

**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

