

Town of Damariscotta, Damariscotta, Maine 04543

LAND USE ADVISORY COMMITTEE (LUAC) MEETING

MONDAY, JANUARY 22, 2018 Meeting – 5 PM – 6:05PM

NOTES AND DECISIONS

Present: Rockwood, Tobey, Polyniak, Dater (scribe).

Absent: McNiff, Gormley, Lee, Clark, Parker, House, Lutkus.

Guests: Historic Main Street building owners: David Levesque; Eileen & Don Miller; residents Ann Jackson; Jenny Begin; Ronn Orenstein (BOS liaison to LUAC)

MINUTES: November, 2017 Meeting Minutes presumed by Secretary Dater to be acceptable by the Committee as no one brought any changes to the meeting. A formal vote could be taken at the February meeting.

1. Tobey explained that the agenda for today's meeting initially included as first item discussion of Draft #12 of the proposed Historic District Ordinance for the town, which was called for in the 2014 state approved comprehensive plan, and focused on by this committee in the past year in response to the request of the Town after a building in the district was demolished overnight without notice. While the ordinance was discussed at our December 12, 2017 meeting, turn out was small and allowing for the challenges of the holiday and winter season, we have not had time to engage in the wider community discussion which will include building owners and business operators within the National Historic District, as well as all interested residents of Damariscotta. So tonight's meeting will not focus on the ordinance, but discussion from those concerned with it that are here tonight will come first before we proceed with our new business.

Concerns raised over the draft ordinance in December and tonight by building owners David Levesque, and Eileen and Don Miller (owners of the Gay building) included asking for the rationale for the ordinance, and questioning its detailed requirements. They pointed out they are motivated to take good care of their buildings as it is, and saw this draft as unduly burdensome. They were pleased that changes since December made it less restrictive but asked if it should exist at all. Why is the draft ordinance placing these restrictions on historic building owners? It was suggested that restrictions on demolition should not be limited to the Historic District, and that this was somehow discriminatory. Leveque indicated he spoke for several other landowners in the Historic District. The LUAC explained that one of the prime motives for the proposed ordinance was to at least slow down the process of demolition of the existing historic buildings in town to allow time for alternatives to be considered. Also, that the draft ordinance reflects best practices and similar ordinances enacted in other communities. There is a balance between the rights of building owners in town and the rights of the citizens of the town to pursue their goals as embodied in the comprehensive plan.

It was suggested that we get a list of all building owners in the Historic District from the tax rolls or registry of deeds to ensure all owners and renters in the District have actual timely notice of the draft and its rationale, and that we schedule a series of public hearings or forums at various times in the week to enable all concerned to be fully informed and have the opportunity to get input into the draft before it would go through the full process: Firsts, by review at the Planning Board (PB) (which would have its own public hearing); then to the Board of Selectmen (BOS); and only then if approved would it be submitted to the Town Meeting for approval. So there will be plenty of opportunity for all to be heard and it was pointed out that this process of notice, hearings and community engagement is one of the objectives the LUAC has for all its future projects on behalf of the town.

The recent Federal tax law did preserve tax credits for renovation of Historic buildings, and Dater will gather updated information on the status of federal and state tax credits for rehabbing historic buildings which might play a role in how we craft the final ordinance. He has found that buildings included within an historic district within a 100-year floodplain have FEMA flood insurance whether historic or non-historic buildings.

2. Charter and By-laws. LUAC Chair Haas Tobey, working with the Town Manager and the Selectboard (BOS), drafted a Charter for the LUAC, By-laws for its procedure (including a standard form Agenda), an initial task list for the LUAC for 2018, and a calendar for our twice monthly meetings. Minutes are to be produced in a timely manner to keep the BOS and interested members of the community fully informed of work in process.

In order to complete its assignment from the BOS for reviewing and amending the Site Plan Review Ordinance, the LUAC will meet the 2nd and 4th Mondays of the month from February to the June 2018 annual town meeting

We are to be a working committee, and reconstituted membership will come after interviews are conducted by a committee appointed by the BOS. There is a list of potential additional members to be added to the LUAC including several who were on the fall Planning Advisory Committee (PAC) whose recommendations to the BOS in December, 2017 led to this action.

Orenstein pointed out that time is passing and urged that the full LUAC membership be reconstituted as soon as possible. **A Motion (Rockwood/Tobey) was approved to ask the Town Manager to arrange that interviews of potential new members be conducted within the next week so that we can begin our next Meeting with a full complement of members.** Once they are appointed by the BOS we will provide them with our working documents and get to work.

3. Initial Task List. An updated Task List that schedules initial priorities for work on preparing proposed new or amended ordinances was presented. Work on Draft Historic District and updated Subdivision Ordinances will continue. Per the recent Planning Advisory Committee (PAC) report to the BOS, revision of the Site Plan Review Ordinance will be done for voting at the June 2018 Town Meeting. **Decision: Bruce Rockwood, LUAC member and Ronn Orenstein, BOS liaison to LUAC, were appointed as a task force to review the PAC report, the Selectmen's discussion about it and LUAC's own discussions and report on priorities**

for revisions of the Site Plan Review Ordinance at the February 12th meeting. Issues raised in recent PB decisions including granting waivers of parking and other requirements will be considered as we review the ordinance and seek to clarify and tighten it up.

Tobey then suggested based on his Goals Memo to the LUAC of September, 2016 and after our December, 2016 meeting with the Damariscotta River Association (DRA) Board, that the LUAC first look at "low hanging fruit" (LHF) from the goals of our 2014 comprehensive plan, including: new water quality monitoring technology that could be added into the Site Plan Ordinance (that DRA and PWA have access to); expanding the requirements for landscaping/planting plans to require maintenance and succession planting over a twenty-year horizon; and looking at other Land Use Ordinances that might be revised to address issues such as adjusting district boundaries. Other items will take several years to address and priorities will depend upon the availability of volunteers to serve on subcommittees or task forces of the LUAC to do the spade work in reviewing ordinances, researching alternatives, and helping draft amendments for public hearings and review.

Decisions: Begin and Dater were assigned to a task force to research existing ordinances concerning water quality maintenance that might be both beneficial and enforceable in Damariscotta and report back at the February 12th LUAC meeting. Dater is to collect sample ordinances and Begin will evaluate them for applicability to Town.

Tobey was assigned to contact Laurie Green, Landscape Architect and work with her and Begin in revising either the Site Plan landscaping/planting section or developing a new stand-alone landscaping/planting ordinance.

4. Review of the Meeting: Tobey asked those in attendance "How are we doing?" and if they had any suggestions. Jackson and Begin thought the meeting went well and were both interested in serving on the LUAC.

5. Calendar: Our calendar schedule has Meetings at 5pm on **Mondays** - February 12, February 26, March 12, and March 26 with a deadline of presenting for publication as a draft ordinance of April 5, 2018 posting at the Town Hall of a Site Plan Review ordinance as mandated by the PAC report and the decision of the BOS in its charge to this committee. If we can also work on public hearings for the Historic District Ordinance in time to meet this deadline (with a view to being ready for the June town meeting), we will do that as well, but it can be held over to a later town meeting depending on how our work proceeds. Subsequent meeting dates include April 9, April 23, May 14, May 28 and June 11, with the town elections June 12 and Town Meeting June 15, 2018.

6. Tobey asked Date and Rockwood to collaborate in preparing these minutes, and we adjourned at 6:05pm.