

Town of Damariscotta
21 School Street
Damariscotta, ME 04543



Isabelle Oechsle
Town Planner
(207) 563-5168

IOechsle@Damariscottame.com

Town of Damariscotta
Planning Board Meeting Agenda
Monday, March 6, 2023 – 6:00PM
Hybrid Meeting: Town Office & via Zoom

Join Zoom Meeting: <https://us02web.zoom.us/j/88985249796>

Meeting ID: 889 8524 9796

Passcode: DamaPB

1. Pledge of Allegiance
2. Call to Order
3. **Public Hearings:**
 - a. Site Plan and Conditional Use Application to upgrade the existing home occupation to an arts and crafts studio at **2 Hodgdon Street** (Tax Map 6 Lot 55) (no construction proposed)
 - Applicant: Susan Chalmers dba Du Jardin
 - Zone: General Residential (GR)
4. Review of Meeting Minutes: February 6, 2023
5. Other Business:
 - a. Housekeeping (signature of previously approved findings of fact and notices of decision)
 - b. Questions from the public (an opportunity for the public to ask questions on items not on the agenda)
 - c. Planner's Report
6. Adjournment



AGENDA ITEM #3A
Meeting of March 6, 2023

Site Plan and Conditional Use – Du Jardin

2 Hodgdon Street – Susan Chalmers
PID #2209

INTRODUCTION

Applicant Susan Chalmers is requesting Site Plan and Conditional Use review in order to upgrade her existing home occupation to an arts and crafts studio, a Conditional Use in the General Residential (GR) zone. The applicant has indicated that no building or site work is proposed as part of this request. The parcel is further identified as Assessor's Tax Map 6, Lot 55.



Notices of the pending application were mailed on February 13, 2023 to 8 property owners abutting the subject property and were posted at the Town Office. No abutters objected to the application and therefore a public hearing is not required, per Sec. 102.5(G) of the Damariscotta Town Ordinances.

This submission is being reviewed pursuant to Chapter 101, Sec. 101.9(C)(2): Standards [Conditional Uses], and Chapter 102, Sec. 102.6: Performance Standards [Site Plan Review].

SUBMISSION CHRONOLOGY

Application Received:	January 31, 2023
Pre-Application Date:	N/A
Deemed Complete for Planning Board:	February 13, 2023

PROJECT DATA

Zoning:	General Residential (GR)	
Land Area:	0.42 acres	
Existing Land Use:	Single-family home + home occupation	
Proposed Land Use:	Single-family home + arts and crafts studio	
	Allowed:	Proposed:
Max. Building Height:	35 feet	No change
Min. Front Yard:	20 feet	No change
Min. Side Yard:	15 feet	No change
Min. Rear Yard:	15 feet	No change
Min. Off-Street Parking*:	6.5 spaces / 1,000 s.f. of floor area (or 4 spaces required)	6 parking spaces (existing)

*Pursuant to 102.6(H)(7)(i).

REVIEW PROCESS

The home occupation use was approved by the Planning Board during the meeting on [May 4, 2015](#).

The reason that the applicants are “upgrading” from the previously approved Home Occupation use is because they are planning to hire an additional employee. Home Occupations are limited to “no more than two persons other than a member of the family residing on the premises” being employed (per Sec. 101.4). The applicant is seeking to have a total of three employees within the next year, meaning that they would no longer qualify for the home occupation use.

ANALYSIS OF PROJECT

Conditional Use review is subject to the standards outlined in Chapter 101, Sec. 101.9(C)(2): Standards [Conditional Uses], and Chapter 102, Sec. 102.6: Performance Standards [Site Plan Review].

Staff's analysis of the Conditional Use and Site Plan Review standards are organized by topic below, with references to the corresponding provisions.

Standards for Conditional Uses:

1. Sec. 101.9(C)(2)(a)(i): Certain Requirements Met

The use requested meets the requirements of the Land Use Ordinance as outlined in the project data table above, as well as the requirements of the Damariscotta Site Plan Review Ordinance as outlined in the analyses below.

2. Sec. 101.9(C)(2)(a)(ii): Effect Not Adverse

The use will not have an adverse impact on the health, safety or general welfare of the residents of the area or on the general public, consistent with the standards for Site Plan Review as outlined below.

3. Sec. 101.9(C)(2)(a)(iii): Conditions

Staff's recommended conditions of approval are as outlined below.

Standards for Site Plan Review:

1. Sec. 102.6(A): Preserve and Enhance the Landscape

Given that no construction, removal of landscape, or disturbance of soil is proposed with this application, staff finds this standard to be not applicable.

2. Sec. 102.6(B): Relationship to Environment and Neighboring Buildings

Given that no construction or expansion of the existing parking area is proposed with this application, staff finds these standards to be not applicable.

3. Sec. 102.6(C): Air Quality

The applicant is proposing an expansion to her existing business, which focuses on the creation and sale of small-batch soaps and herbal beauty products. The emission of dust, fly ash, fumes, vapors or smoke which could damage human or animal health, vegetation or property are not anticipated as a result of this use.

4. Sec. 102.6(D): Lighting and Glare

Changes to existing site lighting are not proposed with this application nor required by this section. Therefore, staff finds this standard to be not applicable.

5. Sec. 102.6(E): Noise

All noise is required to adhere to the provisions of this section, including staying below the sound level limitations as described. For a project abutting a residential use, as this does, the sound level limits are 55 dBA between the hours of 7 a.m. and 7 p.m., and 45 dBA between the hours of 7 p.m. to 7 a.m. Condition #3 reaffirms this requirement.

6. Sec. 102.6(F), (G), (H), and (I): Traffic, Circulation, and Access

Trips

The applicant is currently Du Jardin's only employee. However, she has indicated that she plans to hire three additional employees within the next year. Products crafted are offered for sale through three main channels: limited store hours at the barn located on the subject property, online retail website, and at local farmers and makers markets (off-site).

The store hours at the barn are Wednesdays and Thursdays from 11 a.m. to 4 p.m., and Saturdays from 11 a.m. to 1 p.m. The applicant has indicated that these are not anticipated to change this year.

Given the limited open hours for in-person shopping, and the limited number of additional trips that could be generated by three total employees (approximately 6 trips per day), the proposed project is in compliance with the requirements of Section 102.6(G).

Access

Access to the site is via the existing driveway off of Hodgdon Street, a public street. The driveway is located near the intersection of Elm, Church, and Hodgdon Streets and a public sidewalk is available.

Given the level traffic generation anticipated and the capacity and design of the roadways connected to the site, the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 102.6(F) and (G).

Parking

Site Plan Review Ordinance Section 102.6(H)(7)(i) requires that art galleries, museums, libraries and similar uses provide 6.5 parking spaces per 1,000 s.f. of floor area, therefore the project requires at least 4 spaces. The site currently has 6 parking spaces. As designed the parking supplied meets the requirements of Section 102.6(H).

7. Sec. 102.6(J): Existing Public Utilities and Services

The applicant will be required to pay impact fees to the Great Salt Bay Sanitary District to accommodate the expanded sewer demand, per conversation with the Wastewater Director. Condition #4 affirms this requirement. Therefore, the project as conditioned meets the requirements for adequate sewage waste disposal. Public water access is detailed in item 11 below.

Construction is not being proposed, so trash will come only from operations. There are no known capacity constraints regarding solid waste, therefore the project is consistent with this section.

8. Sec. 102.6(K): Water Quality

The proposed project will not adversely affect the quality or quantity of groundwater, consistent with Sec. 102.6(K), given the limited expansion of the business being proposed and given that the site is connected to public water.

9. Sec. 102.6(L): Stormwater Management

Given that no construction is proposed with this application, staff finds this standard to be not applicable.

10. Sec. 102.6(M): Erosion & Sediment Control

Given there no construction is proposed with this application, staff finds this standard to be not applicable.

11. Sec. 102.6(N): Water Supply

There are no known capacity issues with the public water supply, therefore, this standard has been met.

12. Sec. 102.6(O): Natural Beauty

No construction or clearing of trees is proposed with this application, therefore, this standard has been met.

Wetlands will not be impacted by the proposed development, given that no construction is proposed.

13. Sec. 102.6(P): Historic and Archeological Resources

No documented archeological or historic resources will be impacted by the proposed operation.

14. Sec. 102.6(Q): Filling and Excavation

As no construction (and thus, no excavation is proposed), this standard is not applicable to this project.

15. Sec. 102.6(R): Sewage Disposal

As discussed in item 7 above, the subject property is tied into the existing public sewer system. Therefore, this standard has been met.

16. Sec. 102.6(S): Phosphorus Control

The subject property is not located within the watershed of a great pond, therefore this standard is not applicable.

17. Sec. 102.6(T): Buffer Areas

This project is adjacent to Elder Care Network of Lincoln County to the east, and a residential property to the east. The barn where the operation takes place is setback from the front property line about 90 feet. As shown on the Google Earth imagery shown below, a wooded buffer exists between this use and neighboring uses.



18. Sec. 102.6(U): Signs

Signage is not proposed with this application. A small sign currently exists on the subject property. Any future signage will be regulated through the Code Enforcement Office in accordance with the Damariscotta Sign Ordinance, Chapter 107.

19. Sec. 102.6(V): Building Appearance

Changes to the building are not proposed with this application and thus, staff has determined this standard to be not applicable.

WAIVERS

The applicant has not requested any waivers as part of this project.


RECOMMENDATION

Based on the review of the project and all information in the record, staff recommends the following action:

Approve the Site Plan and Conditional Use application of Susan Chalmers, dated through January 31, 2023; for Du Jardin at 2 Hodgdon Street, subject to the following conditions:

Conditions of Approval

Condition	Staff Assigned	Must be Completed By:
1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.	Town Planner	Ongoing
2. This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.	Code Officer	Ongoing
3. All noise associated with the proposed development shall be regulated in accordance with the provisions of Sec. 102.6. Applicants and their contractors are well-advised to familiarize themselves with that section of the Town's Ordinances.	Code Officer	Ongoing
4. Applicant should be aware that payment of an impact fee to the Great Salt Bay Sanitary District will be required prior to operation.	Wastewater Director, GSBSD	Prior to Operation


Isabelle V. Oechsle
Town Planner
March 6, 2023

ATTACHMENTS:

Attachment [1] Application binder, received 1/31/2023



**DAMARISCOTTA PLANNING BOARD
FINDINGS OF FACT AND NOTICE OF DECISION**

Date: March 6, 2023

Site Plan and Conditional Use – Du Jardin

2 Hodgdon Street – Susan Chalmers

PID #2209

The Town of Damariscotta Planning Board issues the following Findings of Fact and Conclusions of Law at its duly-noticed meeting of **March 6, 2023**:

- A.** The Planning Board considered the Project, the staff report, and received and considered all written and oral public comments on the Project which were submitted up to and at the time of the meeting for the Project; and
- B.** Legal advertisements regarding this application were mailed on February 13, 2023 to 8 property owners abutting the subject property and were posted at the Town Office; and
- C.** The project description is as follows:

Applicant Susan Chalmers is requesting Site Plan and Conditional Use review in order to upgrade her existing home occupation to an arts and crafts studio, a Conditional Use in the General Residential (GR) zone. The applicant has indicated that no building or site work is proposed as part of this request. The parcel is further identified as Assessor's Tax Map 6, Lot 55; and

- D.** The Project is subject to the following policies and standards of review:
 - a. Chapter 101, Sec. 101.9(C)(2): Standards [Conditional Uses], and Chapter 102, Sec. 102.6: Performance Standards [Site Plan Review].
- E.** The core Project Data includes:

Zoning:	General Residential (GR)	
Land Area:	0.42 acres	
Existing Land Use:	Single-family home + home occupation	
Proposed Land Use:	Single-family home + arts and crafts studio	
	Allowed:	Proposed:
Max. Building Height:	35 feet	No change
Min. Front Yard:	20 feet	No change
Min. Side Yard:	15 feet	No change
Min. Rear Yard:	15 feet	No change
Min. Off-Street Parking*:	6.5 spaces / 1,000 s.f. of floor area (or 4 spaces required)	6 parking spaces (existing)

*Pursuant to Sec. 102.6(H)(7)(i).

- F. Based on its review of the entire record herein, the Planning Board has determined that the Project meets the applicable policies and standards of review, and the Planning Board makes the following findings:

Standards for Conditional Uses:

1. Sec. 101.9(C)(2)(a)(i): Certain Requirements Met

The use requested meets the requirements of the Land Use Ordinance as outlined in the project data table above, as well as the requirements of the Damariscotta Site Plan Review Ordinance as outlined in the analyses below.

2. Sec. 101.9(C)(2)(a)(ii): Effect Not Adverse

The use will not have an adverse impact on the health, safety or general welfare of the residents of the area or on the general public, consistent with the standards for Site Plan Review as outlined below.

3. Sec. 101.9(C)(2)(a)(iii): Conditions

The approved conditions of approval are as outlined below.

Standards for Site Plan Review:

4. Sec. 102.6(A): Preserve and Enhance the Landscape

Given that no construction, removal of landscape, or disturbance of soil is proposed with this application, the Planning Board finds this standard to be not applicable.

5. Sec. 102.6(B): Relationship to Environment and Neighboring Buildings

Given that no construction or expansion of the existing parking area is proposed with this application, the Planning Board finds these standards to be not applicable.

6. Sec. 102.6(C): Air Quality

The applicant is proposing an expansion to her existing business, which focuses on the creation and sale of small-batch soaps and herbal beauty products. The emission of dust, fly ash, fumes, vapors or smoke which could damage human or animal health, vegetation or property are not anticipated as a result of this use.

7. Sec. 102.6(D): Lighting and Glare

Changes to existing site lighting are not proposed with this application nor required by this section. Therefore, the Planning Board finds this standard to be not applicable.

8. Sec. 102.6(E): Noise

All noise is required to adhere to the provisions of this section, including staying below the sound level limitations as described. For a project abutting a residential use, as this does, the sound level limits are 55 dBA between the hours of 7 a.m. and 7 p.m., and 45 dBA between the hours of 7 p.m. to 7 a.m. Condition #3 reaffirms this requirement.

9. Sec. 102.6(F), (G), (H), and (I): Traffic, Circulation, and Access

Trips

The applicant is currently Du Jardin's only employee. However, she has indicated that she plans to hire three additional employees within the next year. Products crafted are offered for sale through three main channels: limited store hours at the barn located on the subject property, online retail website, and at local farmers and makers markets (off-site).

The store hours at the barn are Wednesdays and Thursdays from 11 a.m. to 4 p.m., and Saturdays from 11 a.m. to 1 p.m. The applicant has indicated that these are not anticipated to change this year.

Given the limited open hours for in-person shopping, and the limited number of additional trips that could be generated by three total employees (approximately 6 trips per day), the proposed project is in compliance with the requirements of Section 102.6(G).

Access

Access to the site is via the existing driveway off of Hodgdon Street, a public street. The driveway is located near the intersection of Elm, Church, and Hodgdon Streets and a public sidewalk is available.

Given the level traffic generation anticipated and the capacity and design of the roadways connected to the site, the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 102.6(F) and (G).

Parking

Site Plan Review Ordinance Section 102.6(H)(7)(i) requires that art galleries, museums, libraries and similar uses provide 6.5 parking spaces per 1,000 s.f. of floor area, therefore the project requires at least 4 spaces. The site currently has 6 parking spaces. As designed the parking supplied meets the requirements of Section 102.6(H).

10. Sec. 102.6(J): Existing Public Utilities and Services

The applicant will be required to pay impact fees to the Great Salt Bay Sanitary District to accommodate the expanded sewer demand, per conversation with the Wastewater Director. Condition #4 affirms this requirement. Therefore, the project as conditioned meets the requirements for adequate sewage waste disposal. Public water access is detailed in item 11 below.

Construction is not being proposed, so trash will come only from operations. There are no known capacity constraints regarding solid waste, therefore the project is consistent with this section.

11. Sec. 102.6(K): Water Quality

The proposed project will not adversely affect the quality or quantity of groundwater, consistent with Sec. 102.6(K), given the limited expansion of the business being proposed and given that the site is connected to public water.

12. Sec. 102.6(L): Stormwater Management

Given that no construction is proposed with this application, the Planning Board finds this standard to be not applicable.

13. Sec. 102.6(M): Erosion & Sediment Control

Given there no construction is proposed with this application, the Planning Board finds this standard to be not applicable.

14. Sec. 102.6(N): Water Supply

There are no known capacity issues with the public water supply, therefore, this standard has been met.

15. Sec. 102.6(O): Natural Beauty

No construction or clearing of trees is proposed with this application, therefore, this standard has been met.

Wetlands will not be impacted by the proposed development, given that no construction is proposed.

16. Sec. 102.6(P): Historic and Archeological Resources

No documented archeological or historic resources will be impacted by the proposed operation.

17. Sec. 102.6(Q): Filling and Excavation

As no construction (and thus, no excavation is proposed), this standard is not applicable to this project.

18. Sec. 102.6(R): Sewage Disposal

As discussed in item 10 above, the subject property is tied into the existing public sewer system. Therefore, this standard has been met.

19. Sec. 102.6(S): Phosphorus Control

The subject property is not located within the watershed of a great pond, therefore this standard is not applicable.

20. Sec. 102.6(T): Buffer Areas

This project is adjacent to Elder Care Network of Lincoln County to the east, and a residential property to the east. The barn where the operation takes place is setback from the front property line about 90 feet. As shown on the Google Earth imagery shown below, a landscape buffer exists between this use and neighboring uses.



21. Sec. 102.6(U): Signs

Signage is not proposed with this application. A small sign currently exists on the subject property. Any future signage will be regulated through the Code Enforcement Office in accordance with the Damariscotta Sign Ordinance, Chapter 107.

22. Sec. 102.6(V): Building Appearance

Changes to the building are not proposed with this application and thus, the Planning Board has determined this standard to be not applicable.

G. No waivers were granted as part of this project.

DECISION:

H. Based on its review of the entire record herein, including the March 6, 2023 Planning Board staff report; all supporting, referenced, and incorporated documents; and all comments received; the Site Plan and Conditional Use application of Susan Chalmers (dba Du Jardin), dated through January 31, 2023; for the project at 2 Hodgdon Street is hereby:

	YAE	NAE	Absent/Abstain
DENIED			
APPROVED WITH THE CONDITIONS BELOW			

CONDITIONS

Condition	Staff Assigned	Must be Completed By:
1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.	Town Planner	Ongoing
2. This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.	Code Officer	Ongoing
3. All noise associated with the proposed development shall be regulated in accordance with the provisions of Sec. 102.6. Applicants and their contractors are well-advised to familiarize themselves with that section of the Town's Ordinances.	Code Officer	Ongoing
4. Applicant should be aware that payment of an impact fee to the Great Salt Bay Sanitary District will be required prior to operation.	Wastewater Director, GSBSD	Prior to Operation

Signatures:

Planning Department
Damariscotta Town Office
21 School Street,
Damariscotta, ME 04543



Isabelle Oechsle
Town Planner
Phone: (207) 563-5168
IOechsle@damariscottame.com

PLANNING BOARD APPLICATION

OFFICE USE ONLY

Application Fee: _____ PID: _____

Date Received: _____

Applications may be accepted electronically, though the Planning Board reserves the right to request physical submissions. Please email your full submission binder to the Town Planner.

SITE DETAILS

Street Address: _____

[Deed Book and Page:](#) _____

Existing Subdivision Name: _____

☐ Not Applicable

Lot within subdivision: _____

☐ Not Applicable

[Tax Map & Lot:](#) _____

[Zoning district:](#) _____

Existing land use(s): _____

PROPERTY OWNER INFORMATION

Property Owner Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

APPLICANT INFORMATION (IF DIFFERENT FROM ABOVE)

Applicant Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

CONTACT PERSON / AGENT INFORMATION

The Planner will only contact one designated person regarding the application. Please identify the primary contact:

- ☐ Property owner ☐ Applicant ☐ Other (fill out section below):

Applicant Name: _____
Mailing Address: _____

Phone Number: _____
Email: _____

PROJECT INFORMATION

Description: _____

Is the project located within any of the following? *(Please select all that apply):*

- ☐ [Special Flood Hazard Area](#) ☐ [Shoreland Zoning Area](#)
☐ Historic District

APPLICATION TYPE

*Please select **ALL** that apply:*

- | | |
|--|--|
| <input type="checkbox"/> Conditional Use Application | <input type="checkbox"/> Site Plan Application |
| <input type="checkbox"/> Small Wind Energy System | <input type="checkbox"/> Site Plan Pre-application |
| <input type="checkbox"/> Conditional Use Application | <input type="checkbox"/> Preliminary Major Subdivision |
| <input type="checkbox"/> Final Major Subdivision | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Sketch Plan Pre-application (Subdivision) | |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Zoning Text Amendment |

Note: Please consult with the Planner if you are unsure about which applications you will need.

SIGNATURES

PROPERTY OWNER'S CONSENT REQUIRED:

I declare under penalty of perjury that I am the owner of said property. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Signature of Property Owner

01/31/2023

Date

I, **Susan Chalmers**, authorize the noted applicant or agent named on this application to file this application on my behalf.

OWNER
INITIAL

APPLICANT / AGENT CERTIFICATION:

I certify that all of the information provided within this application form and accompanying materials is true and accurate to the best of my knowledge. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Signature of Applicant

01/31/2023

Date

Business Owner

Print Name and Title

Susan Chalmers

Du Jardin Beauty

2 Hodgdon Street
Damariscotta, ME 04543
(207) 563-6256
dujardin.me@gmail.com

31st January 2023

Planning Department

ATTN: Isabelle Oechsle

Damariscotta Town Office
21 School St
Damariscotta, ME 04543

Dear Ms. Oechsle,

I am the owner of a small business, classified currently as a Home Occupation, located at 2 Hodgdon Street. Currently, I craft natural bath & beauty products here in our barn and offer them for sale through three main channels: 1) Limited store hours here in the barn, 2) Online retail website, and 3) At local Farmers & Makers Markets. I am currently the only employee.

Over the last couple years, this micro-business has grown substantially and I now find our continued growth hampered by our status as a Home Occupation. Due to this, I would like to be considered for an expanded use permit for conditional use of my existing space.

My business is eligible for State grant funding that would allow me to hire employees, thereby increasing product production and participation at more local Farmers Markets. As a Home Occupation, I am currently limited to a total of two employees. I am looking to, within the next year, hire a total of three employees. I would like to ensure my business is properly permitted with the town in order to take advantage of this opportunity.

This expanded allowed usage would have minimal impact on existing town infrastructure (traffic, sewer, parking) as our site already has six parking spaces and the proposed new employees would be taking a dedicated Market vehicle to local Farmers Markets. This expansion does not require any changes to our existing building. My current store hours are Wednesdays and Thursdays 11am to 4pm, and Saturdays 11am - 1pm, and will not change this year.

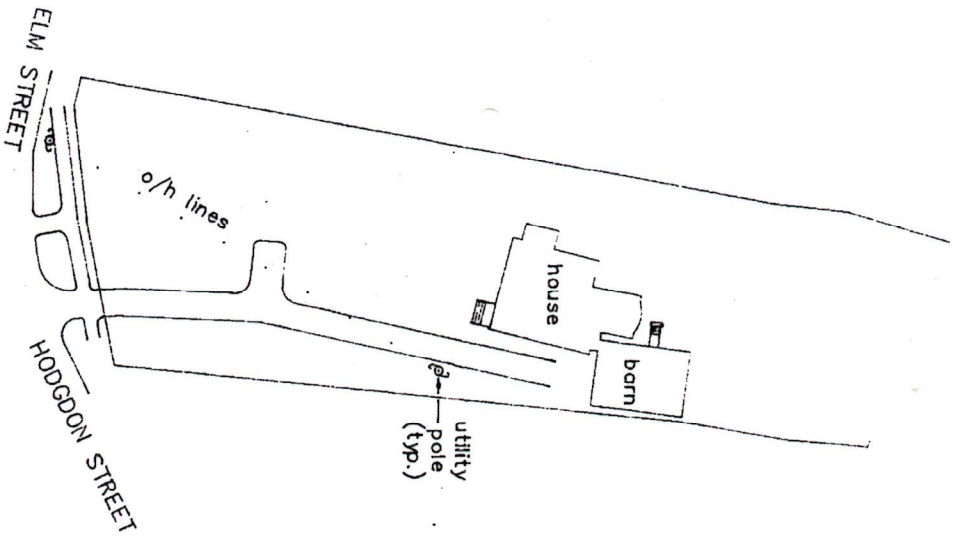
Please find my completed Planning Board Application and tax/land maps showing existing site buildings. The majority of the Application Checklist seems to not apply, as I am not looking to permit any new construction. I understand there is a Conditional Use application fee; I believe from looking at the Town Fee Schedule that this is \$100, but seek clarification in this regard. Please advise if further information is needed or required. I appreciate your assistance with this process and look forward to working with you to ensure my proposed business expansion is handled and permitted properly.

Sincerely,

Susan Chalmers



NOTE
The premises utilize municipal
water supply and sewage disposal.



Mortgage Inspection Plan
prepared for

Jeff B. Chalmers
&

Susan Dellwd Chalmers

Damariscotta Lincoln County Maine

1" = 60' October 30, 2014

Lincoln Surveying Company
P.O. Box 720
Damariscotta, ME 04543
(207) 563 - 3074

I certify to The First, N.A. and its title insurer that this plan depicts the results of a current on-site examination of the premises described in Book 566, Page 400, and in Book 1133, Page 194, at the Lincoln County Registry of Deeds, and that all easements, encroachments, and buildings are located on the ground as shown.

The premises complied with local zoning requirements at the time of construction, and are not located within a flood hazard area as delineated by the Federal Emergency Management Agency.

This plan is for mortgage purposes only. This plan is NOT a boundary survey, and therefore is subject to any information that a boundary survey might depict.

**PLANNING BOARD MEETING MINUTES
TOWN of DAMARISCOTTA
February 6, 2023 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:

STAFF PRESENT: Isabelle Oechsle, Town Planner; Lynda Letteney, Recording Secretary

PUBLIC PRESENT: Ed Morgner; Ed Ross; Heather Burt, Rising Tide; Geoff Keochakian, LCTV

I. Pledge of Allegiance

Chairperson Eaton led the Pledge at 6:00p.m.

II. CALL TO ORDER

The meeting was called to order at 6:01p.m. by **Chairperson Eaton.**

III. PUBLIC HEARINGS

A. Site Plan Amendment Application to install two double EV chargers (2 poles, 4 chargers) in the southeast corner of the parking lot at 323 Main Street (Tax Map 10 Lot 11-2) Applicant: Rising Tide Co-Op Zone C-2. Original site plan was approved by the Planning Board in 2008. ADA spot reserved at the rear of building. 36 spaces are required for the size of the building; 70 spaces available. Application meets all requirements and there are no waivers. Five standard conditions for approval. Town Planner recommends approval. Hearing no comments, Chairperson Eaton entertained a motion to close the public hearing.

On motion (Hunt/Genthner) to closed the public hearing at 6:15 p.m.

Vote: 5-0-0

B. Minor subdivision Amendment to the previously approved Abbie Lane subdivision, to divide Lot 2 (aka 79 Abbie Lane) into two separate lots (Tax Map 4 lot 73-5). Applicant: Peter R. Bruun, represented by Boothbay Region Surveyors; Zone: Rural. 2017 was the original subdivision. Requesting splitting lot into two lots, selling one portion to a neighbor. One issue: On 4/3/2017 there was a waiver for a 50 ft. right of way. This was “after the fact” of the subdivision. Waivers: Section 103.6C1 to reserve 10% (less than ½ acre) Informal sketch plan review is not necessary. Standard Conditions apply.

On motion (Hunt/Jackson) to close the public hearing on Abbie Lane

Vote: 5-0-0

Public Hearing closed at 6:25 p.m.

IV. Discussion:

A. Regarding the EV chargers at Rising Tide, in May of 2020 there was an extended deadline to 5/2021 to address the color of the building. Until that issue was resolved, no other permits were to be issued. Original Site Plan approval was granted by the Planning Board 2008. Heather Burt, representing Rising Tide, presented a background to this situation. In 2018 a new color was chosen, and the CEO took steps to rectify situation. The amendment waiver 102.63B was in place and this was tabled until 2019. Long term facilities plan was due by May 2020. Covid hit by July 2020 when the Board was asking for an update. They asked for another extension until May 2021, conditioned by no further permits until this

issue was resolved. Isabelle noted that there is no language to allow the Planning Board to deny a request for Site Plan amendment based on outstanding violations. These would need to be covered by the enforcement provisions in 102.14C. **Jonathan Eaton** asked, "What part can the Planning Board play in rectifying a violation?" **Isabelle** responded it was up to the Code Enforcement officer, then the Select Board to enforce the Ordinance, as noted in the referenced section. Planning Board has no role in enforcement. Neil Genthner stated that he felt we needed language to prevent this in the future, Revamping, so it can't happen again, is necessary.

Neil Genthner asked, regarding EV stations, how they are paid for. Is it paid by Rising Tide or "pay as you go by vehicle owner?" **Heather Burt** said meters can be set however you want. Most likely it'll be a "pay as you go system". **Dan Day** asked about exact location. **Heather** said they are to the right of the entrance along the side of the building.

On motion (Begin/Hunt) to approve the application as complete.

Vote: 5-0-0

On motion (Begin/Jackson) to approve the project for 2 EV chargers with the findings of fact and conditions of approval as drafted by staff.

Vote: 5-0-0

B. Abbie Lane Subdivision: 2 waivers are requested: to not require the applicants to undergo sketch plan review, and to waive the requirement to provide 10% of the overall land for the subdivision as open space. Staff is supportive of these waivers due to the minor nature of the subdivision proposed, and the fact that the applicant only has right, title, and interest to approximately 4 acres of the overall subdivision.

On motion (Hunt/Genthner) to approve the two waivers as listed.

Vote: 5-0-0

On motion (Begin/Genthner) to find the application to be complete.

Vote: 5-0-0

On motion (Genthner/Jackson) to approve the minor subdivision application for Abbie Lane subdivision with the findings of fact and conditions of approval as drafted by staff. **Vote: 5-0-0**

Isabelle has 3 copies of the subdivision plat that need signing before the Board leaves.

V. Review of Meeting Minutes

On motion (Begin/Hunt) to accept the minutes of 1/3/23 as presented.

Vote: 5-0-0

VI. OTHER

A. Questions from the Public - None

B. Planner's Report-

1. Jenny Begin asked about the status of The Rising Tide and building color. Isabelle said she followed up with Code Enforcement regarding further action and he will be working with the Town Attorney and the Selectboard as needed, since the Planning Board does not have the authority to enforce. Select Board must do that. Neil Genthner said this reinforces the need to redo the site plan ordinance. Isabelle said she would put it in with other site plan review amendments that the Board has asked for. Isabelle noted that the Planning Board should share any other amendments that they would like to see to the Site Plan

Review Ordinance for consideration at upcoming workshops. Jenny Begin said she felt they need a couple workshops around this issue (at least 2 sessions).

3. Resignation: Isabelle is leaving as of 2/23/23 to pursue her consulting business. She will continue on a per diem basis for a while if the Select Board approves. Focus will be on Site Plan Review and Comprehensive Plan. Jonathan Eaton expressed his gratitude for the work she has done and how thorough it has been.

VII. Adjournment

On motion (Begin/Hunt) to adjourn the meeting at 6:50 p.m.

Vote: 5-0-0

Respectfully submitted,

Lynda Letteney
Recording Secretary

We the undersigned approve the minutes for the Planning Board Meeting of February 6, 2023.

Jonathan Eaton, Chairperson

Jenny Begin

Neil Genthner

Wilder Hunt

Ann Jackson

Daniel Day (alternate)

Gary Rosenthal (alternate)

Minutes for (2-6-23) signed _____

Date