

**MINUTES
PLANNING BOARD
TOWN of DAMARISCOTTA
August 3, 2020 6:00 P.M.**

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

ALTERNATES: Dan Day and Elizabeth Printy

ABSENTEES: Dan Day

STAFF PRESENT: Robert Faunce, Town Planner; Stan Waltz, Code Enforcement Officer; Lynda Letteney, Recording Secretary

PUBLIC PRESENT: Larry Keef, General Manager of a Medical Marijuana business; Danielle Simmons; Heidi Rosenwald; and, Evan Houk, Lincoln County News

The meeting was called to order at 6:00 p.m. by **Chairperson Eaton** and began with The Pledge of Allegiance.

MINUTES FROM PREVIOUS MEETINGS:

On motion (Genthner/Hunt) to approve the minutes of the June 1, 2020 meeting as distributed.

Vote: 5-0-0

A. OLD BUSINESS: None

B. NEW BUSINESS:

1. 464 Main Street

Larry Keef, general manager of the proposed medical marijuana and tobacco accessory retail store, presented. **Mr. Keef** said the intention is to delineate between the medical marijuana store and the tobacco accessory side. **Stan Waltz** requested that he tape off the desired separation so the Board can see how it will lay out. This would be the second medical marijuana establishment. **Jonathan Eaton** said it is already a commercial site and there is ample parking. There is a child services business next door, but it is non-educational and not governed by “school/day care” restrictions in the existing ordinance. As an aside, **Robert Faunce** said that currently there is no provision for licensing new businesses. **Stan Waltz** said businesses come and go all the time and we really should know what is coming in. **Robert** said they were working on it, so the town has notification. As far as medical marijuana, you can’t really stop it given the ordinance. **Elizabeth Printy** asked about tobacco accessories, does it include cigarettes? **Larry Keef** responded that because of the medical marijuana, someone must be 21 to enter the store. Accessories would include papers, pipes, and other paraphernalia. **Mrs. Printy** asked if they intended to add cigarettes. Both **Larry Keef** and **Danielle Simmons** stated that they were not interested in selling cigarettes. **Jonathan Eaton** asked them to wait until the next item was discussed, because both applications will require a site visit. They would like to combine them on the same day.

2. 115 Cottage Point Road

Heidi Rosenwald presented using a drawing and a 3-D model of the existing structure and the addition. Proposal is to add a 16' X 24' extension to the ground floor for a study area and bedroom/bath. The extension matches the existing architecture and comes off the back of the house away from the water into the existing lawn and garden area. There are 2 oak trees by the existing garage that will need to come down. Existing structure has a crawl space on concrete and addition will be on concrete. Addition looks back, away from the water, toward the road. **Wilder Hunt** asked what the distance was to the high water mark. Maps indicate 28'11.5" from the water. **Stan Waltz** stated that the addition meets the 30% expansion guidelines. **Jonathan Eaton** stated that they still need to look at it. **Tuesday, August 11, 2020, at 4:00 p.m.** was agreeable to both Mr. Keef and Mrs. Rosenwald as well as the Board. Site visit will begin at 464 Main Street at 4:00 p.m., and then go out to Cottage Point Road.

3. Correspondence from Heather Burt at Rising Tide

Bob Faunce contacted Heather Burt at Rising Tide to inquire where she was at regarding the facility planning. The Board had extended the compliance date for the building color until May 2020. He has been reluctant to enforce the May 2020 deadline because of the Covid-19 pandemic, but he has had some inquiries. He included the conditions the Planning Board placed on the extension. **Stan Waltz** wanted to make sure the roof was painted before any additional work was done. Ms. Burt's response was that essentially they needed another year's extension. They are encouraged to contact the Code Enforcement Officer before doing any more work.

On motion (Genthner/Begin) to extend the deadline until May 2021, and that no other permits will be allowed until this issue is addressed.

Vote: 5-0-0

4. Formula Business Amendments

LUAC (Land Use Advisory Committee) has spent some time looking at this. Recommendation is to amend the Damariscotta Land Use Ordinance as follows:

Add the following definitions to 101.4:

Formula Business means a type of retail sales establishment (i.e. chain store, outlet store), restaurant, tavern bar or take-out food establishment, which along with 20 or more establishments, maintain two or more of the following features:

1. Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
2. Trademark or service mark, defined as a word, phrase, symbol or design, or combination of words, phrases, symbols or design that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of the store design.
3. Standardized interior décor including but not limited to style of furniture, wall-coverings, or permanent fixtures.
4. Standardized color scheme used throughout the interior or exterior of the establishment.
5. Standardized uniform including but not limited to aprons, pants, shirts, smocks or dresses, hats and pins (other than name tags)

Amend 101.4.D.1, Schedule of Uses, by adding "formula businesses" as follows: Commercial-Service: Formula Businesses: C3 (subset of C2)

Formula businesses under these changes would be prohibited from establishment in the C-1 district in order to maintain a unique retail and dining experience in Damariscotta's historic downtown area. It is believed that formula businesses detract from the overall historic downtown experience and threaten its

tourist economy. (example: a Starbucks vs. Joe's Coffee Shoppe) **Jenny Begin** asked if this extended out to C2. She asked if Damariscotta Hardware was a formula business. **Bob** felt it was. She asked about the food cooperative. She thought changing the lighting/signage would help on this one. **Jenny** said "This is a good definition; I just need to do some research." She asked what Newcastle does. **Wilder Hunt** said, "I don't like it; I don't like the tone." He would prefer inclusiveness and an "open for business" attitude. "I would be disappointed if we deny young people the opportunity to franchise." **Jonathan Eaton** reminded Wilder it was only for C1. **Wilder** said he would still prefer a more inclusive message. **Bob Faunce** said the Planning Board could say "no" -by vote, or they could ask for a public hearing. **Jenny Begin** suggested sending it to the Board of Selectmen. **Jonathan Eaton** said the preservation of downtown is a good idea; there is not much room in C1 for chain businesses. **Jenny Begin** would like to see some public input. **Bob Faunce** said a zoom meeting could be arranged for a public hearing – Alna has done it several times with 45+ people. He suggested the Board could vote to have a public hearing with the date "to be announced".

On motion (Begin/Jackson) to convene a public hearing at a date to be determined to discuss the definition of formula businesses and prohibit them from C1. Vote: 4-1-0 (Genthner in the negative)

After the vote, **Stan Waltz** reminded the Board that Damariscotta Bank and Trust downtown was being sold. They have an extensive basement area that could be retail – such as H & R Block, which is seasonal, but would be classified as formula and therefore not able to rent space there.

5. Updating Land Use tables

The Land Use Advisory Committee (LUAC) has spent considerable time this past year updating the current list of uses in the Land Use Ordinance. The current list is outdated and does not recognize new types of businesses, residential developments, institutional uses, etc. LUAC also considered in which districts these new uses should be allowed. Definitions for current uses were revised and new businesses were defined. LUAC made an effort not to remove any currently listed use from any zoning district, thus avoiding having to notify abutters as required by State law. **Bob** pointed out some things missing from the current list such as gasoline stations and small day care operations. **Bob** has marked in yellow all new additions as well as the definitions. **Jenny Begin** asked if some businesses were grandfathered. **Bob Faunce** reminded the Board that Damariscotta was a service center, and "we don't want to restrict new business." The site review screens for any unwanted businesses. Definitions quantify this. We will avoid ambiguity with extended use list. Also it limits abutters' concerns. Definitions have been updated and modernized. The Medical District still needs to be included in the list. **Wilder Hunt** asked about the "theater district." He recollects this being created when they wanted to update to a digital sign. **Bob** will check on it to see if it was formalized as a 'district.' **Stan Waltz** said that there is currently a movement to establish a drive-in movie theater in the back parking lot, projecting onto the theater, running on weekends. This would be temporary because of Covid-19.

On motion (Begin/Jackson) to schedule a public hearing, with the date to be determined, regarding the Land Use Ordinance that reflects uses in various districts. Vote: 5-0-0

C. OTHER

1. Questions from the Public: None

2. Housekeeping: None

3. Planner's Report-

Bob reported out that there have been interviews starting with bidders for the parking lot/restroom project. The interview team has been impressed with the quality of the responses.

D. Adjournment

On motion (Hunt/Eaton) to adjourn at 7:01 p.m.

Vote: 5-0-0

Respectfully submitted,

Lynda Letteney
Recording Secretary

Jonathan Eaton, Chairperson

Jenny Begin

Neil Genthner

Wilder Hunt

Ann Jackson

Absent
Daniel Day (alternate)

Elisabeth Printy (alternate)

Meeting minutes of August 3, 2020, signed on _____(date)

