

**MINUTES
PLANNING BOARD
TOWN of DAMARISCOTTA
October 7, 2019 6:00 P.M.**

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

ALTERNATES: Dan Day and Elizabeth Printy

ABSENTEES: None

STAFF PRESENT: Robert Faunce, Interim Town Planner; Lynda Letteney, Recording Secretary

PUBLIC PRESENT: David and Sheila Hatch, Heather Burt, Graham Walsh, Chris Roberts, Ann Pinkham, Stan Waltz, and Evan Houk, Lincoln County News

The meeting was called to order at 6:02 by **Chairperson Eaton** and began with The Pledge of Allegiance.

MINUTES FROM PREVIOUS MEETINGS:

On motion (Genthner/Hunt) to approve the July 1, 2019, minutes with the change of wording on page 3, section C paragraph 1 to read “Jenny Begin contributed. . . stating the building *renovation* was originally. . .” adding the word *renovation*. . . **Vote: 5-0-0**

On motion (Hunt/Jackson) to approve the minutes of August 5, 2019 as distributed. **Vote: 5-0-0**

On motion (Genthner/Jackson) to approve the minutes of September 9, 2019 with the amendment that the July 1, 2019 minutes had been edited. **Vote: 5-0-0**

REGULAR MONTHLY MEETING

A. OLD BUSINESS: None

B. NEW BUSINESS:

1. Town Solar Project-Site Plan Review:

A Special Town meeting held at 5:00 p.m. approved the CMP easement. A review of the standards showed all standards had been met. The DEP will review the technical aspects. **Robert Faunce** asked the solar company’s representative how many solar arrays there were in the state of this nature. The representative estimated five, adding this was a good use of idle property. **Mr. Faunce** informed the Board that it needed to approve the Performance Standards as printed (items #1-21 attached). These were read aloud for the audience. **Jenny Begin** asked why there was no fencing. The company representative stated that actually there was fencing around the exposed DC wiring. It is 1” square fencing over the control system on the back side of the panels. This is a safety issue in case kids or others got to fooling around. She additionally asked if there would be much disturbance to the land. Response: To the surface only. Anything disturbed would be rebuilt to where it was before. They are adding a winter stabilizer and erosion control. In the spring, they will re-landscape the regrowth. New Zealand white grass is the

covering as it is a fast growing, short vegetation (up to 1 foot) and won't grow taller in front of the array. It also has a 16" root system for durability.

On motion (Genthner/Hunt) to accept the Site Plan Review with the condition of DEP approval and the waivers as read. Vote: 5-0-0

The solar company's representative asked how the Town wanted to monitor the site- TV screen graphs show power levels. They could set up a link to the Town office. **Neil Genthner** suggested he talk to Matt Lutkus, Town Manager. **Jenny Begin** stated that in talking with LeeAnna, at Great Salt Bay Sanitary District, they can't figure out how to incorporate solar and want to talk with you. **Bob Faunce** said he would put together an e-mail so both parties can get together.

2. 79 Hemlock Lane – Shoreland Zoning Pre-Application

David and Sheila Hatch were present and stated that letters had been given to the abutters. In essence this family cottage is currently 12' from the shore and the proposal is to move it back to 28' from the shore, closer to a right of way. The plan is for a 20' X 28' camp with a 6' covered porch, with removal of the old camp. There is an existing septic that can be expanded. Enforcement Office **Stan Waltz** said if the lots were separated, an easement would be necessary to share the septic. It is a walking right-of-way and the neighbor, Gerhard, has the right-of-way across. **Jonathan Eaton** stated that the next step was a site visit. Next Monday is a holiday and the Town offices are closed; Tuesday, October 15th at 8:00 a.m. was agreeable to all parties.

3. Rising Tide- Request to Amend Site Plan of Approval

Bob Faunce stated that the original approval was in 2008 and the architect at the time told the Board the color of the building would be in line with ordinance. Over time institutional memory faded and the current color is not in line with the approval. Essentially, the building is now out of compliance.

Heather Burt, the current General Manager of *Rising Tide Community Market*, addressed the Board stating the plan for the coming year is to change the siding on the building. **Bob Faunce** reiterated that the issue is that approval is permanent, and it is the Town's responsibility to enforce the conditions of approval. **Ms. Burt** stated that they were not notified of the issue before they painted. **Neil Genthner** asked if in the new plan, color of the siding was addressed. **Wilder Hunt** observed that this seemed to be a reaction to people complaining about the color. **Jenny Begin** felt they were on a slippery slope. The original color was part of the building design, and this was approved a certain way. She suggested taking no action until the May 2020 when the new plan is presented. **Wilder Hunt** again stated that this issue was a response to complaints and it would be very wise to see the new business plan before taking action.

Elizabeth Printy asked if there were minutes from the 2008 meeting. **Bob Faunce** stated the ordinance calls for color selection. **Heather Burt** said it is in the minutes, but not in the site plan. **Bob Faunce** said that the minutes got separated from the site plan, and he read the minutes of 2008. **Dan Day** asked if they would even be talking about this if the public had not complained. **Bob Faunce** answered by saying, "No." "However, when things are brought to our attention, we respond and have to follow through." **Dan Day** said that to him the issue is "if they can do it, why can't I?" **Wilder Hunt** stated that from his observation colors fade in the sun; in time it's less of an issue. **Elizabeth Printy** stated that other Boards have received complaints about the color as well.

Dan Day said that all that doesn't matter; "It is in front of us, and we must decide." **Elizabeth Printy** said that there was no precedent for ignoring the issue. **Jonathan Eaton** suggested that the Board address this in May 2020 when *Rising Tide* will come back with a new plan.

On Motion (Genthner/Hunt) to table the issue until a new business plan is presented in May 2020 with other alternatives; and, that no repercussions be placed on the *Rising Tide*. Vote: 5-0-0

C. OTHER

1. Questions from the Public: None

2. Housekeeping

November 7, 2019, a Thursday, will be the next meeting as November 4th they need to set up for voting on November 5th. There will be 2 items on the agenda at this point: a site plan and the zoning maps for approval. The Colby & Gale abutters dispute appears to be resolved according to the lawyers involved.

3. Planner's Report- none

D. Adjournment

On motion (Hunt/Genthner) to adjourn the meeting at 6:45 p.m.

Vote: 5-0-0

Respectfully submitted,

Lynda Letteney
Recording Secretary

Jonathan Eaton, Chairperson

Jenny Begin

Neil Genthner

Wilder Hunt

Ann Jackson

Daniel Day (alternate)

Elisabeth Printy (alternate)

Meeting minutes of