

Town of Damariscotta
LAND USE ADVISORY COMMITTEE MEETING
August 13, 2018 Meeting, in Town Hall – 4:30 to 6:15 PM
Minutes, Decisions & Notes

Present: Rockwood, Tobey, Jackson, Pinkham, Orenstein, Roberts, Dater (scribe).

1. Haas Tobey reviewed the draft by-laws of the LUAC he originally distributed in late January. We will discuss revising them at our next Meeting. By-laws may be helpful in avoiding legal difficulties.
2. Two half-day workshops from the Maine Historic Preservation are scheduled, one September 12th, 2018 on the role of an historic preservation commission, and the second October 24th, 2018 on researching and writing grants to benefit community historic preservation. Rockwood plans on attending both and invites others interested to car pool. He will review for the Selectmen at the August 15th workshop what the concept of a Certified Local Government (CLG) means and ask if the town wants to approach its draft historic preservation ordinance in a way that incorporates the CLG concept.
3. LUAC reviewed Draft #13B of proposed revisions to the Site Plan Ordinance, from where we left off at our August 6th meeting.
 - a. The procedural flow chart Haas is doing will be Section 16 of the revised Ordinance as. The Hand-out on Erosion & Sedimentation Control, and the Native Tree List compiled by Laurie Green will be appendices. After completing all the substantive amendments, the Table of Contents will need re-numbering.
 - b. Concerning mention of ‘grandfathering’ in Section 3(6.) and (7.) of the SPRO, it simply references to Non-conforming or "grandfathered" uses from the separate Land Use, Shoreland and other ordinances. There is no need, therefore, to further define it in the SPRO.
 - c. Orenstein’s internal pedestrian circulation clarification within site developments (in Section 11(I.)(3.) was adopted.
 - d. Under Section 12: Large Scale Development, emphasis in A.(1.) that "flat roofs are discouraged...: was approved, as were clarifications as to outdoor sales (B.) and parking (C.). Buildings 20,000 sf + “shall” be required to have a community impacts study as part of their application (Section 12(H.)(3.)
 - e. We will ask Bob Faunce, LCRPC to review Section 12.E, Landscaping of large-scale (7500 sf +) buildings and make a recommendation to the Committee. What are the best management practices for protecting building foundations from water, etc. from vegetation planted up against the façade?
4. Review of Section 13 Appeals Procedure of SPRO.
The Town Manager had suggested streamlining the appeals process by replacing part of Section 13 with a reference to the appeals process in the Board of Appeals ordinance. Rockwood will review Section 13 of the SPRO in comparison with the BOA ordinance to see what might be recommended to be deleted and replaced with a reference to the procedures in the Board of Appeals Ordinance.
5. Rockwood will review the proposed amended definition for ‘Aggrieved Party’ and present a preferred version at the September 10 LUAC meeting. The other proposed definitions in the draft ordinance were accepted.

Next Meetings

Wednesday, August 15th, 5:30pm workshop with Selectmen for scheduling LUAC’s activities and products.

Monday, September 10th, 4:30pm, to complete the Draft SPRO revisions and schedule work on the Historic Preservation Ordinance and the updated Subdivision Ordinance.

Appendix: Town Planner Anthony Dater asked Bob about our questions by email:

From: Anthony Dater [mailto:ADater@damariscottame.com]
Sent: Monday, August 13, 2018 7:31 PM
To: rfaunce@lcrpc.org

The Committee asked me to request your review of Section 12.E (Landscaping) of our proposed revised Site Plan Ordinance (p. 38). See attached. The Committee wants to know what are the best standards for tree and shrubbery sizes. Thank you for your help. Tony

Bob's response:

From: rfaunce@lcrpc.org [mailto:rfaunce@lcrpc.org]
Sent: Tuesday, August 14, 2018 9:33 AM
To: Anthony Dater
Cc: clan.rockwood@gmail.com
Subject: RE: Draft Minutes LUAC Mtn 8.13.18

Hi – your amendments looks OK to me since they will be applied to large buildings although the increase in caliper may be costly. I don't have any specific recommendations regarding species or foundation protection. The regs were written with the understanding that a professional landscaper would likely be involved. From past experience, recommendations and preferences can vary widely among landscapers so I would not try to get too specific. I don't recall whether the regs include a provision similar to the following somewhere else but you might consider this language, which would address the issue of plant loss due to poor species selection.

The applicant shall submit a site landscaping plan that presents the location and quantity of all project plantings. At least 75 % of all vegetation shall be native species. The applicant shall also submit a planting schedule keyed to the site landscaping plan that lists the botanical and common names, size at planting and quantity of all project plantings. Landscaping shall be considered an integral component of the approved project. (**See Appendix - Recommended Tree species List for Throughfare Types.**)**{adopt Laurie Green's tree list as part of ordinance?}** The applicant shall replace within thirty (30) days, or as seasonally required by the species, any landscaping that dies, is removed or otherwise requires replacement. Such replacement landscaping shall be equivalent in species and size to the original landscaping unless the applicant can demonstrate to the satisfaction of the Planning Board that the site conditions require an alternative species of comparable size. Landscaping as depicted on the site plan is considered an integral component of the approved development. Should any portion of the landscaping that dies, is removed or otherwise requires replacement, is not replaced within thirty (30) days, or as seasonally required by the species, it shall be considered a violation of the approval granted by the Board pursuant to Section 10.H and shall be subject to the enforcement provisions of Section 14.