



Town of Damariscotta
Planning Board Meeting Agenda
Monday, December 19, 2022 – 6:00PM
Hybrid Meeting: Town Office & via Zoom

Join Zoom Meeting: <https://us02web.zoom.us/j/88985249796>

Meeting ID: 889 8524 9796

Passcode: DamaPB

1. Pledge of Allegiance
2. Call to Order
3. **Public Hearings:**
 - a. Site Plan and Conditional Use Applications to establish a registered marijuana caregiver retail store by renovating the existing building and adding a crushed stone parking area on site at **95 Biscay Road** (Tax Map 1, Lot 67)
 - Applicant: Danielle & Charles Simmons (dba “Above & Beyond Cannabis”)
 - Zone: C-2
 - b. Planning Board Remote Meeting Policy
4. Review of Meeting Minutes: November 7, 2022
5. Other Business:
 - a. Questions from the public (an opportunity for the public to ask questions on items not on the agenda)
 - b. Planner’s Report
6. Adjournment

Table of Contents

Item	Page Number
3. a. Public Hearing: Site Plan and Conditional Use Applications for Danielle and Charles Simmons	
• Staff Review Memo & Recommendation	3
• DRAFT Findings of Fact	14
• Application & Supporting Materials	24
3. b. Public Hearing: Planning Board Remote Meeting Policy	44
4. Review of Meeting Minutes: November 7, 2022	48



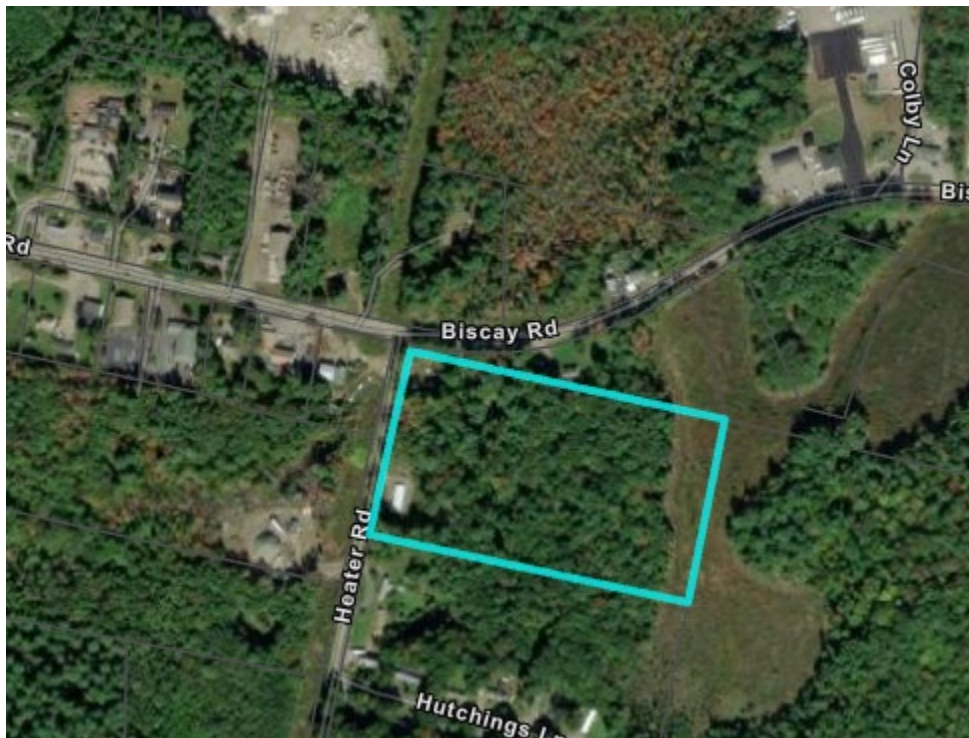
AGENDA ITEM #3A
Meeting of December 19, 2022

Site Plan & Conditional Use Applications – Above & Beyond Marijuana Caregiver Store

95 Biscay Road – Danielle & Charles Simmons
PID #2204

INTRODUCTION

Applicants Danielle and Charles Simmons (doing business as “Above & Beyond Cannabis”) are seeking Site Plan and Conditional Use approval in order to establish a registered marijuana caregiver retail store at 95 Biscay Road. The applicant plans to renovate the existing building and add a parking area on site. The parcel is further identified as Assessor’s Tax Map 1, Lot 67 and it is located within the C-2 Zoning District.



Notices of the pending application were mailed on November 28, 2022 to 5 property owners abutting the subject property and were posted at the Town Office. No abutters objected to the application and therefore a public hearing is not required, per Sec. 102.5(G) of the Damariscotta Town Ordinances.

This submission is being reviewed pursuant to Chapter 102, Section 102.6: Performance Standards [Site Plan Review]; Chapter 101, Section 101.9: Appeals & Conditional Uses; and for compliance with the Town’s adopted Comprehensive Plan.

SUBMISSION CHRONOLOGY

Application Received:	November 28, 2022
Pre-Application Date:	N/A
Deemed Complete for Planning Board:	December 5, 2022

PROJECT DATA

Zoning:	C-2	
Land Area:	10.45 acres	
Existing Land Use:	Multiple (building to be located is vacant, + a self-storage facility)	
Proposed Land Use:	Registered Caregiver Retail Store (Medical Marijuana Establishment)	
	Allowed:	Proposed:
Max. Building Height:	40 feet	N/A – unchanged
Min. Front Yard:	20 feet (or the average of existing setbacks on abutting properties)	N/A – unchanged
Min. Side Yard:	15 feet	N/A – unchanged
Min. Rear Yard:	15 feet	N/A – unchanged
Min. Off-Street Parking*:	4/1,000 s.f. of floor area	6 parking spaces

*Pursuant to 102.6(H)(7)(i).

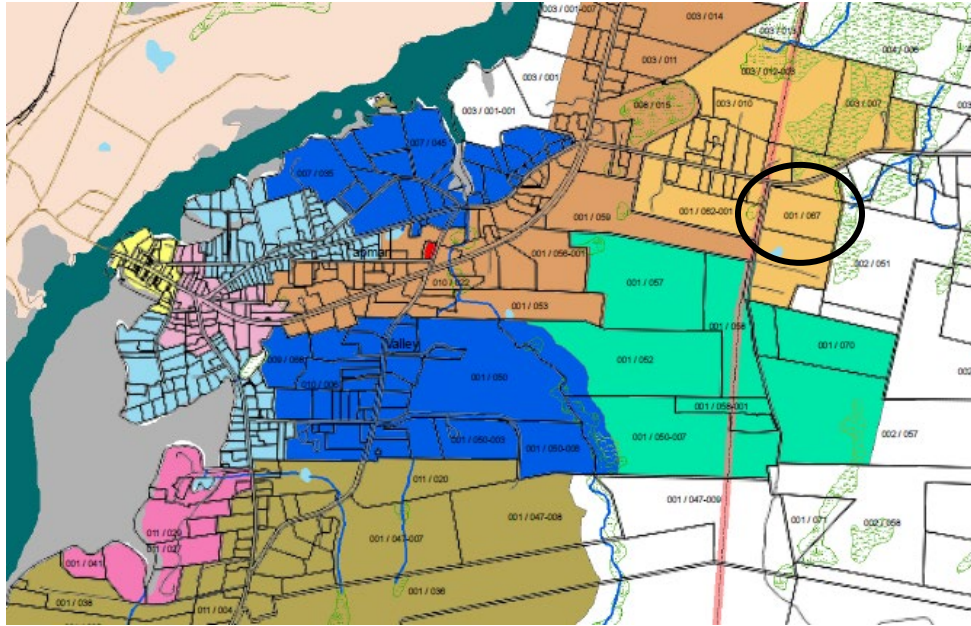
REVIEW PROCESS

The applicants previously received Site Plan and Conditional Use approval for their existing business, located at 464 Main Street, on [September 14, 2020](#). The applicants have indicated that, as their current building is being sold by its owner, they decided to seek alternate locations for their business.

The licensing process for marijuana establishments in Damariscotta is two-fold. First, the applicants must ensure that they meet all applicable requirements of the Town’s Land Use and related “zoning” ordinances (including obtaining any Planning Board approvals). Then, the applicants are able to submit application for a Medical Marijuana Establishment License to the Town Clerk. Once the License application is deemed complete, the Selectboard will be required to hold a public hearing and make a determination thereon. Approval of the Planning Board **does not** require that the Selectboard approve the Medical Marijuana Establishment License and does not preclude the Selectboard from doing their own due diligence on the License application.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The 2014 Comprehensive Plan (adopted June 2014 and subsequently revised in February 2015) notes that the subject property is within the Outer Commercial Corridor Growth Area (per the Future Land Use Map, page 34 and below).



Growth Areas are the areas where the Town expects growth and development to occur. The anticipation is that most residential and non-residential development will occur in these areas. The Outer Commercial Corridor Area anticipated that, "... The types of non-residential uses allowed in this area should include office, service, and community activities. Small-scale retail and restaurant uses should be permitted but should be required to meet design and performance standards."

As noted in the analysis of the project below, the project meets the required design and performance standards as outlined in Sec. 102.6 of the Site Plan Review Ordinance. Thus, the project is in compliance with the Comprehensive Plan vision for the area.

ANALYSIS OF PROJECT

Site Plan and Conditional Use applications are subject to the standards outlined in Chapter 102, Section 102.6: Performance Standards [Site Plan Review]; Chapter 101, Section 101.9: Appeals & Conditional Uses.

Staff's analysis of the Site Plan and Conditional Use standards are organized by topic below, with references to the corresponding provisions.

1. **Sec. 102.6(A): Preserve and Enhance the Landscape**

As the application is to renovate an existing building (the highlighted building on the provided site plan), impacts to the natural landscape as a result of this project will not occur. Existing bufferyards will be preserved in their natural states.

2. Sec. 102.6(B): Relationship to Environment and Neighboring Buildings

As noted in the project data table above, changes to the space and bulk of the existing building are not proposed as part of this application. No new structures are proposed as part of this application.

The parking area is designed for six cars and will be set back at least 50 feet from the front property line and at least 30 feet from the westerly property line. As designed, the project meets the requirements of Sec. 102.4(B)(2) and (B)(3).

3. Sec. 102.6(C): Air Quality

In order to mitigate potential concerns of marijuana-related odors, the applicant has indicated that they plan to install a UVB ventilation and sterilization system within the building. This is also a requirement of the Medical Marijuana Establishment Licensing Ordinance. Dust, ash, and smoke are not anticipated as a result of this use.

4. Sec. 102.6(D): Lighting and Glare

The applicant is proposing to install motion detecting exterior lighting, to be mounted on the building. The applicant has submitted information regarding the lighting which shows that it is 3000K LED lighting.

Per Condition #9, all exterior lighting fixtures shall be full cut-off (shielded) fixtures and shall not be placed higher than 16 feet on the building.

No rotating or flashing lights are proposed with this application.

The applicant has adequately demonstrated to the Board that the proposed lighting is appropriate for the intended use, given the security requirements outlined in the Town's Medical Marijuana Licensing Ordinance (Sec. 902.11), which requires motion detecting lighting.

During nighttime hours, exterior lighting shall be turned down to the minimum level required for security. Condition #10 reaffirms this requirement.

The project as designed and conditioned meets the standards of this section.

5. Sec. 102.6(E): Noise

All noise during construction and once in operation will be required to adhere to the provisions of this section, including staying below the sound level limitations as described. For a project abutting a residential use (as this one does, to the east), the sound level limits are 55 dBA between 7AM and 7PM, and 45 dBA between 7PM and 7AM. Condition #9 reaffirms this requirement.

6. Sec. 102.6(F), (G), (H), and (I): Traffic, Circulation, and Access

Trips

According to the Institute of Traffic Engineers (ITE) Trip Generation Manual, 10th Edition, the proposed use will generate approximately 7 customer trips per day.

The applicant has indicated that they have two full-time employees. One will work 9AM-5PM and the other will work 11AM-7PM. There is also a part-time employee who will be on-site variable hours, for approximately 10 hours each week. Thus, in addition to the estimated customer trips, there will be approximately 6 additional trips to the site per day (3 entering and 3 exiting).

Access

Existing access to the site is via Heater Road, where sight distances are adequate from the parking area. There is also site access from Biscay Road. During a review for the previous take-out restaurant business that existed on the site, the Police Chief at the time requested that primary access to the site be from Heater Road, rather than having traffic attempting to enter and exit on Biscay Road. Condition #11 reaffirms this requirement, and requires the applicant to communicate this with their patients both verbally and through signage.

Given the minimal traffic generation anticipated by the proposed development and the lack of sidewalks in the vicinity of the subject parcel, staff does not recommend requiring the applicants to install a sidewalk.

Given the level of traffic generation and the capacity and design of the roadways connected to the site, the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 102.6(F) and (G).

Parking

Site Plan Review Ordinance Section 102.6(H)(7)(i) requires that retail stores or service establishments provide four parking spaces per 1,000 s.f. of floor area, therefore the project requires 2 spaces (the floor area is approximately 384 s.f.). The project will provide for six parking spaces. As designed the parking supplied meets the requirements of Section 102.6(H).

7. Sec. 102.6(J): Existing Public Utilities and Services

Public water access is detailed in item 11 below.

Sewage disposal is discussed in item 15 below.

The applicants have indicated that they will take care of trash disposal themselves by bringing it to the transfer station. There are no known capacity constraints regarding solid waste, therefore the project is consistent with this section.

The Police and Fire Departments are required to review this application for emergency access as part of the licensing requirements for medical marijuana establishments.

8. Sec. 102.6(K): Water Quality

The proposed project will not adversely affect the quality or quantity of groundwater, consistent with Sec. 102.6(K). Storage of bulk fuel or chemicals is not proposed (outside of the normal storage of conventional heating fuel). Underground petroleum tanks are not proposed. Aquifers are not located within the vicinity of the project, according to publicly accessible data from the Maine Geological Survey.¹

9. Sec. 102.6(L): Stormwater Management

The proposal includes adding a crushed stone, six-spot parking area and access drive to the property. The existing property has compacted soil in the areas where gravel will be added. Given the minimal area of impact and the significant buffering on the subject property, staff does not believe that a full stormwater management plan is required nor are these standards applicable. For the Board's knowledge, the DEP only regulates projects where 1 acre or more is disturbed and where 20,000 s.f. of impervious area is proposed.

10. Sec. 102.6(M): Erosion & Sediment Control

As the project does not include any new construction or excavation, an erosion and sedimentation control plan is not required.

11. Sec. 102.6(N): Water Supply

The applicant is proposing to tie into the existing public water available on the site. They have received oral confirmation from the Great Salt Bay Sanitary District that there is adequate public water capacity to serve the proposed use. Condition #12 requires that a written capacity to serve letter from the Sanitary District be submitted to the Town Planner prior to the issuance of a building permit, for the Town's records.

12. Sec. 102.6(O): Natural Beauty

The area around the building where the proposed parking area will go has been cleared previously. However, on the eastern side of the property, a fairly significant wooded buffer exists (see Google Earth image from 2022 under Item 17: Buffer Areas, below). Condition #13 requires that the applicant install fencing around the dripline edge of all trees designated to be protected.

Wetlands will not be impacted by the proposed development.

13. Sec. 102.6(P): Historic and Archeological Resources

No documented archeological or historic resources will be impacted as a result of this project.

14. Sec. 102.6(Q): Filling and Excavation

All excavation will be incidental to the proposed development and are not part of an excavation or filling operation. Thus, this standard is not applicable to this project.

¹ <https://www.maine.gov/dacf/mgs/pubs/digital/aquifers.htm>

15. Sec. 102.6(R): Sewage Disposal

The existing septic system on site was designed to accommodate 230 gallons per day (GPD). A copy of the design has been submitted with the application and was previously reviewed by the Plumbing Inspector when it was approved in 2006. The soils for the site have been found to be sufficient to accommodate the proposed septic system. According to the State of Maine Subsurface Wastewater Disposal Rules, the estimated GPD generated by this project would be 12 GPD per employee (or approximately 36 GPD). Therefore, the project meets the requirements for adequate sewage waste disposal.

It should be noted that the applicant is proposing to utilize a port-a-potty as an employee restroom for the time being, until they can construct a permanent bathroom within the building. Condition #14 requires a bathroom to be constructed within 12 months of the issuance of an approval.

16. Sec. 102.6(S): Phosphorus Control

The subject property is not located within the watershed of a great pond; therefore, this standard is not applicable.

17. Sec. 102.6(T): Buffer Areas

A fairly significant buffer (>200 feet) exists between the existing structure and the adjacent residential parcel. As shown in the photo below, from Google Earth imagery updated through 2022, this buffer is fairly wooded. The applicants are not proposing to clear any of the existing buffer as part of the project.



18. Sec. 102.6(U): Signs

Future signage will be regulated in accordance with the Damariscotta Sign Ordinance.

19. Sec. 102.6(V): Building Appearance

The applicant is planning to locate in an existing building and renovate the interior. The existing building has a gabled roof and clapboard siding. The applicants have indicated that they also plan to remove (and possibly replace) an existing deck, replace the existing windows, and replace the door with a more secure one. They have also indicated that they plan to paint the interior of the building (and possibly the exterior as time and money allows). Condition #15 reaffirms the requirements of Sec. 102.6(V) to ensure that future renovations meet the standards of this section.

Conditional Use Standards

1. Sec. 101.9(C)(2)(a): Conditional Uses

The proposed use will meet the requirements of the Town's Site Plan Review Ordinance, as described in the analyses above. The Town's Land Use Ordinance provides a limit on the location of medical marijuana establishments, defined as "a registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility," in Sec. 101.6(T). In accordance with this section, "A medical marijuana establishment may not be permitted or operated within 1,000 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school." The proposed project is located approximately 1,060' from a known pre-school's parking lot, as demonstrated by the map below.



The potential effect of the use on the environment (from air, water or soil pollution), noise, traffic, congestion, soil erosion, the burden on the public sewer and water systems as well as other municipal services have been taken into consideration and have been analyzed in the requirements above. As noted, the proposed use will not have an adverse effect on the health, safety, or general welfare of the public.

WAIVERS

The applicant has not requested any waivers as part of this project.

RECOMMENDATION

Based on the review of the project and all information in the record, staff recommends the following action:

Approve the Site Plan and Conditional Use application of Danielle and Charles Simmons, dated through November 28, 2022; for Above & Beyond Cannabis, at 95 Biscay Road, subject to the following conditions:

Conditions of Approval

Condition	Staff Assigned	Must be Completed By:
1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.	Town Planner	Ongoing
2. All adopted conditions of approval and any waivers granted shall appear on the face of the plans submitted for building permits, and the face of the subdivision plan, if applicable.	Code Officer	Prior to Issuing Building Permit
3. Prior to the issuance of a building permit, the applicant shall pay all outstanding review escrow account fees.	Town Planner	Prior to Issuing Building Permit
4. This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.	Code Officer	Ongoing
5. Prior to submitting a building permit, the applicant shall submit two hard-copy plans at 24" x 36" size to the Town Planner with all conditions and waivers listed on the plans.	Town Planner	Prior to Submitting a Building Permit
6. The applicant shall secure a Building Permit and all applicable local licenses from the Code Enforcement Officer in coordination with the Town Planner, Fire Department, and all relevant review authorities, prior to commencing any construction activities.	Code Officer	Prior to Issuing Building Permit
7. Only the topsoil directly impacted by proposed buildings, access ways, and parking areas may be removed from the site without returning to the Planning Board for further review.	Town Planner	Ongoing
8. All exterior lighting fixtures shall be full cut-off (shielded) fixtures in accordance with Section 102.6(D).	Town Planner	Ongoing
9. All noise associated with the proposed development shall be regulated in accordance with the provisions of Sec. 102.6. Applicants and their contractors are well-advised to familiarize themselves with that section of the Town's Ordinances.	Code Officer	Ongoing

	Condition	Staff Assigned	Must be Completed By:
10.	Prior to the issuance of a Certificate of Occupancy, the applicants will be required to submit a plan to turn down lighting to the minimum extent practical for security purposes at night. This will need to be reviewed to the satisfaction of the Code Enforcement Officer, Town Planner, and Police Chief.	Town Planner	Prior to Certificate of Occupancy
11.	Primary access to the site shall be from Heater Road in order to minimize entering and exiting onto Biscay Road, per the recommendation of the prior Police Chief. The applicant is required to communicate this with patients through signage and verbally.	Code Enforcement Officer / Police Chief	Ongoing
12.	A written capacity to serve letter from the Great Salt Bay Sanitary District related to the provision of public water is required be submitted to the Town Planner for the Town's records prior to the issuance of a building permit.	Town Planner	Prior to Issuing Building Permit
13.	Prior to submitting a building permit, the applicant shall establish fencing at the drip line of all trees that are designated for preservation in the approved Site Plan. No construction staging or other construction-related activity is permitted within the drip line fence barrier.	Town Planner	Prior to Submitting a Building Permit
14.	The applicant is proposing to utilize a port-a-potty as an employee restroom for the time being, until they can construct a bathroom within the building. A bathroom is required to be constructed within the existing building footprint within 12 months of the issuance of an approval, or the applicant is required to return to the Planning Board to offer an alternative solution for the handling of sewage.	Town Planner / Code Enforcement Officer	Ongoing (within 12 months of approval date)
15.	Exterior renovations are required to meet the standards of Site Plan Review Ordinance: Sec. 102.6(V), including but not limited to standards related to windows and building façade colors. Changes to the approved plan that would be in violation of this section are not allowed.	Town Planner / Code Enforcement Officer	Ongoing

Isabelle V Oechsle

Isabelle V. Oechsle

Town Planner

December 19, 2022

ATTACHMENTS:

- Attachment [1] Applicant Response to Comments, dated December 5, 2022
Attachment [2] Site Plan for Map 1, Lot 67



**DAMARISCOTTA PLANNING BOARD
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Date: December 19, 2022

Site Plan and Conditional Use Applications – Above & Beyond Marijuana Caregiver Store

95 Biscay Road – Danielle & Charles Simmons

PID #2204

The Town of Damariscotta Planning Board issues the following Findings of Fact and Conclusions of Law at its duly-noticed meeting of **December 19, 2022**:

- A.** The Planning Board considered the Project, the staff report, and received and considered all written and oral public comments on the Project which were submitted up to and at the time of the meeting for the Project; and
- B.** Notices of the pending application were mailed on November 28, 2022 to 5 property owners abutting the subject property and were posted at the Town Office. No abutters objected to the application and therefore a public hearing is not required, per Sec. 102.5(G) of the Damariscotta Town Ordinance; and
- C.** The project description is as follows:

Applicants Danielle and Charles Simmons (doing business as “Above & Beyond Cannabis”) are seeking Site Plan and Conditional Use approval in order to establish a registered marijuana caregiver retail store at 95 Biscay Road. The applicant plans to renovate the existing building and add a parking area on site. The parcel is further identified as Assessor’s Tax Map 1, Lot 67 and it is located within the C-2 Zoning District; and
- D.** The Project is subject to the following policies and standards of review:
 - a. Chapter 102, Section 102.6: Performance Standards [Site Plan Review];
 - b. Chapter 101, Section 101.9: Appeals & Conditional Uses

E. The core Project Data includes:

Zoning:	C-2	
Land Area:	10.45 acres	
Existing Land Use:	Multiple (building to be located is vacant, + a self-storage facility)	
Proposed Land Use:	Registered Caregiver Retail Store (Medical Marijuana Establishment)	
	Allowed:	Proposed:
Max. Building Height:	40 feet	N/A – unchanged
Min. Front Yard:	20 feet (or the average of existing setbacks on abutting properties)	N/A – unchanged
Min. Side Yard:	15 feet	N/A – unchanged
Min. Rear Yard:	15 feet	N/A – unchanged
Min. Off-Street Parking*:	4/1,000 s.f. of floor area	6 parking spaces

F. Based on its review of the entire record herein, the Planning Board has determined that the Project meets the applicable policies and standards of review, and the Planning Board makes the following findings:

1. Sec. 102.6(A): Preserve and Enhance the Landscape

As the application is to renovate an existing building (the highlighted building on the provided site plan), impacts to the natural landscape as a result of this project will not occur. Existing bufferyards will be preserved in their natural states.

2. Sec. 102.6(B): Relationship to Environment and Neighboring Buildings

As noted in the project data table above, changes to the space and bulk of the existing building are not proposed as part of this application. No new structures are proposed as part of this application.

The parking area is designed for six cars and will be set back at least 50 feet from the front property line and at least 30 feet from the westerly property line. As designed, the project meets the requirements of Sec. 102.4(B)(2) and (B)(3).

3. Sec. 102.6(C): Air Quality

In order to mitigate potential concerns of marijuana-related odors, the applicant has indicated that they plan to install a UVB ventilation and sterilization system within the building. This is also a requirement of the Medical Marijuana Establishment Licensing Ordinance. Dust, ash, and smoke are not anticipated as a result of this use.

4. Sec. 102.6(D): Lighting and Glare

The applicant is proposing to install motion detecting exterior lighting, to be mounted on the building. The applicant has submitted information regarding the lighting which shows that it is 3000K LED lighting.

Per Condition #9, all exterior lighting fixtures shall be full cut-off (shielded) fixtures and shall not be placed higher than 16 feet on the building.

No rotating or flashing lights are proposed with this application.

The applicant has adequately demonstrated to the Board that the proposed lighting is appropriate for the intended use, given the security requirements outlined in the Town's Medical Marijuana Licensing Ordinance (Sec. 902.11), which requires motion detecting lighting.

During nighttime hours, exterior lighting shall be turned down to the minimum level required for security. Condition #10 reaffirms this requirement.

The project as designed and conditioned meets the standards of this section.

5. Sec. 102.6(E): Noise

All noise during construction and once in operation will be required to adhere to the provisions of this section, including staying below the sound level limitations as described. For a project abutting a residential use (as this one does, to the east), the sound level limits are 55 dBA between 7AM and 7PM, and 45 dBA between 7PM and 7AM. Condition #9 reaffirms this requirement.

6. Sec. 102.6(F), (G), (H), and (I): Traffic, Circulation, and Access

Trips

According to the Institute of Traffic Engineers (ITE) Trip Generation Manual, 10th Edition, the proposed use will generate approximately 7 customer trips per day.

The applicant has indicated that they have two full-time employees. One will work 9AM-5PM and the other will work 11AM-7PM. There is also a part-time employee who will be on-site variable hours, for approximately 10 hours each week. Thus, in addition to the estimated customer trips, there will be approximately 6 additional trips to the site per day (3 entering and 3 exiting).

Access

Existing access to the site is via Heater Road, where sight distances are adequate from the parking area. There is also site access from Biscay Road. During a review for the previous take-out restaurant business that existed on the site, the Police Chief at the time requested that primary access to the site be from Heater Road, rather than having traffic attempting to enter and exit on Biscay Road. Condition #11 reaffirms this requirement, and requires the applicant to communicate this with their patients both verbally and through signage.

Given the minimal traffic generation anticipated by the proposed development and the lack of sidewalks in the vicinity of the subject parcel, the Planning Board is not requiring the applicants to install a sidewalk.

Given the level of traffic generation and the capacity and design of the roadways connected to the site, the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 102.6(F) and (G).

Parking

Site Plan Review Ordinance Section 102.6(H)(7)(i) requires that retail stores or service establishments provide four parking spaces per 1,000 s.f. of floor area, therefore the project requires 2 spaces (the floor area is approximately 384 s.f.). The project will provide for six parking spaces. As designed the parking supplied meets the requirements of Section 102.6(H).

7. Sec. 102.6(J): Existing Public Utilities and Services

Public water access is detailed in item 11 below.

Sewage disposal is discussed in item 15 below.

The applicants have indicated that they will take care of trash disposal themselves by bringing it to the transfer station. There are no known capacity constraints regarding solid waste, therefore the project is consistent with this section.

The Police and Fire Departments are required to review this application for emergency access as part of the licensing requirements for medical marijuana establishments.

8. Sec. 102.6(K): Water Quality

The proposed project will not adversely affect the quality or quantity of groundwater, consistent with Sec. 102.6(K). Storage of bulk fuel or chemicals is not proposed (outside of the normal storage of conventional heating fuel). Underground petroleum tanks are not proposed. Aquifers are not located within the vicinity of the project, according to publicly accessible data from the Maine Geological Survey.¹

9. Sec. 102.6(L): Stormwater Management

The proposal includes adding a crushed stone, six-spot parking area and access drive to the property. The existing property has compacted soil in the areas where gravel will be added. Given the minimal area of impact and the significant buffering on the subject property, the Planning Board found that a full stormwater management plan is not required nor are these standards applicable.

10. Sec. 102.6(M): Erosion & Sediment Control

As the project does not include any new construction or excavation, an erosion and sedimentation control plan is not required.

11. Sec. 102.6(N): Water Supply

The applicant is proposing to tie into the existing public water available on the site. They have received oral confirmation from the Great Salt Bay Sanitary District that there is adequate public water capacity to serve the proposed use. Condition #12 requires that a written capacity to serve letter from the Sanitary District be submitted to the Town Planner prior to the issuance of a building permit, for the Town's records.

12. Sec. 102.6(O): Natural Beauty

¹ <https://www.maine.gov/dacf/mgs/pubs/digital/aquifers.htm>

The area around the building where the proposed parking area will go has been cleared previously. However, on the eastern side of the property, a fairly significant wooded buffer exists (see Google Earth image from 2022 under Item 17: Buffer Areas, below). Condition #13 requires that the applicant install fencing around the dripline edge of all trees designated to be protected.

Wetlands will not be impacted by the proposed development.

13. Sec. 102.6(P): Historic and Archeological Resources

No documented archeological or historic resources will be impacted as a result of this project.

14. Sec. 102.6(Q): Filling and Excavation

All excavation will be incidental to the proposed development and are not part of an excavation or filling operation. Thus, this standard is not applicable to this project.

15. Sec. 102.6(R): Sewage Disposal

The existing septic system on site was designed to accommodate 230 gallons per day (GPD). A copy of the design has been submitted with the application and was previously reviewed by the Plumbing Inspector when it was approved in 2006. The soils for the site have been found to be sufficient to accommodate the proposed septic system. According to the State of Maine Subsurface Wastewater Disposal Rules, the estimated GPD generated by this project would be 12 GPD per employee (or approximately 36 GPD). Therefore, the project meets the requirements for adequate sewage waste disposal.

It should be noted that the applicant is proposing to utilize a port-a-potty as an employee restroom for the time being, until they can construct a permanent bathroom within the building. Condition #14 requires a bathroom to be constructed within 12 months of the issuance of an approval.

16. Sec. 102.6(S): Phosphorus Control

The subject property is not located within the watershed of a great pond; therefore, this standard is not applicable.

17. Sec. 102.6(T): Buffer Areas

A fairly significant buffer (>200 feet) exists between the existing structure and the adjacent residential parcel. As shown in the photo below, from Google Earth imagery updated through 2022, this buffer is fairly wooded. The applicants are not proposing to clear any of the existing buffer as part of the project.



18. Sec. 102.6(U): Signs

Future signage will be regulated in accordance with the Damariscotta Sign Ordinance.

19. Sec. 102.6(V): Building Appearance

The applicant is planning to locate in an existing building and renovate the interior. The existing building has a gabled roof and clapboard siding. The applicants have indicated that they also plan to remove (and possibly replace) an existing deck, replace the existing windows, and replace the door with a more secure one. They have also indicated that they plan to paint the interior of the building (and possibly the exterior as time and money allows). Condition #15 reaffirms the requirements of Sec. 102.6(V) to ensure that future renovations meet the standards of this section.

Conditional Use Standards

1. Sec. 101.9(C)(2)(a): Conditional Uses

The proposed use will meet the requirements of the Town's Site Plan Review Ordinance, as described in the analyses above. The Town's Land Use Ordinance provides a limit on the location of medical marijuana establishments, defined as "a registered caregiver retail store, registered dispensary, medical marijuana testing facility, or medical marijuana manufacturing facility," in Sec. 101.6(T). In accordance with this section, "A medical marijuana establishment may not be permitted or operated within 1,000 feet of a public or private educational facility including but not limited to child care facility, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools,

secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.” The proposed project is located approximately 1,060’ from a known pre-school’s parking lot, as demonstrated by the map below.



The potential effect of the use on the environment (from air, water or soil pollution), noise, traffic, congestion, soil erosion, the burden on the public sewer and water systems as well as other municipal services have been taken into consideration and have been analyzed in the requirements above. As noted, the proposed use will not have an adverse effect on the health, safety, or general welfare of the public.

G. The applicant has not requested any waivers of the subdivision review standards.

DECISION:

- H. Based on its review of the entire record herein, including the December 19, 2022 Planning Board staff report; all supporting, referenced, and incorporated documents; and all comments received; the Site Plan and Conditional Use application of Danielle and Charles Simmons, dated through November 28, 2022, for Above & Beyond Cannabis at 95 Biscay Road; is hereby

	YAE	NAE	Absent/Abstain
DENIED			
APPROVED WITH THE CONDITIONS BELOW			

CONDITIONS

Condition	Staff Assigned	Must be Completed By:
1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.	Town Planner	Ongoing
2. All adopted conditions of approval and any waivers granted shall appear on the face of the plans submitted for building permits, and the face of the subdivision plan, if applicable.	Code Officer	Prior to Issuing Building Permit
3. Prior to the issuance of a building permit, the applicant shall pay all outstanding review escrow account fees.	Town Planner	Prior to Issuing Building Permit
4. This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.	Code Officer	Ongoing
5. Prior to submitting a building permit, the applicant shall submit two hard-copy plans at 24" x 36" size to the Town Planner with all conditions and waivers listed on the plans.	Town Planner	Prior to Submitting a Building Permit

	Condition	Staff Assigned	Must be Completed By:
6.	The applicant shall secure a Building Permit and all applicable local licenses from the Code Enforcement Officer in coordination with the Town Planner, Fire Department, and all relevant review authorities, prior to commencing any construction activities.	Code Officer	Prior to Issuing Building Permit
7.	Only the topsoil directly impacted by proposed buildings, access ways, and parking areas may be removed from the site without returning to the Planning Board for further review.	Town Planner	Ongoing
8.	All exterior lighting fixtures shall be full cut-off (shielded) fixtures in accordance with Section 102.6(D).	Town Planner	Ongoing
9.	All noise associated with the proposed development shall be regulated in accordance with the provisions of Sec. 102.6. Applicants and their contractors are well-advised to familiarize themselves with that section of the Town's Ordinances.	Code Officer	Ongoing
10.	Prior to the issuance of a Certificate of Occupancy, the applicants will be required to submit a plan to turn down lighting to the minimum extent practical for security purposes at night. This will need to be reviewed to the satisfaction of the Code Enforcement Officer, Town Planner, and Police Chief.	Town Planner	Prior to Certificate of Occupancy
11.	Primary access to the site shall be from Heater Road in order to minimize entering and exiting onto Biscay Road, per the recommendation of the prior Police Chief. The applicant is required to communicate this with patients through signage and verbally.	Code Enforcement Officer / Police Chief	Ongoing
12.	A written capacity to serve letter from the Great Salt Bay Sanitary District related to the provision of public water is required be submitted to the Town Planner for the Town's records prior to the issuance of a building permit.	Town Planner	Prior to Issuing Building Permit
13.	Prior to submitting a building permit, the applicant shall establish fencing at the drip line of all trees that are designated for preservation in the approved Site Plan. No construction staging or other construction-related activity is permitted within the drip line fence barrier.	Town Planner	Prior to Submitting a Building Permit

	Condition	Staff Assigned	Must be Completed By:
14.	The applicant is proposing to utilize a port-a-potty as an employee restroom for the time being, until they can construct a bathroom within the building. A bathroom is required to be constructed within the existing building footprint within 12 months of the issuance of an approval, or the applicant is required to return to the Planning Board to offer an alternative solution for the handling of sewage.	Town Planner / Code Enforcement Officer	Ongoing (within 12 months of approval date)
15.	Exterior renovations are required to meet the standards of Site Plan Review Ordinance: Sec. 102.6(V), including but not limited to standards related to windows and building façade colors. Changes to the approved plan that would be in violation of this section are not allowed.	Town Planner / Code Enforcement Officer	Ongoing

Planning Board Signatures:

IOechsle@damariscottame.com

Applicant Name: Danielle + Charles Simmens
Mailing Address: P.O. Box 131
Bremen ME 04551
Phone Number: 207 380 7627
Email: AboveandBeyondCannabisLLC@gmail.com

CONTACT PERSON / AGENT INFORMATION

The Planner will only contact one designated person regarding the application. Please identify the primary contact:

☐ Property owner ☒ Applicant ☐ Other (fill out section below):

Applicant Name:

Mailing Address:

Phone Number:

Email:

Danielle Simmons
PO Box 131
Bremen ME 04551
207 380 7627
Aboveandbeyondcanabisllc@gmail.com

PROJECT INFORMATION

Description:

Medical Marijuana delivery/storage/meeting location until we find a new retail location

Is the project located within any of the following? (Please select all that apply):

☐ [Special Flood Hazard Area](#)
☐ Historic District

☐ [Shoreland Zoning Area](#)

APPLICATION TYPE

Please select **ALL** that apply:

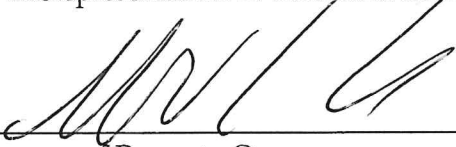
- | | |
|--|---|
| <input type="checkbox"/> Conditional Use Application | <input checked="" type="checkbox"/> Site Plan Application |
| <input type="checkbox"/> Small Wind Energy System | <input type="checkbox"/> Site Plan Pre-application |
| <input checked="" type="checkbox"/> Conditional Use Application | <input type="checkbox"/> Preliminary Major Subdivision |
| <input type="checkbox"/> Final Major Subdivision | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Sketch Plan Pre-application (Subdivision) | |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Zoning Text Amendment |

Note: Please consult with the Planner if you are unsure about which applications you will need.

SIGNATURES

PROPERTY OWNER'S CONSENT REQUIRED:

I declare under penalty of perjury that I am the owner of said property. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.



Signature of Property Owner

11/28/22

Date

I, Raymond E. Cole, authorize the noted applicant or agent named on this application to file this application on my behalf.

OWNER
INITIAL

APPLICANT / AGENT CERTIFICATION:

I certify that all of the information provided within this application form and accompanying materials is true and accurate to the best of my knowledge. I understand that any misrepresentation of submitted data may invalidate any approval of this application.



Signature of Applicant

11/22/22

Date

Danielle Simmons

Print Name and Title

caregiver/owner

To whom it may concern and the town of Damariscotta,

At the address of [95 Biscay Road](#), we intend to put in a medical marijuana caregiver retail store, as well as a tobacco smoking accessories store under Above and Beyond. We opened our current store at the location 464 Main Street in October 2020 during the COVID19 pandemic. In September 2022 when we came up to our lease renewal it became a concern of ours that the building is now being sold. Since opening our store, we have been able to offer new job opportunities to the community as well as allow patients to get top quality products locally at reasonable prices.

We plan to continue to be open 7 days a week between the hours of 9am and 7pm. We have two shifts with the caregiver on duties at times. The shifts are 830am-530pm and 10:30am-730pm. We will use the main entrance as a glass store and convert the already existing partition into an operational medical marijuana retail store front. We will include all necessary security measures for compliance with state and town laws.

Our employees have been trained to check people's IDs as soon as someone enters through the door. There will be a "21+ or medical card only" sign on the door. If someone does not reach one of these standards, they will not be allowed entrance (unless grandfathered under MT21). If they request to go into the medical room, they will have to show ID and medical card to the employee, if they do not they will be told they cannot be served.

We will hire a security specialist to install a top-of-the-line security system. We will make sure the entire store is well lit with soft white lighting. We will have cameras covering every interior and exterior inch of the store making sure everything is visible at all times. We will have cameras pointing at every door in order to view anyone who enters or exits the building. We will also have a camera pointed at every Point of Sales (POS) monitor and cash register. The hard drive holding these files will be capable of holding them for at least 90 days and will have a cloud backup. We will have locks and deadbolts on every door- including locks on the windows and a motion detector system inside with an alarm system that is audible and monitored. The monitoring will allow the licensee and police to be called need be. We will also install motion detecting lights outside the entire building.

We have a fully registered caregiver, Danielle, who can employ the budtenders legally to sell medical marijuana to patients who come in. We will sell items including but not limited to concentrates, tinctures, edibles, pre rolls etc. along with other items related to marijuana. We will use the BiotrackTHC POS system to monitor and keep track of all our sales and stock. We will install a UVB

ventilation and sterilization system in the building to eliminate any potential odors. The limited access areas will be behind the cash registers.

We plan to start with six display cases (subject to change), four of them will be used for the tobacco accessory store. (See attached floor plan). These display cases will have papers, lighters, bowls, chillums and other smoking accessories. Behind the counter we will have shelves stocked with different accessories including but not limited to butane torches, butane, and CBD products.

The medical partition will be in the already separated room. When you enter the partition there will be 2 display cases with all our different products that we previously listed. Behind the display we will have a locking refrigerator to refrigerate concentrates and edibles. The customers will not have access to any marijuana themselves.

The smoking accessories store will be a business where the employees assist customers by taking the glass items out of cases for purchase, as well as assisting with the purchase of the other items that are behind the counter. They will direct customers to the items they are looking for and check them out using the POS system. The employees will wrap the glass items with bubble wrap and tape, then bag the items before the customers leave the store. They are responsible for receiving the money and putting it into the POS system. They will also keep track of inventory according to the POS system and take in deliveries, stock items, and add them to the POS.

The medical marijuana retail storefront employee will have a more intricate job. They will be responsible for checking the medical cards of the patient they are serving as well as putting their information into the indicaonline program. They will be responsible for telling the patient the medical capabilities of each strain and item as well as weighing them up on a scale if we do not have it prepackaged. They will be responsible for receiving the money given to them and putting it into the register.

We will take care of the disposal of trash ourselves.

The costs to start our store in this new location will be the initial rent and a deposit of \$1,600. The application to the state is \$330 (we will just need to do a change of address). The price of the license is \$5,000 (I already hold this licensing for our current location, so it will just be a change of address). The security will cost \$3,000 to install (we have already purchased the cameras needed). We will need to set-up phone and internet which will cost roughly \$200.

It will take us approximately \$15,000 to renovate. This includes removing (possibly replacing) the deck, replacing the windows, replacing the door with a much more secure one, installing insulation, removing the sinks that are in place now, repainting the inside of the building (possibly the outside too) and building a parking lot that will be suitable for 6 cars year-round. At this time the location

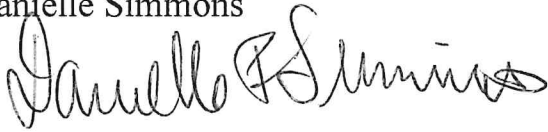
doesn't offer a restroom so we will ask permission to have a port-a-potty until I can get a professional to install a bathroom.

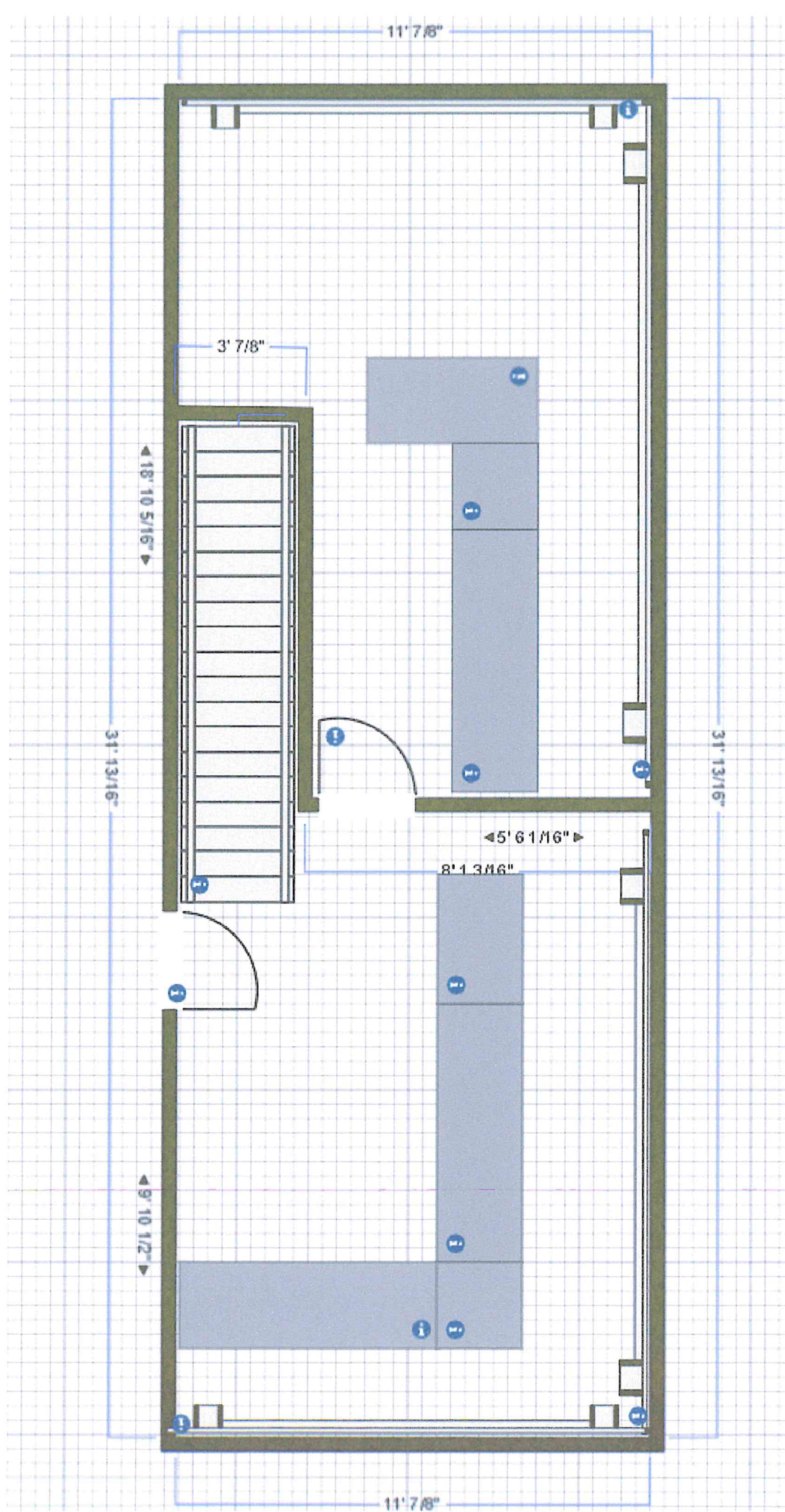
We will be paying \$800 a month for rent. We expect to pay \$150 in electricity a month. We will be paying \$250 a month for the indicaonline point of sale service system. The store will be open 70 hours a week. We will be paying \$100 a month for WiFi and phone for the store. We will pay \$5500 a year for license reinstatement fees.

The average medical marijuana retail store sells around one and a half times the number that I have done the average stock for in a week. If we can hit even the projected numbers, we would make \$8,000 a week in profit, some stores hit three times that. The marijuana business is a new and budding industry, and we would like a chance to continue to do business in Damariscotta.

Sincerely,

Danielle Simmons

A handwritten signature in cursive script that reads "Danielle Simmons". The signature is written in dark ink and is positioned below the printed name.



November 21st 2022

I, Raymond Cole

give permission to Danielle and Charles Simmons
(doing business as Above & Beyond Cannabis) to
use the property located at

95 Biscay Rd.

as a caregiver retail location or office (TBD). A lease
will follow the approval.

Property Owners Signature



Date

11/21/22



Town of
Damariscotta

Isabelle Oechsle <ioechsle@damariscottame.com>

Re: Security

1 message

Danielle Simmons <aboveandbeyondcannabisllc@gmail.com>
To: Isabelle Oechsle <ioechsle@damariscottame.com>

Tue, Dec 6, 2022 at 8:08 AM

Sounds good, here are the lights I ordered for outside!

 Deliver to Above Damariscotta 04543



Moen Sleek kitchen faucet featuring power boost

Visit the Pathson Store

★★★★★ 159

Pathson Outdoor Wall Sconces 8W 3000K LED Lights Waterproof Exterior Sconces Up and Down Lighting for Porch Courtyards Garage Foyer Front Door(Warm Light)



SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services
Division of Health Engineering, 10 SHS
(207) 287-5672 Fax: (207) 287-3165

PROPERTY LOCATION

City, Town, or Plantation DAMARISCOTTA
Street or Road BISCAY ROAD
Subdivision, Lot # _____

CAUTION: PERMIT REQUIRED
DAMARISCOTTA/PERMIT # 1369 APPLICANTS COPY

Date Permit Issued: 07/20/06 1100 FEE ☐ If Double Fee Charged
Local Plumbing Inspector Signature N. Campbell L.P.I. # 0328

OWNER/APPLICANT INFORMATION

Name (last, first, MI) NEGENA ☒ Owner ☐ Applicant
Mailing Address of Owner/Applicant P.O. Box 1267
DAMARISCOTTA, ME 04543
Daytime Tel. # 563-1010

THE WORK SPECIFIED IN THIS APPLICATION IS HEREBY AUTHORIZED TO BE INSTALLED IN ACCORDANCE WITH THE RULES. THIS PERMIT EXPIRES AFTER TWO YEARS FROM DATE ISSUED UNLESS WORK HAS COMMENCED.

Municipal Tax Map # 1 Lot # 507

OWNER OR APPLICANT STATEMENT

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.

CAUTION: INSPECTION REQUIRED
I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application. (1st) date approved _____

Signature of Owner or Applicant N. Campbell Date 7-19-06

Local Plumbing Inspector Signature _____ (2nd) date approved _____

PERMIT INFORMATION

TYPE OF APPLICATION

- ☒ 1. First Time System
☐ 2. Replacement System
Type replaced: _____
Year installed: _____
☐ 3. Expanded System
☐ a. Minor Expansion
☐ b. Major Expansion
☐ 4. Experimental System
☐ 5. Seasonal Conversion

THIS APPLICATION REQUIRES

- ☒ 1. No Rule Variance
☐ 2. First Time System Variance
☐ a. Local Plumbing Inspector Approval
☐ b. State & Local Plumbing Inspector Approval
☐ 3. Replacement System Variance
☐ a. Local Plumbing Inspector Approval
☐ b. State & Local Plumbing Inspector Approval
☐ 4. Minimum Lot Size Variance
☐ 5. Seasonal Conversion Permit

DISPOSAL SYSTEM COMPONENTS

- ☒ 1. Complete Non-engineered System
☐ 2. Primitive System (graywater & alt. toilet)
☐ 3. Alternative Toilet, specify: _____
☐ 4. Non-engineered Treatment Tank (only)
☐ 5. Holding Tank, _____ gallons
☐ 6. Non-engineered Disposal Field (only)
☐ 7. Separated Laundry System
☐ 8. Complete Engineered System (2000 gpd or more)
☐ 9. Engineered Treatment Tank (only)
☐ 10. Engineered Disposal Field (only)
☐ 11. Pre-treatment, specify: _____
☐ 12. Miscellaneous Components

SIZE OF PROPERTY

10⁺ ☐ SQ. FT.
☐ ACRES

DISPOSAL SYSTEM TO SERVE

- ☐ 1. Single Family Dwelling Unit, No. of Bedrooms: _____
☐ 2. Multiple Family Dwelling, No. of Units: _____
☒ 3. Other: TAKEOUT RESTAURANT WITH 2 EMPLOYEES AND 10 OUTSIDE SEATS
Current Use ☐ Seasonal ☐ Year Round ☐ Undeveloped

TYPE OF WATER SUPPLY

- ☐ 1. Drilled Well ☐ 2. Dug Well ☐ 3. Private
☒ 4. Public ☐ 5. Other

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

- ☒ 1. Concrete WITH 12" ZABEL A100 FILTER
☐ a. Regular ☐ b. Low Profile
☐ 2. Plastic 750 GAL GREASE TRAP
☐ 3. Other: _____
CAPACITY: 1,000 GAL.

DISPOSAL FIELD TYPE & SIZE

- ☐ 1. Stone Bed ☐ 2. Stone Trench
☒ 3. Proprietary Device
☐ a. cluster array ☐ c. Linear
☐ b. regular load ☐ d. H-20 load
☐ 4. Other: _____
SIZE: 180 ☐ sq. ft. ☒ lin. ft.

GARBAGE DISPOSAL UNIT

- ☒ 1. No ☐ 2. Yes ☐ 3. Maybe
If Yes or Maybe, specify one below:
☐ a. multi-compartment tank
☐ b. _____ tanks in series
☐ c. Increase in tank capacity
☒ d. Filter on Tank Outlet

DESIGN FLOW

230 gallons per day
BASED ON:
☐ 1. Table 501.1 (dwelling unit(s))
☒ 2. Table 501.2 (other facilities)
SHOW CALCULATIONS for other facilities

SEE APPENDUM

SOIL DATA & DESIGN CLASS

PROFILE CONDITION DESIGN
3, 1, C, 1, 1
at Observation Hole # 1
Depth 28"
of Most Limiting Soil Factor

DISPOSAL FIELD SIZING

- ☐ 1. Small—2.0 sq. ft. / gpd
☐ 2. Medium—2.6 sq. ft. / gpd
☒ 3. Medium—Large 3.3 sq. ft. / gpd
☐ 4. Large—4.1 sq. ft. / gpd
☐ 5. Extra Large—5.0 sq. ft. / gpd

EFFLUENT/EJECTOR PUMP

- ☐ 1. Not Required
☐ 2. May Be Required
☒ 3. Required
Specify only for engineered systems:
DOSE: _____ gallons

☐ 3. Section 503.0 (meter readings)
ATTACH WATER METER DATA

LATITUDE AND LONGITUDE

at center of disposal area
Lat. 44 d 02 m 142 s
Lon. 069 d 30 m 177 s
If g.p.s., state margin of error: 3'

SITE EVALUATOR STATEMENT

I certify that on 6/19/06 + 6/21/06 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Site Evaluator Signature Kenneth S. Cotton

SE # 172

Date 7/17/06

Site Evaluator Name Printed KENNETH S. COTTON

Telephone Number 677-2700

E-mail Address SOILTEST@TIDEWATER.NET

Note: Changes to or deviations from the design should be confirmed with the Site Evaluator.

HHE-200 Rev. 4/05

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Health Engineering, Station 10
(207) 287-5672 FAX (207) 287-4172

Town, City, Plantation

DARMAISCOTTA

Street, Road, Subdivision

BISCAY ROAD

Owner or Applicant Name

NEGENA

SITE PLAN

Scale: 1" = 40 ft.

SITE LOCATION MAP
(Attach map from Maine Atlas
for First Time System Variance)

HEATER
ROAD

LOT

BISCAY ROAD

EXISTING BUILDING
(APPROX)

PROPOSED
DRAINFIELD
LOCATION

ELEVATION
REFERENCE
POINT:

NAIL IN LARGE
PINE TREE

DRIVEWAY
APPROX

MAPLE
TREE

TEST
PIT

STEEP SLOPE

EDGE OF
TAR
(APPROX)

BISCAY ROAD
(APPROX)

SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole # 1 ☒ Test Pit ☐ Boring

Humus 1" Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling										
0			BROWN											
6	FINE		YELLOW											
12		FRIABLE	BROWN											
18	SANDY		OLIVE											
24														
30	LOAM	FIRM	OLIVE	COMMON DISTINCT										
36			GRAY											
42														
48														
<table border="1"> <tr> <td>Soil Profile</td><td>Classification Condition</td><td>Slope Percent</td><td>Limiting Factor Depth</td><td> <input checked="" type="checkbox"/> Groundwater 28" <input checked="" type="checkbox"/> Restrictive Layer 28" <input type="checkbox"/> Bedrock </td></tr> <tr> <td>3</td><td>C</td><td>2-5 ±</td><td>28</td><td></td></tr> </table>					Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input checked="" type="checkbox"/> Groundwater 28" <input checked="" type="checkbox"/> Restrictive Layer 28" <input type="checkbox"/> Bedrock	3	C	2-5 ±	28	
Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input checked="" type="checkbox"/> Groundwater 28" <input checked="" type="checkbox"/> Restrictive Layer 28" <input type="checkbox"/> Bedrock										
3	C	2-5 ±	28											

Observation Hole # ☐ Test Pit ☐ Boring

 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling										
0														
6														
12														
18														
24														
30														
36														
42														
48														
<table border="1"> <tr> <td>Soil Profile</td><td>Classification Condition</td><td>Slope Percent</td><td>Limiting Factor Depth</td><td> <input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock </td></tr> <tr> <td></td><td></td><td></td><td></td><td></td></tr> </table>					Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock					
Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock										

Site Evaluator Signature

SE #

Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Health Engineering, Station 10
(207) 287-5672 FAX (207) 287-4172

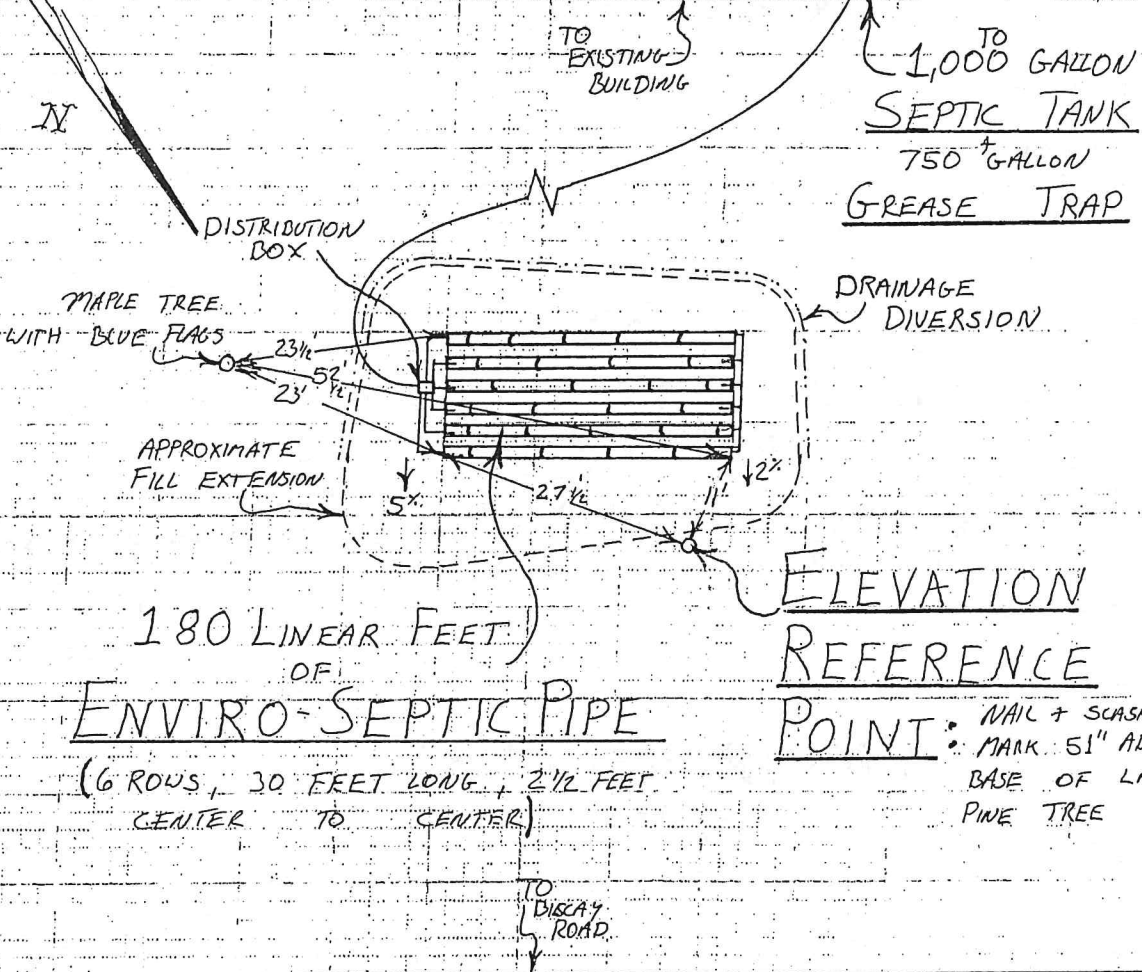
Town, City, Plantation
DAMARISCOTTA

Street, Road, Subdivision
BISCAY ROAD

Owner or Applicant Name
NEGENA

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale: 1" = 20 ft.



BACKFILL REQUIREMENTS

Depth of Backfill (upslope) 8-14"
Depth of Backfill (downslope) 9-20"
DEPTHS AT CROSS-SECTION (shown below)

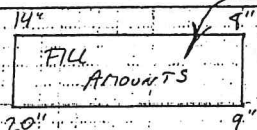
CONSTRUCTION ELEVATIONS

Finished Grade Elevation -36"
Top of Distribution Pipe or Proprietary Device -48"
Bottom of Disposal Field -60"

ELEVATION REFERENCE POINT

Location & Description: NAIL + SLASH
MARK 51" ABOVE BASE OF LARGE PINE T.
Reference Elevation is: 0.0" or _____

DISPOSAL FIELD CROSS SECTION



SEE ATTACHED CROSS SECTION

Scales:

Vertical: 1" = _____ ft.
Horizontal: 1" = _____ ft.

Site Evaluator Signature

172

SE #

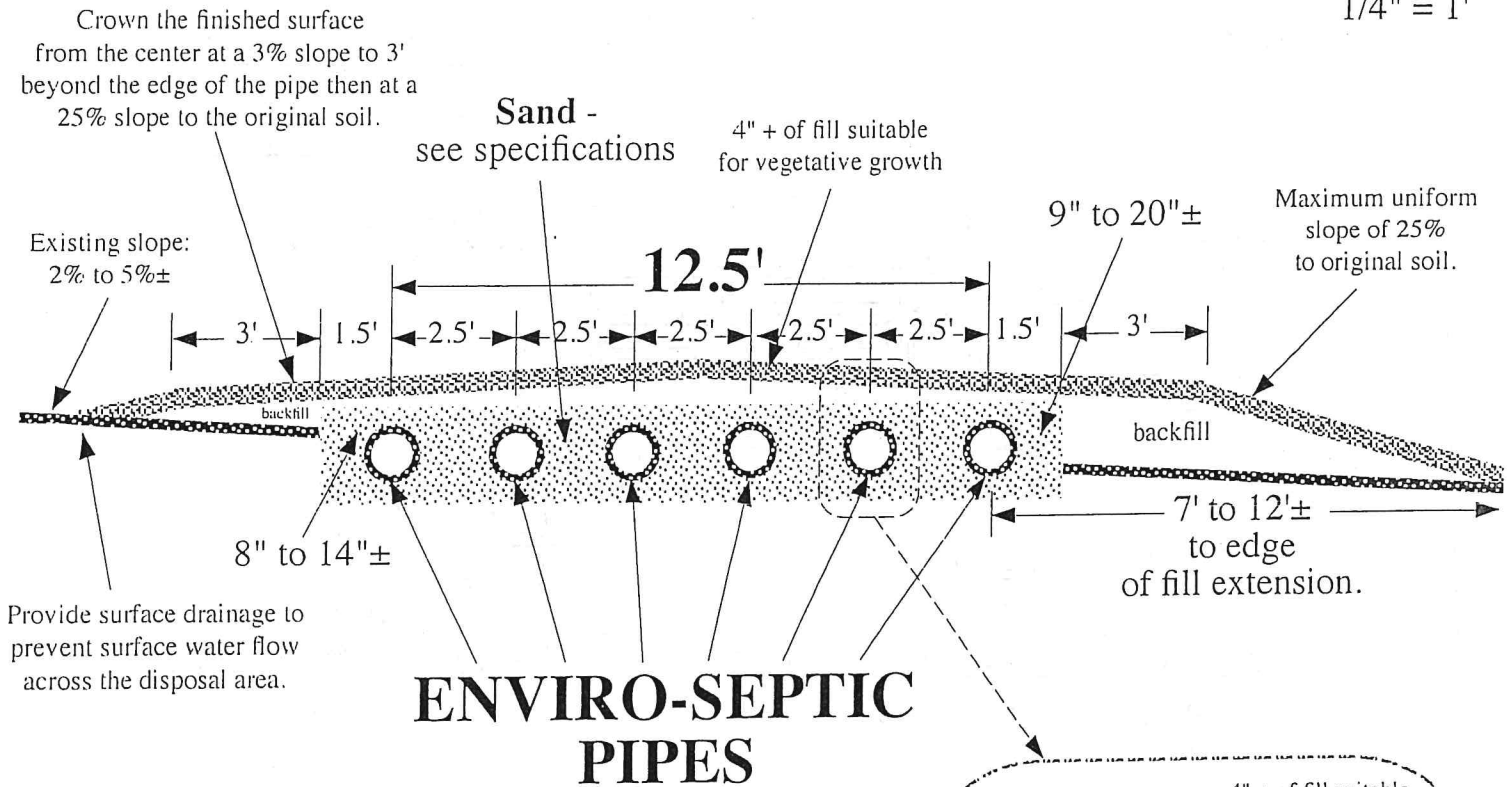
7/17/06

Date

DISPOSAL AREA CROSS SECTION

NEGENA PROPERTY

Scale:
1/4" = 1'



Notes:

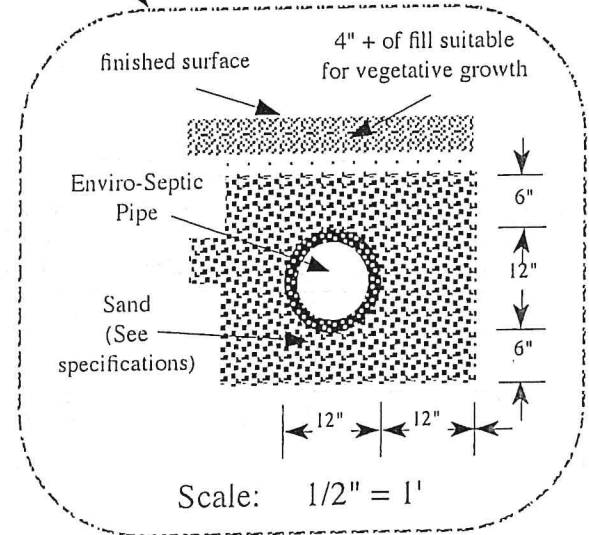
Remove vegetation, organic layer within the drainfield and fill extension area then scarify soil surface under drainfield and fill extension area before installing fill. The soil texture for backfill is coarse sand to gravelly coarse sand with approximately 4 to 8 percent of the sand, silt and clay fraction passing a #200 sieve. The upper limit of clay sized particles in the sand, silt, and clay fraction shall be approximately 2%. The backfill shall contain approximately 15% to 30% (by weight) coarse fragments (gravel 2mm to 3 inches).

A minimum of 4 inches of backfill materials must be mixed (by plowing, disking, or rototilling) into the original soil to form a transitional horizon. Enviro-Septic pipe requires a minimum of 6 inches of sand around the circumference. See the **Enviro-Septic Installation Handbook** for sand specifications and other installation requirements.

Bottom of pipe shall be level with a minimum grade tolerance of 1 inch per 100 feet.

Provide surface drainage away from drainfield area.

Seed and mulch finished surface to prevent erosion.



Reference Elevation is: 0"
Bottom of Pipe -60" Top of Pipe -48"

[Signature]
Licensed Site Evaluator #172

Kenneth S. Cotton

July 17, 2006

Licensed Site Evaluator

Addendum to Subsurface Wastewater Disposal System Application, Negenia property, Biscay Road, Damariscotta, Maine.

Enclosed please find additional information concerning the attached application:

1.) Design Flows:

eating place, take out = 100 GPD

eating place, paper service
10 seats (@ 7 GPD seat) = 70 GPD

up to 2 employees (@ 15 GPD each) = 30 GPD

Total = 230 GPD

2.) Septic Tank Design Flow = 230 GPD

3.) Septic Tank & Grease Trap Sizing:

Use a 1,000 gallon (or larger) Septic Tank and a 750 gallon (or larger) Grease Trap

4.) Disposal Field Design Flow = 270 GPD

Decrease in 1.8 adjustment factor for restaurant waste calculations:

1.8 - 0.2 for septic tank capacity at 200% of design flow

(230 GPD x 1.5 x 2 = 690 minimum)

- 0.1 for grease trap (@750 GPD - per Section 912)

- 0.1 for Zabel A100 effluent filter

= 1.4 adjustment factor

([170 GPD x 1.4 adjustment factor] + 30 GPD) = 270 GPD

5.) Disposal Field Sizing:

270 GPD x 3.3 sizing factor = 891 sq. ft./5 = 178 (minimum) linear feet of Enviro-Septic pipe.



Kenneth S. Cotton

Licensed Site Evaluator #172



Town of
Damariscotta

Isabelle Oechsle <ioechsle@damariscottame.com>

Re: A couple of outstanding questions

1 message

Danielle Simmons <aboveandbeyondcannabisllc@gmail.com>
To: Isabelle Oechsle <ioechsle@damariscottame.com>

Mon, Dec 5, 2022 at 1:04 PM

Hi Isabelle!

I will take the trash to the transfer station myself.

We will have two full time employees and I will be there roughly 10 hours a week. We have one come in and work 9-5 and one come in that works 11-7.

I haven't purchased these lights yet. Can you please send me - Sec. 102.6(D) in the Site Plan Review Ordinance or a example of the motion lighting that would be acceptable as they didn't ask us to prove any kind of lighting last time.

There is a existing wrap around driveway right now. We are planning on filling in a area right to the house as you pull into the driveway from heater rd for employee parking. On the left will be a parking lot for patients. I can come in and explain or draw on the map if you would like.

Yes we plan to use public water. I called and he said there is plenty of water there.

Hopefully this clears things up!
Thank you,
Danielle

On Mon, Dec 5, 2022 at 12:40 PM Isabelle Oechsle <ioechsle@damariscottame.com> wrote:

Hi Danielle,

As I'm writing my memo to the Planning Board, I have a couple of outstanding questions.

1. Will you utilize a dumpster and a private company to remove trash generated on site or is your plan to bring it to the transfer station yourself? It is a bit unclear from your cover letter.
2. How many employees do you have and how many are on each shift? This would be helpful to understand the traffic to be generated and we also need to know this to see if the existing septic design can handle the number of employees that you have.
3. You noted in your application that you will be installing motion detector lighting outside the entire building. We need to have a better understanding of the specs of these lights (color temperature, height, where they will be placed). Sec. 102.6(D) in the Site Plan Review Ordinance has a variety of requirements that must be met. Do you have lights picked out that you could send to me?
4. You discuss building a parking lot in your cover letter. We need to understand where this will be on the site (it isn't shown on the plan that you submitted). This might be something that we should discuss if you'd like to come by the office.
5. Are you planning to use public water or is there a well on the property? If public water, have you reached out to the Great Salt Bay Sanitary District?

Thank you - feel free to just respond to this email with answers to these questions and I will include it in the packet for the Planning Board to review.

Isabelle Oechsle

Town Planner

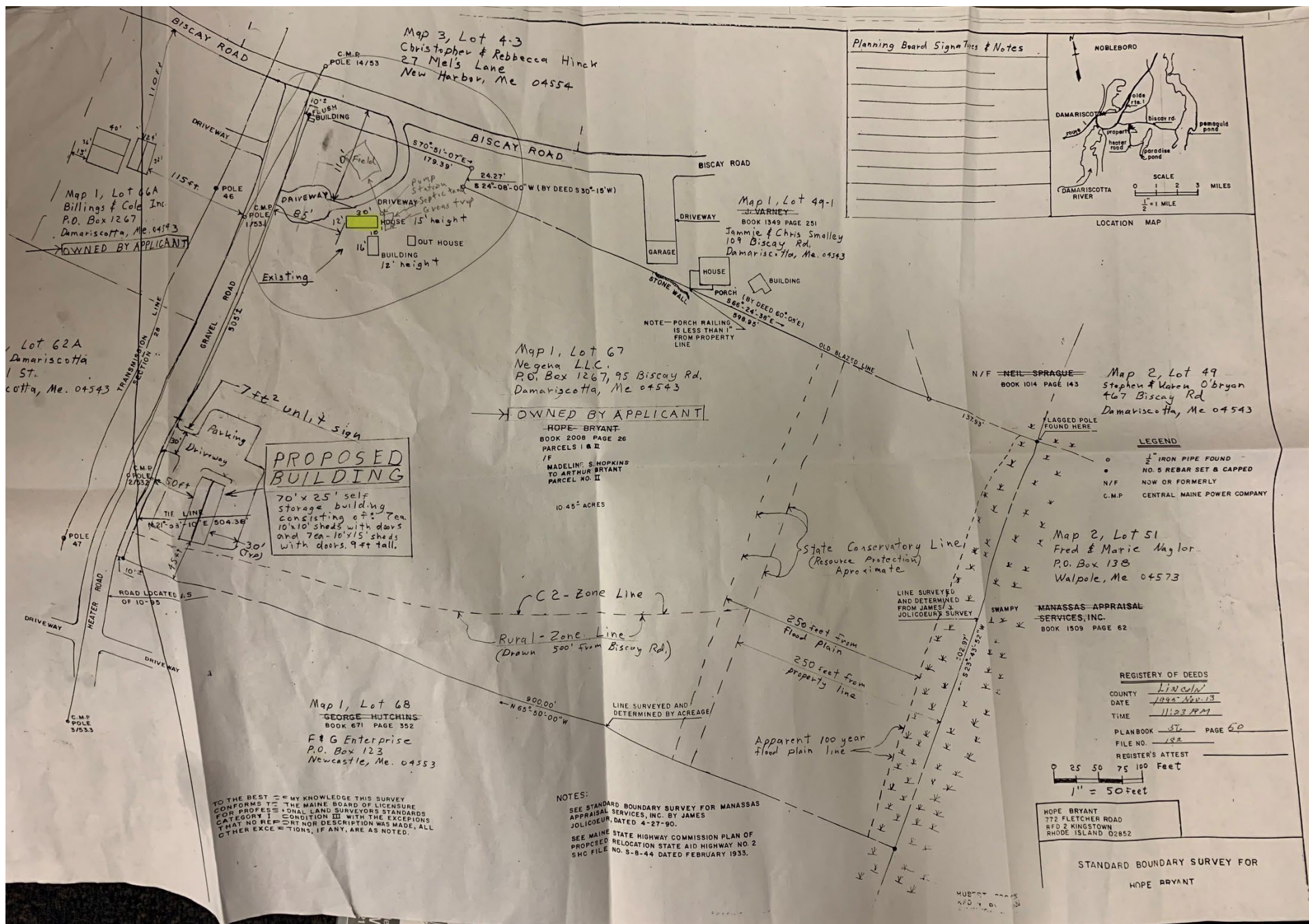
Town of Damariscotta

12/5/22, 4:08 PM

Town of Damariscotta Maine Mail - Re: A couple of outstanding questions

Office: (207) 563-5168

Now available: Subscribe to be notified when Planning Board agendas are posted!



Map 3, Lot 4-3
Christopher & Rebecca Hinch
27 Mel's Lane
New Harbor, Me 04554

Map 1, Lot 66A
Billings & Cole Inc.
P.O. Box 1267
Damariscotta, Me. 04543

OWNED BY APPLICANT

62A
iscotta

Me. 04543

TRANSMISSION
SECTION 28
LINE

GRAVEL ROAD
505'±

DRIVEWAY

BISCAY ROAD

POLE 46

C.M.P.
POLE 1/53.1

DRIVEWAY

Existing

85'

12'

30'

10'

16'

HOUSE 15' height

OUT HOUSE

BUILDING 12' height

10'±
FLUSH
BUILDING

Field

570°-51'-07"E
179.39'

24.27'

S 24°-08'-00" W (BY DEEDS S30°-15' W)

Pump
Station
Septic tank
Grease trap

BISCAY ROAD

BISCAY ROAD

DRIVEWAY

GARAGE

HOUSE

PORCH

NOTE - PORCH RAILING
IS LESS THAN 1"
FROM PROPERTY
LINE

Map 1, Lot 67
Negena LLC.
P.O. Box 1267, 95 Biscay Rd.
Damariscotta, Me 04543

OWNED BY APPLICANT

HOPE BRYANT
BOOK 2008 PAGE 26
PARCELS I & II

IF
MADELINE S. HOPKINS
TO ARTHUR BRYANT
PARCEL NO. II

2.2 ACRES

PROPOSED

Parking

Driveway

7 ft 2 unit sign

Town of Damariscotta
Remote and Hybrid Meeting Policy

Section 1. Purpose.

This Policy is adopted pursuant to 1 M.R.S. § 403-B, as may be amended, in order to provide a written policy to govern the use of remote means for public meetings by the Town of Damariscotta. The conduct of remote and hybrid meetings by the Planning Board and remote participation in Planning Board meetings shall be governed by this Policy.

Section 2. Definitions.

Hybrid meeting means a public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted with some meeting attendees in person/face-to-face at a designated physical location while connecting with other meeting attendees by remote means.

Planning Board or **Board** means the duly appointed members of the Town of Damariscotta Planning Board under the Town Charter, Section 4.04(B)(1).

Public meeting means a “public proceeding,” as that term is defined in 1 M.R.S. § 402(2), as may be amended.

Remote means means “remote methods” as defined in 1 M.R.S. § 403-B(1), as may be amended, and includes any form of audio and visual conference technology, or audio conference technology, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and board members. Remote means does not include text-only means such as e-mail, text messages, or chat functions.

Remote meeting means a public proceeding, as defined in 1 M.R.S. § 402(2), conducted solely by remote means.

Section 3. Use of Remote Means for Public Meetings.

(a) Types of Meetings and Participation Allowed

(1) Remote Meetings of the Planning Board: The Planning Board shall conduct its meetings in person unless the Chair (or a majority of members of the Planning Board), in consultation with the Town Planner, makes a determination that an emergency or urgent issue exists that requires the Planning Board to conduct a remote meeting, including, but not limited to, inclement weather and/or disasters or catastrophes caused by either natural or man-made causes. The determination of such an emergency or urgent issue shall be made as soon as practicable, and notice of a meeting being conducted solely by remote means shall be disseminated consistent with 1 M.R.S. §

406, as may be amended, and this Policy.

(2) Hybrid Meetings with Remote Participation by Individual Board Members:

Except for a remote meeting being conducted consistent with Section 3(a)(1) of this Policy, Planning Board members are expected to be physically present for all public meetings except when being physically present is not practicable for one or more members. Circumstances under which physical presence for one or more members is not practicable are limited to:

- i. Illness or other physical condition, or temporary absence from the Town of Damariscotta, that causes the Board member to face significant difficulties travelling to and attending the public meeting in person; or
- ii. To provide a reasonable accommodation to Board member(s) with a disability.

A Board member who believes it is not practicable, as set forth above, for him/her/they to attend a meeting in person shall notify the Chair (or in his/her/their absence, the Town Planner) of the existence of such circumstances as far in advance as is possible. If the agenda has already been posted at the time the notice is made, an amended meeting agenda containing the information set forth in Section 3(b) of this Policy shall be posted on the Town's website and be distributed to all members, relevant Town staff, and local representatives of the media by the same or faster means used to notify Board members at least four (4) hours prior to the originally noticed meeting start time.

(3) Hybrid Meetings with No Remote Participation by Individual Board members:

The Planning Board is not required by law to offer this type of meeting format but will endeavor to conduct a hybrid meeting, even when there is no remote participation by individual Board members, as often as practicable when the Planning Board meets in-person at the Town Hall meeting room.

(b) Notice. Notice of a remote meeting or hybrid meeting must be provided in accordance with 1 M.R.S. § 406 and applicable Town ordinances, policies and practices and shall inform members of the public the means in which to contemporaneously:

- a. Remotely view the video and audio of the meeting through internet streaming or other means;
- b. Provide remote oral testimony in a manner that allows Board members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means;
- c. Obtain copies of packet materials; and
- d. If a hybrid meeting, list the specific location of the public meeting site at which members of the public may attend in person and where at least some of the Board members will be present in person.

(c) Remote Meeting and Hybrid Meeting Requirements. Any remote meeting or hybrid meeting must comply with the following:

- a. The remote means used by the Planning Board must allow all members of the public participating in the meeting to hear, or see and hear, all Board members and any other speaker;
- b. Each member of the Planning Board who is participating in the meeting must be able to hear and speak to all other Board members and must be heard by the members of the public attending and observing the meeting during the meeting;
- c. Except as provided in subsection (6) or Section 3(d) or (e), a quorum of Board members shall be visible and audible to other members and to the public during the meeting; provided that so long as a quorum of Board members is visible, no other meeting participants shall be required to be visible during the meeting;
- d. Any Board member participating in a meeting by remote means shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the Planning Board;
- e. At the start of the meeting, the Chair shall announce the names of any Board members participating by remote means and state the reason therefor, which reason must be consistent with Section 3(a)(2) of this Policy;
- f. For audio-only teleconferencing, each speaker should repeat his/her/their name before making remarks;
- g. All Board members shall refrain from electronic communications regarding subjects considered at the meeting during the meeting, except that members may receive electronic copies of materials otherwise made available at the meeting;
- h. There should be a means for the Chair or the remote means facilitator to be able to unmute and identify each speaker, to organize and summarize chat/Q&A messages from the public, and/or to read public comment into the record at the appropriate time during the meeting;
- i. All votes during the meeting shall be conducted by roll call (with each member present stating “yes” or “no” as each name is called) so that it is clear how each member voted;
- j. All hybrid meetings shall be conducted in the Town Office meeting room unless an alternative location is authorized by the Town Clerk or his/her/their designee; and

- k. All remote and hybrid meetings shall be recorded by audio or video recording technology, and the Planning Board shall make the recording of the meeting electronically available to the Town staff liaison and for public access as soon as practicable after the meeting.
- (d) Disruptions and adjournment. If during the conduct of a remote or hybrid meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of members. If the interruption cannot be resolved within 15 minutes, and the Planning Board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically adjourned. If the meeting being conducted is a hybrid meeting with no remote participation by individual Board members and a remote connection to the public location identified in the Planning Board's notice pursuant to Section 3(b)(4) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.
- (e) Executive sessions. To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair or his/her/their designee should confirm with each attendee that no unauthorized person is present or has access to any executive session being conducted via remote means. There shall be no audio or visual recording of an executive session.
- (f) Remote means account. The Town's accounts must be used for purposes of all remote meetings and hybrid meetings conducted by the Planning Board. The use of private accounts to host a remote meeting is prohibited.

Section 5. Compliance with Policy.

This Policy is intended to be self-enforcing and is an expression of the standards of conduct for Planning Board members expected by the Town. It therefore becomes most effective when Board members are thoroughly familiar with it and embrace its provisions. The Planning Board does not waive the right to address any violations in the manner it deems appropriate under the specific circumstances.

**PLANNING BOARD MEETING MINUTES
TOWN of DAMARISCOTTA
November 7, 2022 6:00 P.M.**

Live and via Zoom

MEMBERS: Jonathan Eaton, Chairperson; Jenny Begin, Neil Genthner, Wilder Hunt and Ann Jackson

ALTERNATES: Gary Rosenthal, and Dan Day

ABSENTEES: None

STAFF PRESENT: Isabelle Oechsle, Town Planner; Lynda Letteney, Recording Secretary

PUBLIC PRESENT: Andrew Johnston, Atlantic Resource Consultants; Daniel Maguire, Sandy River Company; Bill Bray, Barton & Loguidice; Rebecca Dillon, Gawron Turgeon Architects; Brooke Sharp; Sandy Day; Randall Peterson; Jennifer Fox; Hylie West, Lincoln County Rifle Club; Claire Sommer; Geoff Keochakian; Evan Houk, *Lincoln County News*

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m. by **Chairperson Eaton**.

II. Pledge of Allegiance

Chairperson Eaton led the Pledge at 6:00 p.m.

III. MINUTES

On motion (Genthner/Begin) to approve the minutes from September 19, 2022 as presented

Vote: 5-0-0

On motion (Genthner/Begin) to approve the minutes from October 3, 2022 as presented

Vote: 5-0-0

Chairperson Jonathan Eaton opened the Public Hearings at 6:04 p.m. by asking for public comments.

IV. PUBLIC HEARINGS

A. Public Hearing #1: Reapproval: Site Plan and Conditional Use Application for Damariscotta Solar 1, LLC for a 4.95 MW PV Solar Array on the easterly side of US Rt. 1 adjacent to the Nobleboro Town Line (Tax Map 3 Lot 64-5 and Tax Map 3, Lot 62). Isabelle Oechsle, Town Planner, told the Board that this was essentially an extension of the plan approved last year, with no changes to the previously approved plan. Hearing no comments, hearing was closed 6:06 p.m.

On motion (Genthner/Jackson) to approve the approval extension for one year with the conditions as drafted by the Town Planner. Vote: 5-0-0

B. Public Hearing #2: Miscellaneous updates to the Land Use, Site Plan Review, and Subdivision Ordinances to correct existing typographical errors, to define previously undefined terms, to make the Ordinances more user-friendly, and to update references to administration of the development review process. Isabelle told the public that these changes had been “workshopped” by the Board during their meeting on September 19, 2022. These are intended to be non-substantive changes to correct existing typos, to provide definitions for previously undefined terms, and to make the Ordinance more

user-friendly by alphabetizing the land use table. Also proposed are updated references to the administration of the development review process (to define the Town Planner's role in the process versus that of the Code Enforcement Officer). If these current changes are approved, a Special Town Meeting will be scheduled for a vote on the amendments. **Geoff Keochakian**, resident of School Street, asked if any of the proposed changes are specific to future projects. **Isabelle** replied that the changes will apply to all upcoming projects but are not specific to any one project. They are intended to be non-substantive. All ordinances are available online and show the red line changes. Hearing no other comments, **Chairperson Eaton** closed the public hearing on this item at 6:12 p.m.

On motion (Hunt/Jackson) to adopt the red line changes to the cited ordinances as presented.

Vote: 5-0-0

Chairperson Eaton called the third Public Hearing to order at 6:15 p.m.

C. Public Hearing #3: Minor subdivision Amendment Application for Clippership Landing Development, LLC to subdivide the existing property at 2 Piper Mill Road (Tax Map 1, Lot 50).

Isabelle presented her recommendation regarding this item, which is to approve the application with the findings of fact and conditions of approval as presented in the meeting packet. There was a question from Board members regarding the proposed stormwater filtration areas and if an easement would be needed for the one located on both properties.

Chairperson Eaton asked **Andy Johnston** to come up and address these questions. Mr. Johnston, Atlantic Resource Consultants, stated that there would be easements required. **Neil Genthner** asked if there was a stormwater management maintenance plan. **Mr. Johnston** said it was provided with the application. The design is such as it mimics the natural drainage pattern of the area with shallow depressions with natural vegetation. **Jenny Begin** asked if there was a requirement for more than one entrance. **Isabelle** responded that policy is to limit curb cuts, but that the Ordinance allows for up to two.

Mr. West, from the Lincoln County Rifle Club, said this property is adjacent to the club. They are requesting a maximum buffer to avoid conflict over noise before it even arises. There is regular shooting going on and the Club and he feels it is in everyone's best interest to minimize noise and disruption. He presented a letter to the Planning for the record as to the Club's position on both the subdivision and the building (which they are in favor of, with buffering). **Jennifer Fox**, 56 High Street, asked if there would be sidewalks in front of the property. She asked about "the sidewalk to nowhere" and **Chairperson Eaton** responded that those were important questions, but did not pertain to the subdivision. She would need to address those during the Public Hearing on the Site Plan application itself.

asked **Isabelle** if there would be a sidewalk across the entire property. **Isabelle** said the Town Planner makes recommendations to the Planning Board and they decide, but that her recommendation (included in conditions of approval) would be for a sidewalk to be located across the entire frontage of the subject parcel (from the intersection of School and Piper Mill Road). Hearing no other public comments, the Public Hearing was closed at 6:30 p.m.

Board Discussion of Minor Subdivision Amendment: **Jenny** asked if the applicants are planning to retain ownership of proposed Lot 2. **Daniel Maguire**, Sandy River Company, said the plan was to use it later – for associated senior housing units, recreational areas, trails, etc. and related services. **Jenny** said she wanted to talk about buffers, but realized that is in the Site Plan application, and she will hold her

comments until that is discussed. **Neil Genthner** said there is a vacant lot behind this which is a wooded land, at least until it is used. **Jonathan Eaton** commented that woods is one of the best sound barriers, especially pine trees.

Jonathan Eaton again asked if there were any more comments. **Randall Peterson** asked about the developer's track record for disruption of habitat. How well do they do at restoring landscape-are there samples of previous projects? **Isabelle** responded that she thought he was referring to the landscaping plan, and that was not part of the subdivision issue. **Jennifer Fox** said most of the area is wetland and not developed. Why utilities if it is not being developed? **Andy Johnston** said the eastern side of the lot had to have a buffer between the wetland areas and any future development. **Wilder Hunt** commented that this is a large tract of land and it meets all the requirements for subdivision. **Jenny Begin** asked if it would be better to take action on the Subdivision application after the Site Plan application is also discussed and moved on. **Jonathan** reiterated that the division was needed before proceeding with the development.

On motion (Hunt/Begin) to approve the Minor Subdivision application of Clippership Landing Development, dated through October 19, 2022, and associated plans and drawings, stamped and dated August 2022 by Horizon Engineering, for the Clippership Subdivision on Piper Mill Road with the attached conditions #1-#11: **Vote: 4-0-1**
(Genthner abstaining)

Chairperson Eaton closed the third Public Hearing at 7:00 p.m. and immediately opened Public Hearing #4.

D. Public Hearing #4: Site Plan and Conditional Use Application for Clippership Landing Development, LLC to construct a 102-bed nursing care facility and associated site improvements (including parking areas, two curb cuts, storm water management facilities, and courtyard and path systems for facility residents) at 2 Piper Mill Road (Tax Map 1, Lot 50).

Town Planner, Isabelle Oechsle, provided summary of the application as well as "unique issues" that have been identified as important considerations for the Planning Board or are responses to questions raised by the public. These issues include: 1.) Traffic – trips in and out of the facility are anticipated at about 20 in the am and 34 in the pm; 2.) Parking – 34 spaces required, 103 spaces provided; 3.) Lighting – safety first; meets all local ordinances; 4.) Storm water- standards met; 5.) Natural resources – the applicants are required to obtain a Tier I permit from Maine DEP as well as the Army Corps of Engineers authorization (Isabelle is recommending a condition of approval); and 6.) Drip line fencing around trees designated for preservation, to protect them during construction.

Isabelle went on to discuss the requested waivers.

1. Waiver pursuant to Site Plan Review Ordinance Section 102.7(D) to provide sidewalks within the parking areas that are 6' in width, rather than 8' width required as part of this section and to not raise the sidewalks to 6 inches above the travel way.
2. Waiver pursuant to Site Plan Review Ordinance Section 102.7 (H) (3), which requires the applicants to submit an economic and fiscal impact analysis for the proposed large-scale development.
3. Waiver pursuant to Site Plan Review Ordinance Section 102.6 (B) (2)(b) with respect to eastern property line only. This section requires the applicant to provide a 30-foot minimum buffer strip between the proposed, new property line and the paved access drive.

Isabelle said that, noting material for Waiver regarding 102.7 (H) (3) is outstanding, the Board could vote to approve the Site Plan Review application so long as the applicants are prepared to satisfy the Board verbally with the information. **Jenny Begin** suggested that the Board hear Daniel Maguire's presentation before any discussion/decisions. **Daniel Maguire** began by saying his entire team was present and could speak to any questions the Board has. First of all, this project is not a new building in competition with Cove's Edge; it is a replacement for that facility and the St. Andrew's facility in Boothbay. The project will also need to be evaluated through the *Certificate of Need* process through the State. Local approval is typically the first step before anything else can happen. Project involves three "neighborhoods" of 34 or so rooms – skilled nursing, long term care, and memory care. They have been in the nursing care facility business since 1983-84 developing projects across Maine, with one in Rockland currently under construction. They also have a 94 bed unit in Sanford and a 102 bed facility in Portland. All rooms are single occupancy to enhance resident's privacy and preserve their dignity. This facility will be 100% private rooms. **Jenny Begin** asked how many beds were designated at Medicare recipients. Mr. Maguire said all beds are Medicare/Maine Care eligible.

Andy Johnston spoke to the proposed building placement, stating that the goal is to maintain as much of the natural landscape as possible and to retain as much woodland as possible. Plan minimizes impact on neighboring properties and leaves the main entrance facing south (to help with ice and snow clearance). Entrance will maximize existing vegetation with complementary plantings. Parking spaces far exceed required amount because of noted demand from applicant's other facilities. The nature of the facility, not commercial in-and-out retail, has overlapping staff shifts as well as increased visitors during holidays, etc. Commercial deliveries for the maintenance of the facility (food, cleaning, etc.) are intermittent on a daily basis. Utilities are off Piper Road and will have fiber optic internet, water, electric supply, and sewer. Storm water runoff has been designed to be low impact. Buffering is shown on the landscape plan. Many trees have been left in place, and new trees are slated to be planted with a healthy growth start (5'-8'). This will help minimize pollution from noise, lighting, and provide visual blockage. Lighting proposed meets the ordinance requirements for color temperature. Waiver #2 asks the developers to provide an economic and fiscal impact study. The applicants noted that much of the study has been presented either in the Board packets or verbally by the developers. The buffer strip between the two properties is not an issue as both parcels have the same owner and both are potentially offering related services. **Andy** asked **Bill Bray**, applicant's traffic consultant, to come up and talk about the traffic associated with the proposal.

Jonathan Eaton opened the hearing to the public on Item #4.

First speaker was **Hylie West** from the Rifle Club (abutting property to project). They want to be good neighbors, but want the developers to understand that the range is used daily, and it can get quite noisy. He hopes a lot of natural buffer can be used to block the noise.

Second speaker was **Brook Sharp** from Bristol Road. She identified herself as "the woman who lives next to the hospital's new parking lot." She commented that "this same outfit" (the hospital administration) promised her many things to get approval and have not followed through on the fixes now that they have their parking lot. Issues with hospital currently include:

- 1) dead trees not removed;

- 2) downed signage not fixed;
- 3) weeds;
- 4) cars in non-marked areas including on the grass;
- 5) lighting.

She cautions the Board to review these items in terms of the proposal before them.

The third speaker was **Sandy Day**, a School St. resident. She began by saying that she was sad Cove's Edge was closing. She said this is a very large project and feels the impact on High St. and Piper Mill Rd and the intersection of School St. and Rt. 1 has been underestimated. She is also concerned about noise from the rifle range.

The fourth Speaker was **Jennifer Fox** who is an abutter, but did not get the original letter as they purchased the property in 2021. She was concerned about the intersection of School St. and High St., especially with the ambulance service located on Piper Mill Rd. She asked when the public gets to review the final studies. Also what is planned for School St./Bristol Road? A 25 mph sign sounds good, but who enforces it?

Bill Bray attempted to answer her questions by reviewing his provided memo related to traffic counts, sight distances, and access. He also noted that MDOT has indicated that funding is available for a short-term fix for the School Street and Main Street intersection. The short-term fix approved by the Town Selectboard includes line of pylons which would not allow for left turns from Main to School St.

Jenny Begin said she would like an accident report for the intersection of School St and Bristol Rd. **Jenny Begin** commented that with 140 employees and 3 shifts, timing of the shifts might help traffic flow. **Dan Maguire** asked if there was anything else the Planning Board needed. **Jenny** asked if any electric vehicle charging stations or any solar panels were planned. **Dan** said not at this time.

Jenny Begin said she hadn't seen the visuals, what does it look like from School St./Piper Mill Rd.? **Jenny** would like to see a conceptual view from School St. including the buffering planned. She wanted to be reassured that big trees would remain. **Jenny** wanted to make sure energy efficiency was incorporated. **Rebecca Dillon** said plan exceeds Maine's energy code. Roof top solar is under consideration. **Jenny** asked about how the building will be heated and **Rebecca** said it was still being discussed. Whatever is decided upon will meet new State energy codes. **Isabelle** asked **Dan Maguire** to read their economic impact analysis response into the record.

Dan Maguire read his memo to the Board, which was dated 11/4/2022 and was in response to the waiver to not provide an economic and fiscal impact analysis as required by Sec. 102.7(H)(3). In lieu of this requirement, they offered the following information: 1) market feasibility is typically reviewed through the State's (DHHS) Certificate of Need process "That review includes the financial feasibility of the project as well as the need for the services. The need analysis with DHHS is straightforward; we are closing two programs and relocating those licensed nursing care beds and programs to a new state-of-the-art nursing care center. Regarding financial feasibility, DHHS will go through a detailed financial analysis in their review and approval of this project. Without DHHS approval, this project would not go forward;" 2) construction job creation: construction is anticipated to take approximately 18 months and is currently estimate at approximately \$29,000,000 and will result in both on-site and off-site construction jobs; 3) jobs created in new facility: 10-12 senior management and an additional 130 full- and part-time support

and care staff. Employees of existing Lincoln Health facilities will be offered jobs at the new facility; 4) real estate taxes: the project will be a taxable project with an anticipated revenue to the Town in the \$200,000 range annually; 5) value of improvements: nursing care facility will allow the public to continue to live in this area while they age and a new sidewalk on Piper Mill Road.

Jennifer Fox asked about traffic impact during the 18 months of construction. **Jonathan** said that is not usually figured in as it is temporary but asked Bill Bray how traffic is handled during this period. **Bill** responded that they generally make assumptions and recommendations. Factors include volume of traffic, times of day, contractor input considered. i.e. "We can prohibit use of some intersections at certain times of day or for certain periods during construction." Time of day restriction could be imposed. **Bill Bray** said at some sites, they bus workers in from offsite parking. **Jonathan** also commented on the Waiver for 102.7 saying that the memo from Mr. Maguire was pretty good in its detail. **Dan Maguire** stated that a third-party economic analysis is virtually impossible to get in a timely fashion. Consultants for this work just aren't available. **Jonathan** said that this project doesn't take business away from others as it is a combination of two existing facilities into one. Housing is not an issue; feasibility study is unnecessary in his opinion.

At 9:00 p.m. Jonathan stopped the hearing due to the Planning Board By-Law provision to not take up new business past 9:00PM. The Planning Board tasked the applicants with providing the following items: 1) Information on the sight distances from Piper Mill Road onto School Street; 2) Provide information on the accidents at School Street and Bristol Road intersection; 3) Provide visual renderings of how the proposed building will look from School Street, from Piper Mill Road, and from surrounding properties (including the proposed landscaping).

On motion (Begin/Jackson) to table this item until the next scheduled meeting on December 5, 2022.

Vote: 4-0-1 (Genthner abstaining)

Respectfully submitted,

Lynda Letteney
Recording Secretary

We the undersigned approve the minutes for the Planning Board Meeting of November 7, 2022.

Jonathan Eaton, Chairperson

Jenny Begin

Neil Genthner

Wilder Hunt

Ann Jackson

Daniel Day (alternate)

Gary Rosenthal (alternate)

Minutes for November 7, 2022, signed

Date

Pending Planning Board Approval