

**Minutes  
Board of Selectmen's Meeting  
Town of Damariscotta, Maine  
May 2, 2018, 5:30 PM  
Damariscotta Town Hall**

The Board of Selectmen met on Wednesday, May 2, 2018. Board members present were Robin Mayer, Ronn Orenstein, Mark Hagar, Amy Leshure, and Louis Abbotoni. Staff present were Matt Lutkus-Town Manager and Michelle Cameron-Town Clerk. Others attending were Walter Morris-Jefferson Fire Chief, Jim Campbell-resident, Chris Roberts-resident, Ann Jackson-resident, Fred Sewall-resident, Ann Pinkham-resident, Karen O/Bryan-resident & for LCTV, Jenny Begin-resident, Dana Orenstein-resident, Lorraine Faherty Dick McLean-resident, Shari Sage-resident, Andrea Keushguerian-resident, Lucy Harrington, Bruce Rockwood-resident and Land Use Advisory Committee Member and Clayton Huntley-Newcastle Fire Chief.

**I. Pledge of Allegiance**

**II. Public Hearings:** R. Mayer opened the Public Hearings at 5:30 PM

**1. Transfer of Town Property for Lincoln County Fire Training Facility:** Mayer explained that the proposal is for an EMS/rescue facility adjacent to the Fire Department. Newcastle Fire Chief Clayton Huntley handed out copies of the original request letter that was sent to the Board of Selectmen (BOS). Huntley said that the Lincoln County Fire Chiefs Association is a collaboration of all 17 fire departments in Lincoln County, which includes Monhegan Island and Louds Island. He stated that years ago a training facility had been set up in Wiscasset. They have a fire/rescue training trailer which would be moved over to the new facility if voters approve the transfer of the property. The association has decided, for many reasons that it needs to look for a new training facility site. Another location would allow room for expansion, improvements and more modern facilities. Chief John Roberts mentioned to the association that there was a piece of land next to the Fire Department that might work.

Jim Campbell said he thinks it's a great idea.

Huntley said when a single entity or town owns the property and the association doesn't, it can cause problems. They are dedicated to having every fire department having a say in it. He said the question has come up on whether the association would invite other organizations to participate. He said they would consider this an emergency training site. If the Police Department wants to use it for training or EMS-that's exactly what it's for.

Ann Pinkham stated that she has a concern with how large that piece of land is, how much it can take and the problem of when the original building was built and DEP. She is concerned about how wet the land is and what the DEP will say about that. We had to have a survey before that building went on there.

Huntley answered that all of those concerns will have to be investigated and straightened away. He has that DEP report and that they are concerned with buffer areas also. These things will all be part of the process.

Lutkus mentioned that the development would have to go through the Planning Board review process as well. The action that will be on the town meeting warrant for voters to consider allows the town to negotiate the size of the parcel and the cost if any.

Dick McLean asked if this was a transfer of ownership of the land.

Mayer answered, yes, that is correct.

Hagar asked if the Fire Chiefs association went defunct, would the land revert back to the town.

Huntley said he thought that would be worked into the transfer agreement and would be good protection for the town.

Huntley handed photos around the room showing; the training trailer they use currently, which would be on the new location and a burn building.

Dick McLean asked about whether they would be using foams or retardants that might cause concerns.

Morris explained that they have not had trouble with other training events and explained DEP has had no problem with the type of foam used for training.

Huntley said they are pretty well regulated.

Dick McLean stated that he feels this is the right thing to do. He asked if access to the property be a separate entrance from Heater Road or from town property.

Lutkus said that is yet to be decided. It could be either Massasoit Drive or Heater Road.

Huntley said that having the water supply available on this land is something they have been looking for because of grant requirements.

McLean expressed concern about heavy vehicles going over Heater Road and causing problems.

Jenny Begin wanted to clarify that if the land is transferred would the town retain an easement in the event that if something happened to the association, the land would revert back to the town.

Lutkus responded that he would be sure to have the attorney include a provision to that effect.

Morris said that it's part of their by-laws that if the organization dissolves any property would revert back to the town involved.

Hagar said the association has put a lot of work into this and because Damariscotta is a service center it would be a great benefit for the county.

Huntley said it would be great to have the training center in Damariscotta because it is so centrally located.

Morris stated that because the trainings right now jump around from town to town, it would be greatly beneficial to have one location for everyone to come to.

Abbotoni stated that he likes the project because all the local fire fighters are getting the proper training and this doesn't affect our tax base. He feels it's a very well thought out idea.

Morris said that right now there is not one single facility in the state that provides all of the required ISO training point values. This facility would do this.

Mayer closed the hearing at 5:54 PM

**2. Proposed Amendments to the Site Plan Review Ordinance:** Mayer opened the hearing at 5:54 PM. Bruce Rockwood, Chair of the Land Use Advisory Committee, gave a quick overview of how the process of review started. He stated that the committee wanted to respond the BOS charge with respect to waivers. The public hearing with the Planning Board suggested that they needed to look at the procedure of notice of decisions in the ordinance. Rockwood said the committee is going to continue to meet during the summer and fall with a view to submitting additional recommendations. He said there are amendments to section 10 and 11 of the ordinance and the committee is asking for you to put it on the warrant in June.

Abbotoni asserted that this board has been working diligently on this, however, he would not like to see this on the June warrant but to be voted on in November. He said the committee has a lot more things to do, so the board doesn't have a complete picture.

Rockwood responded that the committee was charged with coming up with recommendations on these specific issues for the June warrant. The more complicated issues will continue to be worked on.

Rockwood said this is straight forward and there's a lot of concern with the decisions of the Planning Board and the amount of appeals that are happening. The recommendation is that we require an application that is in complete compliance with the town's ordinances. If the applicant wants to ask for a waiver, they can do so but this gives the town a better negotiating position. He said there are escrow funds available to the Planning Board to get legal opinion if they chose to use it.

Abbotoni expressed concern that more town people haven't heard about this.

Rockwood stated that this is the second public hearing on this issue.

Abbotoni feels that in November we would have more people voting and it would give more time for people to be informed.

Jenny Begin said we've had a lot of changes to the ordinances we have been working on. We just pressed out these three little bits for the June meeting. There have been articles in the paper for months, we have had workshops with the Planning Board, all of our meetings are open to the public

and we've also had another hearing. We will continue to try to get more publicity for this. She hopes the Selectmen will allow this to go forward.

Abbotoni stated he would like to see a full presentation of what is going to happen.

Orenstein said that defeats the purpose of the charge, which was to have something for the June election. These few things are what we, as the committee, decided was important- to get that language changed and then work out other details after the election. If we don't allow these issues to go through, the current problems we are having will continue-we need talk about a stop to automatic waivers. We need to start somewhere.

Abbotoni mentioned that waivers can be given for safety reasons.

Rockwood said that the language the committee had put in here does not prevent waivers from being given, but it does say, if you are an outside developer coming into Damariscotta and you want to make a substantial change to the look and feel of the community and you know how to play the system-and insist on waivers up front, we are going to say no. What is your best proposal that is in full compliance with our ordinances-if it's not in full compliance they need to explain why. This gives the Planning Board negotiating opportunities.

Mayer asked if anyone had any suggested changes.

Jim Campbell asked if they are trying to do away with all waivers.

Rockwood said, no, they don't want to prevent waivers but they worked on defining the process.

Mayer said the changes better define how and when the Planning Board can use waivers. The developers have to have their best plan. The burden is on the developers to prove why they need a waiver. She said these changes are a response to the charge from the BOS.

Dick McLean said he is comfortable with the wording and feels like the committee has fulfilled the initial charge. He would like to see a June vote.

Mayer closed the hearing at 6:16 PM

**III. Call to Order:** Mayer called the meeting to order at 6:16 PM

**IV. Action on Public Hearing Items:**

1. **Transfer of Town Property for Lincoln County Fire Training Facility: On motion Hagar/Abbotoni moved to place this item as an article on the annual town meeting warrant, to work with MDOT and authorize the Selectmen to negotiate the transfer. Vote 5-0**

**On motion Abbotoni/Mayer moved to recommend the article to voters on the annual town meeting warrant. Vote 5-0**

2. **Proposed Amendments to the Site Plan Review Ordinance: On motion Leshure/Mayer moved to place this item as an article on the annual town meeting warrant.**

Hagar stated that he wants it voted on in November. We would have a better number of voters.

Mayer expressed concern about legal fees if this isn't voted on in June. If we have better decision making at the Planning Board level we can maybe avoid additional legal fees.

There was discussion on what the charge to the Land Use Advisory Committee was.

Orenstein said the charge was to look at three things because they were causing issues.

Mayer said the committee set aside a twenty item list to focus on the top three things with the understanding that the other items will be looked at.

**Vote 3-2, Hagar & Abbotoni opposed**

**On motion Mayer/Orenstein moved to recommend the article to the voters on the annual town meeting warrant. Vote 3-2, Hagar & Abbotoni opposed**

**V. Minutes**

1. **April 18 Meeting: Tabled**

**VI. Financial Reports:**

1. **Payroll Warrant #53: On motion Mayer/Abbotoni moved to approve PY Wrnt # 53. Vote 5-0**

**2. Accounts Payable Warrant #54: On motion Orenstein/Abbotoni moved to approve AP Wrnt # 54. Vote 5-0**

**VII. Presentations: NONE**

**VIII. Citizen Comments and General Correspondence:** Dick McLean updated the board on the Lincoln County Planning Commission's upcoming workshop on May 8<sup>th</sup>. The workshop is about discussing both sides of renting properties-Air B&Bs as well as other renting options.

Hagar mentioned that a lot of people rent their cottages to help with their property tax burden.

McLean said that having some rules regarding renting may help protect both parties are prevent future issues.

There was discussion on renting and safety issues.

**IX. Town Manager Items:**

- 1. Nominations for Maine Municipal Association Policy Committee:** Lutkus asked if any of the BOS were interested. Mayer mentioned she thought Hagar would be a good representative.
- 2. Board Direction on Town Meeting Warrant Articles:** Lutkus quickly reviewed the three warrant articles submitted by citizen petition regarding the Sign Ordinance. Lutkus stated that he wanted to make certain that the BOS wanted the articles on the open town meeting warrant and not voted on at the polls. The Board agreed it would be a good idea to have them on the open town meeting warrant.
- 3. Ecumenical Food Pantry:** Lutkus updated the BOS that they do not need town money because the Good Shephard Food Bank does not charge them for deliveries any more. They would like to have their petition request removed off of the June warrant. Lutkus said based on the counsel of MMA legal, the BOS can take it off the warrant.
- 4.** Lutkus mentioned that Patti Whitten is possibly the town's #1 volunteer. She has put together a book of where every veteran grave is located in town.  
Mayer said the book is phenomenal and thought it would be nice to have it on the website.  
The whole Board expressed thanks to Patti and said it was an incredible book.
- 5.** Lutkus said the Amy Leshure has done a tremendous amount of research and put together a draft plastic bag ordinance. Lutkus asked what kind of input the BOS would like. We would have to have a public hearing. The BOS thought maybe it could be voted on in November.  
Leshure asked when the community could start the conversation about the ordinance.  
Lutkus suggested having the public hearing after town meeting, sometime in July or August so people don't get confused about whether it's on this June's warrant.  
There was discussion about having the hearing or community conversation in July.  
Lutkus said that the BOS typically have two June board meetings, one the first week of June and one directly before the annual town meeting-June 13<sup>th</sup> this year. The BOS decided to have their June meetings on 6/6 and 6/27 and their July meetings 7/11 & 7/18.  
Mayer suggested having a workshop or community conversation before the June 27<sup>th</sup> meeting.

**X. Official Action Items**

- 1. Purchase/Sale Agreement with Dan and Eileen Miller: Tabled**
- 2. Board Recommendations on Warrant Articles (optional):** Lutkus asked the BOS if they wanted to take a position for the town warrant-did they want to recommend the articles that were submitted by petition. **There was no motion made.**
- 3. Ecumenical Food Pantry Request: On motion Mayer/Orenstein moved to reallocate the \$500 that was approved at the 2017 Annual Town Meeting for the provider agency Ecumenical Food Pantry to the Town's General Fund Balance. Vote 5-0**

4. **Donations for Town's Waterfront Improvements:** Lutkus said that during the past two weeks, donations for the restroom and other waterfront improvements have been received from the following businesses: Bath Savings - \$1,000, First National Bank- \$5,000, Ross Flood Properties- \$1,000 and Colby and Gale- \$2,000. He explained that an anonymous donor said if people would donate, they would match the donations. **On motion Orenstein/Abbotoni moved to accept the donations listed above totaling \$9,000 to be used towards the cost of the construction of the downtown restroom and other public improvements in the waterfront area.**

**XI. Selectmen's Discussion Items:** Abbotoni mentioned that he needed help with his computer. He got an email very late due to trouble with his town email. He said Cheryl was going to help him.

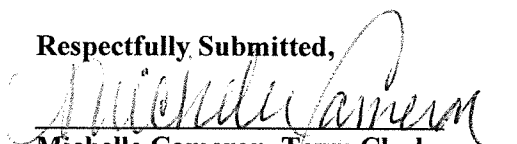
Leshure mentioned that the food pantry has a backpack program for food insecure kids-this includes weekends.

Hagar asked if we can get shim on Bristol Road because we are a service center.

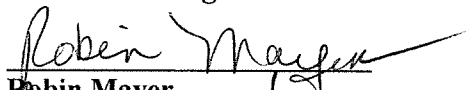
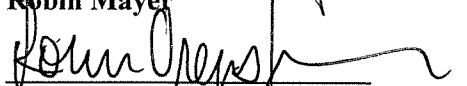
Lutkus said he is meeting with the Bristol Road maintenance crew next week and he will mention it.

Mayer stated that she, Lutkus, Dick McLean, other officials from other towns and the LC Emergency Management group had lunch with Senator King. The discussion was on storm surge flooding. It was a good, very positive meeting. She said Senator King came to Damariscotta and was impressed with what is going on with our town. Mayer said Lutkus did a great job talking to the Senator.

Respectfully Submitted,

  
Michelle Cameron, Town Clerk

We, the undersigned, do hereby approve as written, or with corrections as noted, the minutes of the above-designated Board of Selectmen meeting.

  
Robin Mayer  
  
Ronn Orenstein

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Mark Hagar

  
Amy Leshure

  
Louis F. Abbotoni

Town of Damariscotta, Board of Selectmen

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Date

5/16/18