-Gourmet Store-Main St. "Quacks"
- Edwin M. Stelzer-Concerned Citizen
- Joe Rice-Applicant-Shore land Building Permit-Fir Tree Lane
- Richard Sundberg-Abutter-Cabbell Curran project
- Andy Spekke-Contractor for Joe Rice-Shore land Bldg permit-Fir Tree Lane
- Mike Szucs-Applicant for French Subdivision project
- Ben Crehore-French property
- L. Mylow-Abutter to Cabell Curran project
- John Mann-Agent for Owner-French & Curran project
- Bruce Benner-Preliminary Applicant-Apts/Condo's on Main Street

1. Minutes

The Board was presented with and reviewed a draft copy of the minutes for the April 2, 2007 meeting. Jonathan Eaton made a motion to approve the minutes as presented. Wilder Hunt seconded the motion. The Board voted 3-0 to approve the April 2, 2007 minutes as submitted.

Old Business:

Karl Olsen, agent for Cabell Curran presented the Board with the Mylar, indicating 10 parking lots with no disturbance to the ground/lawn.

George Parker confirmed that all letters required have been received (Fire Dept, Road Commissioner, Sanitary District etc.)

Fred Sewall questioned if there were any issues with the shore land zoning.

Cabell responded that there weren't any, there would be no expansion; the plan is based on the original footprint.

George Parker called for public comment.

Bob Strong; abutter; stated he was in favor of project. Only concern was if the building size was to be increased it may interfere with a portion of his view of the river.

Cabell responded to Mr. Strong that the second floor may need to be reconfigured; due to the steepness of the stairs therefore it may interfere with the view.

Ed Stelzer; concerned citizen, and son-in-law to a renter of building stated that the renters were not notified of potential sale and/or conversion to condos. Nicholas Baird has had people move into that apartment as recently as March 1, 2007, and those individuals were not told that the building was in the process of being sold. Unset, inconsiderate, and no respect or concern is shown to tenants. This project is about greed. There are tenants in the building that are unable to attend these meetings, nor were they informed of such meeting. The buyer has not notified tenants of purchase or any plans. Will a 30 day notice be given? Where's the compassion, or concern for the fellow human being. He is very displeased at the buyer and the seller. People need more than 30 days. Mr. Stelzer suggest to the planning board to require a 90 day notice. It won't help this situation; however it may help in future projects. Shouldn't the renters have to be notified and not just property owners?

George Parker stated that the ordinance only requires owners of buildings need to be notified, not the individual tenants of such buildings, the Town stays out of owner/renter sector, but felt it could probably go into the notification section of the ordinance.

Cabell informed Ed Stelzer that he, legally, was unable to contact any of the tenants about the proposed project. If he had, that would leave him open to a potential law suit from the current owner. If he notifies tenants, and then decides not to buy, or can't get funding, and people begin to move out on that basis, I'm open to be sued.

George reassured Cabell that the ordinance is for abutters notification, not tenants.

Ed Stelzer reiterated that the Board look at putting the requirement on the seller for a 90-day notification to tenants etc.

Jonathan Eaton questioned the time frame for this project.

Cabell Curran is hoping to start of the exterior, roofing etc, in 3 weeks start gearing up.

Jonathan Eaton asked what the set of rules were for eviction.

George Parker stated the State has set of rules/laws to follow, but not sure of the exact procedure, and then suggested Ed Stelzer research those laws.

Ed Stelzer asked Cabell if he was the only principal involved with this purchase.

Cabell Curran stated he was.

Ed Stelzer asked how much notice he was giving the tenants.

Cabell said he would probably work within the 30-day, but has to wait for financial information, didn't feel comfortable giving exact day notice would be given. He plans on meeting with every tenant.

Dick Sundberg questioned if there were going to be any exterior changes.

Cabell Curran said no changes were to be made at this point, other than making all siding/clapboard match.

George Parker closed the public hearing.

Wilder Hunt questioned who's responsibility, (seller, buyer, Board of Selectmen, Planning Board); it was to research the laws for notifying tenants.

George doesn't feel its any ONE group or persons responsibility, but that it would definitely be good to address it. He then questioned Tony's knowledge on the issue.

Tony Dater felt it was a state issue, the human element and good will definitely are good to have in these issues but....Tony will check with MMA (Maine Municipal Association) in regards to this.

Jonathan Eaton felt a short sentence in the ordinance allowing abutters and tenants be notified would be good.

Sarah Burnham wondered how an applicant would do that. How are they to know who the renters are?

George Parker replied that it would be up to the abutter to notify his/her tenants.

Tony Dater suggested at the 'Purchase and Sale Agreement' time the notification of tenants could come into play.

Ed questioned Cabell on when he had purchase agreement.

Cabell Curran responded about a month ago, but did not have financing til the end of last week.

George Parker called for motions separately for site review application and subdivision application.

Wilder Hunt stated the application was complete and motioned to accept as submitted. Jonathan Eaton seconded motion. Application was approved with a vote of 3-0.

Jonathan Eaton motioned to accept the subdivision application for 'Coveside Condominiums'. Wilder Hunt seconded motion. Subdivision application was approved with a Board vote of 3-0. All members present signed the Mylar.

New Business

1. Nick Chasse Change of Use Application-Commercial to Residential

Nick Chasse presented the Board with plans indicating the changes to parking and gravel, along with the apartment plans on second floor, above garage.

George Parker stated that he has heard positive public comments on the project considering the size and location of the project.

Nick Chasse said plantings will also be incorporated.

George Parker asked Tony Dater if there were any issues or concerns with the application.

Tony Dater said there were not any.

George Parker wants to keep a 15' grass buffer between buildings.

Nick agreed that there would be a buffer.

Jonathan Eaton motioned to accept project contingent on a 15'buffer; and with second story apartment. Fred Sewall seconded motion. The Board voted 3-0 to approve project contingent with the 15'buffer.

2. Sarah Davison-Jenkins Change of Use Application

Tony Joh, husband and co-applicant presented sketch/plans of the Gourmet shop, specialty sandwiches, wine cheese, etc. There will be no cooking, and it will be take-out style. Will be adding a mop sink, attached to the restroom with a sliding door, and building a low wall to hide mop sink. He stated they do not have a sign design in place yet, but will come back to the Board for approval then.

Fred Sewall made motion to approve application. Jonathan Eaton seconded motion. The Board voted 3-0 to approve application as submitted.

3. Lori Rice-Shore land Zoning Application-50 Main Street-Renovations to existing camp.

Joe Rice stated they were making renovations to the camp, initially going to raise house and put a foundation, however the more they dug into the project, they realized the house was rotting in the middle.

Fred Sewall asked if the camp was sitting on posts now.

Joe Rice confirmed it was.

George Parker asked if there was a well

Joe Rice replied no. There are very little allowable moves to be done with camp and setbacks because of the septic. It has to stay where it is due to a stream and the necessary tree removal that would need to be done. Where they are in shore land they are unable to cut anymore trees, and really don't want to cut the trees.

Jonathan Eaton asked if they were changing the footprint.

Andy Spekke, builder for Rice, confirmed there would be a change; it would be wider by 6' and no existing deck now.

Wilder Hunt questioned if this was within the 30% increase.

Andy Spekke informed the Board that the plans comply as Neil Campbell, CEO has instructed.

Joe Rice noted that if they have to push the house back, push the septic back, then they find themselves encroaching on the stream.

Fred Sewall believed they have done all that could be done to abide by the ordinance. Fred made motion to approve the application. Wilder Hunt seconded motion. The Board voted 3-0 to approve application.

4. Sarah Burnham-Site Review application-603 Main St-Open Take-Out lunch wagon. (Grill Zilla)

George Parker reminded the Board members that last year the agreement was to allow them to operate due to the lateness in the season (being August 24th, 2006) Sarah Burnham stated that she sent out all notices, however one was refused due to the recipient no longer owns the property.

George Parker asked if there were any changes.

Sarah Burnham noted that there were an additional 2 picnic tables added, some landscaping done.

Fred Sewall questioned if Sean Welton still owned the property.

Sarah Burnham stated he did, that she was just leasing the property. They would be serving out of the truck; the building is for prep and clean up.

Tony Dater questioned whether or not the grilling would be outdoors.

Sarah Burnham stated they have a screen tent that is where all grilling is done. The business will only be open May to October. It's mostly takeout, but occasionally there are the people who want to just sit there and eat.

Jonathan Eaton was concerned about the traffic, with the additional picnic tables it invites people to stay, which could cause traffic problems with the entering and exiting of the area.

Sarah Burnham stated they would not be adding any other picnic tables; the room is just not there. If they grow at all, it will be to a different location. There is just no room on the lot for growth.

Fred Sewall made motion to accept the Change of Use application as submitted. Jonathan Eaton seconded motion. The Board voted 3-0 to approve the application.

5. French Family Trust-Preliminary Subdivision application at 86 School Street

Jon explained the concept. Right now there are 3 lots, no development is in the makes as of yet, this is basically a reconfiguration of land, and potentially re-zone area to extend commercial

George question whether or not the lot labeled 2 is for housing.

Jon stated probably, the zone rural; therefore if it gets developed it will be residential

George Parker then asked about lot #1

Jon felt, most likely, the concept is to use make a pod of some residential housing. At this point they are waiting for engineers, wild life assessment professional assessment and wetland assessment going on now to go through the area for animals and natural resources.

Wilder Hunt wondered if Piper Mill Road is able to accommodate growth.

Jon felt it was more than suitable, but will have to check once they get to that aspect of the project.

Wilder Hunt stated the project is so undefined that he's not sure what the can motion on.

Jon stated right now we're only looking to define plot lines. The next few weeks will bring more information.

George Parker asked if they were going to keep the cross country path

Jon is hoping to, also exploring the possibility of allowing utility pathway along the property, he will be meeting with Mary Bowers on the 10th of May.

Other Business

Bruce Benner is looking to develop his land on Main Street. He is looking to build apartment buildings, approximately 16 units. (4 buildings with 4 single unit per building) in the back half of the lot.

George Parker asked what the site distance visibility was for exiting the entrance. Bruce Benner believed it to be approximately 500ft, and stated he has applied for entrance permit from the State, but hasn't heard back as of yet. Bruce has spoken with Mary Bowers and needs to speak with the fire chief on obtaining fire hydrants and the whole process on how to do that.

George suggested setting an appointment to meet with Tony Dater, and questioned when he was looking to get this started.

Bruce Benner stated possibly this fall or next spring. He'd like to see the earthwork start this fall.

George Parker asked if there would be development out in front of the apartment area.

Bruce Benner believed he would, possibly commercial rentals, or commercial buildings. The present plan for the apartment is 2 story-single bedroom. He then questioned what needs to be filled out on the site review application.

George Parker went down through the list on the application and informed them of the areas they need to be concerned with. A build up analysis should be done.

Tony Dater asked if the lot would stay as one for this project and then subdivide later on.

Bruce Benner confirmed that was his plan. Just wants to get something up and started on the land.

George suggested getting in touch with MDOT would be beneficial to them, and they may need a topographical contour, impact of storm water run off etc. It's a possibility that you might need to hire an engineer to do a study and how to plan the site. He then noted that there will be a town vote on June 12, 2007 for a new ordinance to be enacted. If you get here for the June meeting, you would be grandfathered. If the new ordinance is approved in June and you come in July, you will need to abide by the new ordinance.

Adjournment

Fred Sewall made motion to adjourn meeting at 10:15p.m., Jonathon Eaton seconded motion. The Board voted 3-0 in favor of adjournment.

George Parker, Chairperson

Jonathan Eaton

Respectfully Submitted,

Cheryl M. Pinkham

Wilder Hunt

Pande Paul Stevens

Fred Sewall

DAMARISCOTTA PLANNING BOARD