

TOWN OF DAMARISCOTTA

PLANNING BOARD MEETING AGENDA

When: Monday, March 7, 2022 - 6:00 PM

Where: Town Office

Note - Also available by Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/87884360311>

Meeting ID: 878 8436 0311

Pledge of Allegiance

REGULAR MONTHLY MEETING for March 7, 2022

MINUTES January 3, 2022 Meeting

A. OLD BUSINESS

1. Amendments to PUD Provisions and Dimensional Requirements to Improve Utilization of Sewer Accessible Land for Residential Development - Public Hearing

B. NEW BUSINESS

1. Additional Amendments to the Land Use Ordinance to Update Medical-Related Definitions and Uses – Public Hearing

C. OTHER

1. Questions from the public
2. Housekeeping
3. Planner's Reports

D. ADJOURN

## Memorandum

**To:** Damariscotta Planning Board

**Fm:** Bob Faunce

**Dt:** February 28, 2022

**RE: Amendments to PUD Provisions and Dimensional Requirements to Improve Utilization of Sewer Accessible Land for Residential Development**

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At the Planning Board meeting on November 8, 2021 we discussed a proposed set of amendments intended to better utilize the limited amount of land in Damariscotta accessible to sewer by, among other things, reducing some minimum lot sizes and increasing residential densities for Planned Unit Developments. The following is a summary of those proposed changes.

- Up to one-half of the land area excluded from net residential acreage may be included when calculating permitted residential density
- The minimum project area is reduced from 10 acres to 5 acres
- Minimum lot area and road frontage for lots fronting on a private road may be reduced by 50%
- More than one principal building may be located on an individual lot with reduced setbacks (zero lot line development, similar what is now permitted in the Open Space Subdivision provisions)
- All residential buildings are to be sited so they have a relationship to the open space rather than requiring them to physically abut the open space
- A minimum of one-third of the gross acreage of a PUD must be retained as common open space
- The minimum lot sizes in the Residential and Rural Districts would be revised to be consistent with the Commercial 2 District.

The following are questions and concerns posed by Planning Board members about the proposal and my responses.

- What is the capacity of the GSBSD? *The wastewater treatment plant is now at about 50% capacity after about 35 years of operation. The state will not require the district to begin planning for additional capacity until it reaches 80% capacity.*

- Will additional residential development put the school system near to capacity? *The comprehensive plan committee will be investigating school facilities and capacities with AOS93.*
- Can new residential units be located above commercial spaces? *Mixed use buildings will be permitted in the C2 District.*
- Impact of the proposal on the tax base. *Almost all new residential development including congregate care and assisted living facilities will be taxable.*
- What sewer accessible land is available for new development and how many new lots could be created? *It is not possible to directly determine the number of potential new lots so I have created the following image which shows the approximate area served by sewer. The "X's" are land that is not available for development. As is evident, there is not much land that can be developed for new housing, making it even more important that we better utilize what sewer accessible land we now have.*



I have attached the proposed amendments. In consultation with the Chairman, I posted them for a Public Hearing at our March 7, 2022 meeting.

## Amendments to the Land Use Ordinance Related to Housing

### §101.6.G Planned Unit Development

1. Purpose. The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed except that for a planned unit development that is served by public water and sewer, up to one-half of the land area excluded from net residential acreage may be included in calculating permitted residential density.
2. Basic requirements. Planned unit developments and cluster developments shall meet all of the following criteria:
  - a. All planned unit and cluster developments shall meet all requirements for a residential subdivision.
  - b. The minimum area of land in a planned unit development or cluster development shall be ~~510~~ acres.
  - c. Any lot abutting a public road shall have a frontage and area no less than normally required in the District. On other than public roads, any individual lot's ~~lot~~ area and road frontage may be reduced by not more than ~~50~~30% from the requirements of the District in which the proposed development is located provided that:
    - i. ~~No building lot shall have an area of less than 10,000 square feet.~~
    - ii. ~~All lots except those abutting a circular turn-around shall have a minimum frontage of 75 feet.~~ The frontage of lots abutting a circular turn-around may be reduced to 50 feet, provided that the minimum lot width at the face of the building shall be 75 feet.
  - d. In no case shall shore frontage be reduced below the minimum shore frontage normally required in the District.
  - e. Except as provided for in §101.6.G.c, lots in the planned unit development or cluster development shall meet all other dimensional requirements for the District in which they are located.
  - f. ~~The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the District.~~
  - g. If more than one principal building or accessory structure is located on an individual lot, they shall be separated by a minimum of 10 feet at their closest point unless fire protection codes require a greater separation.
  - h. The setback from any internal property line shall be 20 feet.
  - i. No building shall be located within 50 feet of the overall external perimeter of the planned unit development. This required setback shall be maintained as a vegetated buffer except for road, utility and similar crossings where the development abuts a property in residential use at the time of approval of the development.
  - j. All residential dwelling units shall be sited so that each dwelling unit has a relationship to the common open space. Every building lot that is reduced in

~~area below that amount normally required shall abut such common land for a distance of fifty (50) feet.~~

- k. At least one-third of the gross acreage of the planned unit development shall be retained as common open space. All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the building lots, by a trust or association or by the Town which has as its principal purpose the conservation or preservation of land in essentially its natural condition.
- l. Further subdivision of common land or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational conservation uses may be erected on the common land.

#### Add to §101.4 Definitions

Net Residential Area or Acreage – The area of a parcel, which is suitable for development as determined by the Planning Board, shall be calculated by subtracting the following from the total or gross acreage of a parcel:

1. Total acreage that is used for street and sidewalk rights-of-way.
2. Portions of the parcel containing slopes over thirty-five (35) percent.
3. Portions of the parcel shown to be within the 100-year flood plain and floodway as designated on Federal Emergency Management Agency (FEMA) maps.
4. Portions of the parcel located in the Resource Protection District.
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
  - 5.1. Water table at or near the surface for all or part of the year.
  - 5.2. Unstable soils such as Searsport Mucky Peat.
6. Portions of the parcel covered by surface waterbodies. Where the extent of unsuitability in a specific case requires interpretation, the Planning Board shall be guided by whether or not the potentially unsuitable area could be incorporated and used in parcel if the entire tract were developed as a traditional minimum size subdivision.

Net Residential Density - Net Residential Density shall mean the number of units per net residential acre.

§101.5.D, Dimensional Standards

Dimensional Standard <sup>8</sup>	District <sup>2</sup>					
	GR	C1 <sup>7,15</sup>	C2 <sup>7, 14</sup>	R	WC	M
Minimum land area						
-Sewered	10,000 sf per <del>for</del> the lot <u>first principal building or DU, 6,000 sf thereafter</u>	10,000 sf	10,000 sf per first principal building or DU, 6,000 sf thereafter	10,000 sf per-first principal building or DU, <u>6,000 sf thereafter</u>	13	10,000 sf per principal building

## Memorandum

**To:** Damariscotta Planning Board

**Fm:** Bob Faunce

**Dt:** February 28, 2022

**RE:** Additional Amendments to the Land Use Ordinance to Update Medical-Related Definitions and Uses

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The Planning Board approved a number of changes to the Land Use Ordinance and the Use Table at September 13, 2021 Public Hearing. Since that time we met with Lincoln Health and Sandy River Group to discuss their interest in developing an assisted living project in Damariscotta. During the course of that meeting and follow-up discussions, we found that several medical/assisted living/congregate care-related definitions in the Land Use Ordinance were missing, outdated and/or were not consistent with state regulations. To address this situation I am proposing the following minor changes to the draft approved by the Planning Board.

Page 3 – add a definition of assisted living facility (assisted living facility is now listed in the Table of Uses but lacks a definition)

**Assisted Living Facility:** *A residential facility that provides supervision, assistance with activities of daily living, recreational activities, dietary services housekeeping and care management. An assisted living facility may provide medication administration and nursing services.*

Page 4 – revise definition of congregate care and independent living facilities

**Congregate Care and Assisted Independent Living Facilities:** *A residential facility that is primarily engaged in providing residential and personal care services for the elderly and/or other persons who are unable to or do not desire to live independently. The care typically includes room, board, supervision, and assistance ~~in~~ with activities ~~in~~ of daily living, such as housekeeping, community spaces, common dining areas, transportation, meal service and other specialized services such as medical support and physical therapy. These services may be provided in private apartments or multiple tenant rooms with community spaces and common dining areas.*

Page 8 – add definition of nursing care facility

**Nursing Care Facility:** *A facility that provides 24-hour skilled nursing care services, rehabilitation and long term care nursing services to patients or residents. Nursing care facilities are regulated and licensed by the State of Maine.*

Page 9 – add definition of residential care facility

**Residential Care Facility:** *A facility that provides residents in need of supervision, assistance with activities of daily living, recreational activities, dietary services, medication administration and nursing services, but do not require skilled nursing care services. Some residential care facilities provide specialized assisted living services including memory care.*

Page 14 – amend the institutional uses to be consistent with the new or revised definitions

	GR	C1	C2	R	WC	M
<u>Congregate care and independent living facilities, assisted living facilities, institutions or services for the disabled, nursing care facilities, residential care facilities, group care facilities</u>		C	C	C		
Hospitals, medical clinics, <del>institutions or services for the disabled, nursing or convalescent homes, group care facilities</del> <sup>8</sup>			C			

In consultation with the Chairman, I posted these changes for a Public Hearing at the March 7, 2022 meeting. If the Board approves the changes, they would be forwarded to the Selectmen for consideration at their March 16, 2022 public hearing.