

## **Minutes of April 9, 2018 Damariscotta LUAC Meeting**

In attendance: Fred Sewall; Ronn Orenstein; Jenny Begin; Lucy Harrington; Bruce Rockwood; Chris Roberts; Ann Jackson; Anthony Dater.

1. We polled the members of the LUAC about whether to pursue further language to revise the SPR Ordinance for the June Warrant beyond the language adopted by the Planning Board at its April 2, 2018 meeting. While there was strong feeling that language barring waivers of the appearance elements ought to be added to the June warrant, it was agreed that on balance the better approach was to work to get the language approved April 2 put on the June warrant, while working to complete an overall review of the SPR and Historic District Ordinances with the goal of holding workshops and public hearings in the summer and fall and getting them on a town meeting warrant in November. The presentation to the Planning Board on April 2 by the Chair (Rockwood) reflected the decision of the LUAC, and it was suggested that the chair make it clear in future hearings that when speaking on behalf of the LUAC he use the language "we" to make it perfectly clear that the recommendations being made reflect the agreed recommendation of the committee. We had a charge from the Selectboard and we responded to it.

2. We discussed the SPR Ordinance latest draft and agreed to **focus the May 14 LUAC meeting on the stormwater management** and sediment control language in the draft, with Jenny Begin reporting in greater detail on the model language recommended by the state DEP for municipal storm water management language using Low Impact Development. Chris Roberts suggested incorporating state DEP language by reference. It was suggested local municipalities were encouraged to promote LID over retention ponds as best management practices. Rockwood asked that members of the LUAC come prepared to focus on the best language for the SPR on this issue at the meeting. What do state guidelines recommend for municipal ordinances? How do we address concerns that these are "additional undue burdens" as opposed to legitimate local control over valuable water resources? In particular, Damariscotta has fresh water ponds and river resources that are important commercial and recreational resources. They need to be protected.

3. We discussed the feedback from the five panelists and 20 attendees at the Historic District and Preservation forum on held to **consider our draft Historic District ordinance on March 29th**. David Levesque sent Rockwood his own markup of the draft, which he will try to review and share with you in the near future. We discussed the issue of "demolition delay" ordinances and historic buildings outside the federally recognized historic district. Our hope is we can get a consensus to submit both a complete revision of the SPR Ordinance and a finalized Historic District ordinance for November.

Two suggestions made at the historic district forum of interest: (1.) What about a stand-alone demolition ordinance requiring prior notice to the CEO or town planner; require a permit conditioned on giving the owner and the town an opportunity to postpone demolition to find a willing buyer, for historic buildings anywhere in town, not just the Federal historic district.

(2.) Clarify plans to enable historic homes/buildings outside the Federal historic district to be added to our local district (and thus get advantages available to certified local

districts). The current draft ordinance allows for that, but questions at the forum suggested we should highlight this opportunity. It would also address Att. Levesque's concerns about treating buildings in and out of the historic district differently, by indicating we hope to develop guidelines for these other structures for the future.

#### 4. New business.

a. Jenny Begin suggested we look at the proposal Shari Sage has made to the Planning Board in the past for a **C-3 overlay district** to protect residential/village values within the C-2 district. After discussion it was agreed to make the proposed C-3 overlay district the focus of discussion at the **May 21<sup>st</sup> LUAC** meeting.

b. Anthony Dater pointed out we had to address Att. Meader's critique of our draft definition of "Aggrieved Party" in the SPR Ordinance draft. Rockwood agreed to review it and report back at the next meeting on this language. Our goal is to have a definition that to the widest extent possible ensures interested parties in Damariscotta have notice and a fair opportunity to be heard in the planning process where proposals negatively impact the values of the town and the state approved comprehensive plan.

c. At the June 11<sup>th</sup> Meeting Ann Jackson will report on ideas for workshops and forums on the proposed revised SPR ordinance and Historic District ordinance to ensure maximum opportunity for all members of the community to be informed and participate in the process and understand the proposals. We will review the SPR and HD ordinances at this meeting with a view to finalizing working texts of both documents to circulate in the summer and fall. At least one public hearing will be held in August to allow summer residents to be informed of the process and get their feedback, and further forums or workshops will be held in the fall, with a view to getting public hearings in October and submission to a town meeting in November.

There being no further business, we adjourned at 6:15pm.

Bruce L. Rockwood, Chair, LUAC

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Appendix: From Anthony Dater, April 10, 2018, email: TO: LUAC Members, CEO and Police chief,

As a follow-up to our April 9th meeting, I checked with the CEO on the outdoor lighting at the Dollar General and Sherwin Williams Stores as a condition of their approved site plans. Stan has talked with the store managers about turning off their parking lot lights at night. The standard is parking lot lights off at 11 PM or one-half hour after the store is closed whichever is later. But Stan is not at work at night to check the lighting but the Police could check and report back to Stan or me. Also, LUAC members living in town could visit Dollar General after the store has closed for the night and document by photographs if parking lot lights were still on. Such photos would provide the CEO with the evidence to follow-up at Dollar General and Sherwin Williams.

My view is that only lights attached to the buildings themselves are 'security lights'. So if Dollar General were to claim that lights not on building walls are for security, the CEO should require them to come back to the Planning Board to seek amendment of their approved site plan.

Tony

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**From:** Reed, Robin K [mailto:[robin.k.reed@maine.gov](mailto:robin.k.reed@maine.gov)]  
**Sent:** Monday, January 11, 2016 11:47 AM  
**To:** Anthony Dater  
**Subject:** RE: Demolition permits within Hist Dist Ordinances?

Tony: Please see our website for links to some ordinances that have demolition delay language (Augusta link does not work – see next link in my email below):

[http://www.maine.gov/mhpc/preservation\\_planning/local\\_planning/demolition\\_ordinances.html](http://www.maine.gov/mhpc/preservation_planning/local_planning/demolition_ordinances.html)

Please note that Augusta recently enacted a 180 day delay period –see section 12. C :

<http://www.ecode360.com/30492371>

Biddeford adopted 90 day delay period in their historic preservation ordinance (see section 12):

<http://ecode360.com/28396804>

Please also see attached some helpful articles. I will respond to your other Dec. 21 email regarding historic district ordinance and model ordinances separately. Let me know if you have questions. Robin K. Reed, Maine Historic Preservation Commission, 55 Capitol Street  
65 State House Station Augusta, ME 04333 phone: 207-287-2132 ext. 1  
fax: 207-287-2335 [robin.k.reed@maine.gov](mailto:robin.k.reed@maine.gov) <http://www.maine.gov/mhpc> in response to:

**From:** Anthony Dater [mailto:[ADater@damariscottame.com](mailto:ADater@damariscottame.com)]  
**Sent:** Tuesday, January 05, 2016 1:40 PM  
**To:** Reed, Robin K  
**Subject:** Demolition permits within Hist Dist Ords?

Robin, The Damariscotta Planning Board asked me to gather sample municipal demolition ordinances for their consideration. Does MHPC have any model ordinances with demolition requirements and permit procedures? Please advise. Thank you.

Tony Dater Town Planner