

MINUTES  
PLANNING BOARD  
TOWN OF DAMARISCOTTA  
April 3, 2017  
7:00 PM

**MEMBERS PRESENT:** Shari Sage, Bruce Garren, Stephen Cole, and Wilder Hunt

**STAFF PRESENT:** Anthony Dater, Town Planner

**PUBLIC PRESENT:** Rick Burt, Architect for Inn Along the Way (IATW); Meagan Hamblet, CLC YMCA; Tor Glendinning, Architect for CLC YMCA; Jan Wiegman, Engineer for CLC YMCA; John Scribner, Developer for Damariscotta DG, LLC; Isabella Nelson, Joe Lane Lobster; Richard Sundberg, Elm St. resident; Barbara Sundberg, Elm St. resident; Gina Hamilton, Reporter, Wiscasset Newspaper; David Sawyer, representative for Pines Mobile Home Park; Tara Waltz, Abbie Lane Subdivision; Anne Jenson.

**CALL TO ORDER:** Vice-Chairman Hunt called the meeting to order.

**REGULAR MONTHLY MEETING FOR APRIL:**

**A. MINUTES**

March 6, 2017 meeting – There were no minutes for the Board to review.

**B. OLD BUSINESS**

1. INN-ALONG-THE-WAY – 741 MAIN ST. (ROUTE 1B) – LOT 3/46 – C2 HIGHWAY COMMERCIAL AND RURAL DISTRICTS – FOUR PHASED – MIXED USE PLANNED-UNIT DEVELOPMENT RETIREE HOUSING CAMPUS – FINAL PLAN REVIEW OF PHASE I FOR INN WITH 8 APARTMENTS – FINANCIAL CAPACITY DOCUMENTATION; BOARD SIGNATURE OF APPROVED FOUR PHASED SITE PLAN AND NOTICE OF DECISION.

Rick Burt came before the Board – requesting the Board to formally sign IAW waiver requests that they had voted to approve at a previous meeting.

The Board reviewed the written waivers signature page Burt presented.

Burt also submitted a construction phasing plan for the Board to sign off on. The plan is a duplicate of what the Board reviewed & approved at their last meeting. It includes the specific wording the Board requested about showing financial & technical capacity of each phase before they start. No new information – just memorializing it for Board signatures.

The Board reviewed with the applicant & the planner, the draft notice of decision, for signatures.

Dater reviewed the meeting he, CEO, & the applicant had regarding the requirements on the engineered system for the subsurface wastewater disposal. The applicant previously had not proposed an engineered system, but was now planning to utilize one. This does not change the scope of their project at all.

Burt felt the mandate on page 4 of the NOD that states if the GSBSD sewer main reaches any part of the IAW property the applicant will hook into that system in the event of a system failure of any of their 4 engineered systems was a bit strong. He stated that he felt it was an unfair burden to add the requirement of possibly having to run a line hundreds of feet to hook into the GSBSD main when there would quite possibly be other onsite options for correcting a system failure.

Dater told Burt the CEO added that statement – it may be a DHHS ruling. He agreed to check into it & report back. There is some language in the Land Use Ordinance that would require connection.

Hunt stated that it would stay in the NOD unless other information becomes available with the planner's investigation.

Burt also submitted a copy of a drawing, with a sign off portion, for the Board, outlining the land required by ordinance to be set aside as well as land for the common area in a Planned Unit Development. The ordinance requires 10,000 square feet per dwelling unit, they are proposing 17 dwelling units, for a total of 170,000 square feet. Burt showed on the plan where they actually have 186,000 square feet set aside (outlined in red on the drawing) to meet this requirement. For the common area, the ordinance requires 80,000 square feet per dwelling unit, but because they will have an engineered disposal system, they only have to set aside 30,000 square feet per 17 units, or a total of 408,000 square feet – they actually have 413,000 square feet (outlined in green on the drawing) as common land. Burt pointed out to the Board that he included information in the sign off section to clearly state the owner of set aside land & common land as Inn Along the Way. He also told the Board that he included language that “phased” the common & set aside land as the project phased.

The Board signed off on the waivers, previously approved at the February Planning Board meeting.

The Board signed off on the construction phasing drawing, previously approved at the February Planning Board meeting.

The Board signed off on the drawing outlining the set aside land & common land as required by ordinance.

Dater told the applicant that the Town wanted 2 copies of signed items – the Board signed 3 copies.

**2. DAMARISCOTTA DG, LLC – POOLE PROPERTY – 508 MAIN STREET (CORNER OF BISCAY RD / RT. 1B) – LOT 8/16-1, HIGHWAY COMMERCIAL C2 DISTRICT – PRELIMINARY SITE PLAN APPLICATION FOR TWO RETAIL STORES.**

Austin Turner, engineer with Bohler Engineering represented the project. Turner reviewed the meeting /presentation they had with the Board of Selectmen's meeting. The sidewalk solution was that the applicant would donate the necessary property & give easements, as well as a monetary donation that would be mutually agreed upon to a fund for future sidewalk construction.

Hunt agreed that he felt it was a suitable agreement that would put the sidewalk issue to rest once and for all on this project.

Dater gave the Board an overview of a discussion at a meeting with the Lincoln County Planning Advisory Committee – stating that the Board can request an onsite visit with the MDOT engineer, Dave Allen & the applicant, Selectmen, & Planning Board to discuss the accesses for this project before making a decision.

Turner told the Board that he was supportive of that information and is happy to participate in an onsite meeting, BUT he wanted to make sure the MDOT process stays with the MDOT, while understanding that the Town wants a voice in that process – he can't start any of this project without MDOT approval. He also told the Board that he was hoping that the onsite visit could be a condition of approval instead of possibly holding up the Town process.

Hunt stated that MDOT generally has the final word – it has to be safe to pass their process and that's all this Board wants as well.

Cole stated that the Board requires letters of input from the public safety departments in Town as part of a complete application. He feels those things are a little up in the air until the MDOT makes their determination on the location of the driveways.

Turner acknowledged that plans had already been sent to the public safety personnel in Town for review.

Cole asked if Dater had any idea on the MDOT timeline for this type of permit.

Dater stated he did not. He will be meeting with the Police Chief the following day to discuss his concerns, if any.

Turner told the Board that the MDOT permit process could take several months overall and they were a couple of months into it already.

Garren read from the email Dater sent outlining the Lincoln County Planning Advisory Committee suggestion to table action on the application until several items were addressed satisfactorily...

Dater told the Board that the ordinance requires a 15' setback of parking lots from lot lines, he voiced concerns that maybe this project, due to it being divided into 2 lots, did not meet the minimum setback at the center lot line, and on the Biscay Road access.

Turner stated that in their meeting with the Code Enforcement Officer in the fall and they interpreted the ordinance differently – they didn't deem the parking area as a "non-frontage street" As specified in the ordinance, they believe it's an internal drive – which is not addressed in the ordinance. He stated that they meet the 15' buffer requirements to lot lines with others.

Hunt asked if that could be waived?

Dater stated that the Board can choose to waive anything they want. There are other waivers the applicant is requesting, as well.

Turner stated if the Board desired, he would be happy to add this to the list of waivers, if necessary.

Hunt agreed it was an internal drive – and he also questioned the applicability to this situation.

Cole agreed – he was more comfortable with the wider buffer zones at the lot lines.

Turner reviewed the list of formal waivers requested with the Board.

1) Section 11.H.2 – Parking Requirements:

The ordinance requires 4 parking spaces per 1,000 square feet of gross floor area for retail commercial use. This would mean that 30 parking spaces would be required by ordinance for this project.

The applicant is proposing a total of 25 parking spaces, mainly due to the limitations of the lot, not wanting to create additional impervious area and the low parking demand revealed by parking data collected for other Dollar General locations during peak periods. The report was included in the application packet.

2) Section 11.H.3 – Off Street Surface Parking Placement:

The ordinance requires that wherever possible, parking lots be placed behind or to the side of the building, such that the buildings separate parking areas from the street.

Turner explained that the primary parking areas were located proximate to the main entrances of the buildings, in the most convenient for customer access. The location of the parking lot also permits a safety separation of the customer areas & operational/delivery areas. They believe that some of the topography at the rear of the property is unsuitable for a parking area.

3) Section 11.G.4 – Access into the Site:

The ordinance requires that the grade of any proposed drive or street be not more than 3% for a minimum of 40 feet, from the intersection.

Turner explained that the location of the secondary access to the site on Biscay road was determined in part by the topography on the lot and general conditions of the lot. They are proposing that the slope for the secondary access will be between 4% - 5% to utilize the existing site elevations.

4) Section 11.D.4 – Lighting and Glare:

The ordinance allows for a maximum of 1.5 foot-candles throughout in a parking lot setting, and a maximum 3 foot-candles in intersections.

Turner explained that while the proposed lighting levels exceed the ordinance maximums, they reflect what is considered appropriate by industry standards in that type of location / use. Their primary goal is to have the parking lots & pedestrian areas lit for safety. All lighting will be shielded, cut off fixtures intended to minimize light trespass but still provide appropriate lighting levels on-site. The parking lot & sign lights automatically turn off 30 minutes after store closing. There are 4 lights mounted on the walls of the building (one on each side) that stay on – for security purposes.

Cole asked how many poles in the parking lot

Turner counted 11 on the site plan.

5) Section 12.D.3 – Bicycles & Pedestrian Facilities:

The ordinance requires sidewalks at least 8 feet in width be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such sidewalks shall be located at least 6 feet from the façade of the building to provide planting beds for foundation landscaping...

The applicant proposes that the sidewalks and associated landscaping will meet the standards proximate to the building entrances. The applicant is proposing a 5-foot sidewalk on the south facing façade of the Dollar General facility – the south facing façade of the building is not intended to serve as a public means of access to the facility. The south facing façade is not anticipated to be visible from Biscay Road, there will be plantings to reduce the visual impact.

6) Section 11.T.2.c – Buffer Areas:

The ordinance requires that where planting is required, as determined by the Board, at least 1 shade tree at least 6 feet in height and at least 2 ½" to 3" in diameter, measured at a point 4 feet above the finished grade level, shall be planted no nearer than 5' to any lot line for each 300 square feet of required landscaped area...

The applicant proposes a number of different plantings, including trees and shrubs throughout the project, adequately spaced to provide tasteful landscaping, while creating a balance between maintaining visibility to the buildings and adequate site distances at the driveway intersections, and providing screening from parking areas. They will meet the number of proposed ground cover plantings meets the ordinance requirements, they are proposing to spread the plantings throughout the site.

Cole asked what height trees the applicant proposes.

Turner told him +/- 10 feet depending on the species.

On motion Garren / Sage to accept the application as complete except for submissions of the MDOT entrance permit, DEP storm water management permit, letter from the Fire Chief, Police Chief; and an approved sidewalk agreement with the Town.

**VOTE: 3-0 IN FAVOR**

On motion Cole / Garren to approve the waiver request as submitted, including the specifics in waiver 4 about the after-hours lighting in the parking lot.

**VOTE: 3-0 IN FAVOR**

On motion Garren / Sage to approve the application with conditions that the applicant receive and submit to the Board; their MDOT, DEP permits, a sidewalk agreement with the Town, and letters from Fire & Police Chief.

**VOTE: 2-1 (COLE) IN FAVOR**

**3. GRIFFIN – 60 MAIN STREET – LOT 6/26 – C1 DOWNTOWN COMMERCIAL DISTRICT AND COMMERCIAL SHORLAND ZONE – FINAL MULTI-UNIT RESIDENTIAL SITE PLAN FOR THIRD DWELLING-UNIT ON PROPERTY; REVIEW OF FIRE CHIEF LETTER.**

No one was present on this project – Dater reminded the Board that they are waiting for a letter from the Fire Chief for the file – this project was approved at a previous meeting. NO action taken.

**4. STEPPING STONE HOUSING, INC. – DRAFT NOTICE OF DECISION**

There was no one from Stepping Stone Housing, Inc present at this meeting.

The Board reviewed Dater's draft of the Notice of Decision to be issued to the applicant on this project.

Sage suggested that instead of saying "...the Planning Board decided..." it could say "a majority of the Planning Board decided..."

Garren did not feel this addition was necessary because the Planning Board operates by majority rule - any and all action of the Planning Board is by majority. The record is clear that it was a 3-1 vote.

Sage felt in this particular case her suggestion adds a certain insight to the evaluation of the NOD.

Hunt did not agree that it adds anything – it should remain as is.

Cole also agreed with Garren's statement, the Board should avoid setting a precedent by framing this decision in a different way for one case.

Cole told Dater that he felt the NOD was well written given the complexity of the project / application process.

On motion Cole / Garren to approve the Notice of Decision as written.

VOTE: 2-1 (SAGE) IN FAVOR

The Acting Chairman, Hunt signed the Notice of Decision as written.

C. NEW BUSINESS

1. N.C. HUNT LUMBER COMPANY – 769 MAIN STREET (RT 1B) – LOTS 3/58 & 59 – C2 HIGHWAY COMMERCIAL & RURAL DISTRICTS – PRELIMINARY PLAN FOR AMENDED OUTDOOR STORAGE OF SALES GOODS ON THE 2010 APPROVED SITE PLAN.

No one was present for this item.

2. JOE LANE – 115 ELM STREET – LOT 6/71 – PRELIMINARY SITE PLAN REVIEW OF CHANGE OF USE FROM RETAIL TO RESTAURANT CONDITIONAL USE PERMIT APPLICATION.

Joe Lane and Isabella Nelson submitted a packet for the Board to review on the site plan application.

Hunt reviewed check list out loud.

Hunt noted that the soil types requirement was not applicable for this application as the building was existing and there would be very little if any soil disturbance.

Signs: The applicant told the Board that there was an existing sign post in front of the building used by the previous tenant that they plan to use for their sign.

Dater explained to the applicant that they will need to complete a sign application with the CEO before placing a sign.

Parking: Nelson told the Board that they will have 5 onsite parking spaces, one of which will be handicapped, and 5 off site spaces, utilizing the street parking.

Dater reminded the Board that historically they have honored off-site parking as counting toward the required spaces in the ordinance under the C1 Downtown Commercial District.

The Board agreed.

Hunt noted that any floodplain & soils test pit requirements as well as phosphorous impact report were not applicable for this application.

Hunt noted there was a letter from GSBSD included in the packet.

Hunt asked about a letter from the Fire Chief.

Applicant indicated that they did. They also noted that they were updating the interior of the building to improve the fire rating as part of the Fire Marshall's permit.

Hunt asked about accessibility – the applicant indicated the building would be handicapped accessible.

Hunt asked about exterior lighting.

Applicant stated they would be using what was existing – may update the fixtures -they would be full shielded lights and would actually produce less light than what was currently there.

Dater noted no new impervious surface to be added – so there would be no change in the storm water management of the site.

On motion Cole / Garren to accept the application as complete.

**VOTE: 3-0 IN FAVOR**

There was a question from the audience about entertaining comments from the public.

Dater explained the process – the Chairman can, but was not required to hear public comment on applications at regular meetings. Two or more abutters or 5 residents can request a public hearing, but every application does not generate public hearing.

Hunt asked if there were any questions or comments.

\_\_\_?\_\_\_ Nelson, Elm Street resident asked how many seats the restaurant was planning.

The applicant answered 32.

Same person asked about the planned hours – concerned about noise in the neighborhood. If hours changed would the applicant have to come back to the Planning Board? What will be served for liquid refreshments?

The applicant told her the hours were currently set at 11am – 7pm.

Dater told her that the Board could choose put a condition of approval on the applicant that they have to come back if hours changed – but weren't required to.

Dater stated that there were noise level restrictions in the ordinance for the C1 District – he read from the ordinance:

“ the maximum permissible sound level of any continuous, regular, frequent, or intermittent source of sound produced by any activity shall be limited according to the time of day and land use which abuts it as listed...

7am-7pm - 55 dba

7pm-7am - 45 dba”



The applicant told the audience member they hadn't made any decisions on the liquor license yet and they were not planning on having music every night. They were planning a family friendly place, not a bar.

The same audience member asked about the garbage containment & removal planned for the lobster carcasses.

Applicant told her that they have someone who will come pick the shells up as frequently as they can.

Audience member asked what the recourse is if it's not frequent enough and the odor becomes offensive for the neighborhood.

Hunt told her that the CEO would be the contact for that type of complaint.

Dater told the Board they could make garbage removal a condition of approval.

The applicant explained the method of sealed storage he has planned for the shells. They add sawdust to the container to absorb odors.

Sage asked the resident if there was any issue with odors when they ran the lobster roll food trailer at the same location previously?

The resident did not recall a problem with odors.

On motion Garren / Cole to approve the application for Joe Lane Lobster Restaurant as submitted with the condition that the garbage be properly contained & monitored for frequent removal.

VOTE: 3-0 IN FAVOR

#### SKETCH & PRELIMINARY PLAN REVIEW

3. WELLS FARGO – ABBIE LANE SUBDIVISION – LOTS 4/73 – 4, 6 & 8 – RURAL DISTRICT – SKETCH AND PRELIMINARY PLAN FOR AFTER THE FACT CORRECTION OF SUBDIVIDED LOTS WITHOUT PREVIOUS PLANNING BOARD REVIEW AND APPROVAL.

Hunt stated that the Board realizes that this is an after the fact application, that the lots & everything already exists and that the paperwork is missing – so the applicant can just highlight what's been done.

The Attorney for Wells Fargo represented the project. He distributed the preliminary site plan showing the existing lots in the subdivision. He told the Board that while the 3 lots in question all exist, not all are developed at this point, but they aren't looking to change any of the existing conditions at this time.

He told the Board they would be requesting 1 variance (waiver?) for the width of the right of way – it is not 50' as required – the survey shows it at 33'.

An abutter in the audience asked to look at a copy of the site plan.

The applicant noted that there was actually a 4<sup>th</sup> lot included – it should be Map 004 Lot 073-4, 073-5, 073-6, 073-8.

Garren asked what the dates were of the subdivision.

The applicant stated that it looks like it was from 2008 – 2011.

Dater told the Board that there is not a specific check list for this ordinance, but they could review the submittal requirements at this time & he gave Hunt a copy to review out loud, this application is merely identifying what is already in place and there are not any changes proposed to existing lot lines.

Copy of deed(s) – already exist & recorded -applicant agreed to get copies for final submission to the Board.

Subdivision Name – Abbie Lane Subdivision

Dater asked if all the lots meet the rural zoning district's minimum requirement of 80,000 sqft.

It was determined, by reviewing the plan, that the lots did in fact meet that requirement.

Sage stated that Dater received one call from an unhappy abutter in reference to this.

Dater asked if there were abutters present.

An abutter spoke from the audience – he told the Board that this issue was in fact brought up to the CEO in approximately 2011 or so & it was stated then that because the lots were not contiguous lots due to the existing road, that it did not fall under the Subdivision Ordinance.

Dater stated that, in his opinion, the biggest issue with this retroactive application was the fact that the road was only 33' in width, the ordinance requires a 50' right of way.

Hunt stated that it's been in existence for a number of years and it is what it is. There has been very clear communication from some of the land owners along that road that they are not interested in making it anything different than it is.

The applicant agreed with Hunt and told the Board that there isn't any planned increase in traffic with the formal subdivision application – everything is there and has been there for years.

Sage asked if there needed to be feedback from the Fire Chief on it.

Hunt stated that the Fire Department had input when the road was originally put in.

Garren stated that in his experience a 50' right of way does not necessarily mean a 50' roadway. 33' seems reasonable based on the number of houses on the road.

Cole stated that the Board discussed the road & fire access and safety with the Fire Chief when the Nature School, also on Abbie Lane, came before the board recently for their application.

Hunt said that unless someone came forward with a significant issue, this is procedural only – it is what it is and he doesn't see any reason to get hung up about an existing road.

On motion Garren / Cole that the application for subdivision on Abbie Lane by Wells Fargo is complete as submitted. **VOTE: 3-0 IN FAVOR**

On motion Cole / Garren to approve retroactively, the Abbie Lane Subdivision with the speedy receipt of the remaining deeds, and with the acknowledgement that the Road is undersized by Subdivision standards and will remain as such. **VOTE: 3-0 IN FAVOR**

Dater requested, and the applicant agreed to bring back the larger (24x36) site plan for the Board's signature for filing with the Registry of Deeds at the May meeting.

Dater asked the Board to sign 3 copies of the smaller site plan presented for Town records.

4. 44° NORTH ARCHITECTS – CENTRAL LINCOLN COUNTY YMCA (CLC YMCA) – 525 MAIN STR. (RT. 1B) – LOTS 3/11 AND 12-3 – C2 COMMERCIAL AND RURAL DISTRICTS – SKETCH AND PRELIMINARY PLAN REVIEW FOR AMENDED SITE PLAN FOR EXPANDED FLOOR SPACE, SWIMMING POOL AND ADDITIONAL PARKING.

Jan Wegman, Engineer with Wright Pierce & Tor Glendenning, Architect with 44° North were present representing the Central Lincoln County YMCA proposed project with a preliminary plan. Due to the late hour, the chairman asked them to just give highlights of the project.

Wegman told the Board that an expansion project was originally reviewed & approved by the Board in 2012, but did not happen for a variety of reasons. There have been a number of changes / upgrades that have created a different expansion plan being presented now.

Wegman told the Board that they are in the process of submitting an amended application to the DEP. He showed the site plan – indicating that the expansion is to the North of the building, which will house a new lobby, new fitness area, and new locker room space. They plan an extensive interior remodel as well to better utilize the existing space. He also showed where they plan for expanding the parking area at the front. The increased parking will not encroach on the existing ball field.

There is a plan to improve the pedestrian path between the YMCA & Great Salt Bay Community School.

Wegman pointed out the existing wetlands to rear of the property. He also pointed out the flow & filter locations for the storm water -directing water from the front of the site to the rear.

He told the Board that the YMCA is planning to connect to the GSBSD sewer line, and will be upgrading the water service.

Wegman told the Board that they hope to finalize project approval at the May Planning Board meeting in order to get started on the project early this summer.

The Board reviewed the check list.

Applicant noted some changes/additions to signs & currently have an application in to the CEO for that.

Applicant noted that they have included letters from GSBSD regarding capacity & water use.

Hunt asked if they have asked the Fire Chief to review the project.

Applicant indicated that they had not, but will do so & have a letter for the May meeting.

Dater asked about air quality control with the use of the Chlorine for the pool.

Applicant stated that this plan has no pool.

Garren asked if this is phase I of a multi-phased project.

Applicant indicated that it was in fact a multi-phased project. It was about sustainability, they can't do it all at once, they need to upgrade systems before they get to the pool phase.

Dater noted that he has not had the chance to review the application for completeness at this point.

Hunt stated that it appears that the checklist items are covered at this point.

Garren asked if Dater would have a chance to review the application by the May meeting?

Dater indicated that he would.

Applicant agreed to work with Dater to ensure completeness & return for the May meeting.

D. OTHER

1. QUESTIONS FROM THE PUBLIC. POSSIBLE QUESTIONS FROM DS MAIN ST. LLC – 435 MAIN ST. (RT. 1B) – LOT 1/56-1 – C2 DISTRICT – CONCERNING PROPOSED THREE NEW RETAIL STORES.

Dater explained that this is a very preliminary plan – they are currently looking to run their ideas by the Board before they get into the actual application process. The property is located in the vicinity of the Rod & Gun Club's entrance.

Andy Sturgen & Dan Kaplin were present to discuss with the Board. They handed out a packet of general information outlining a conceptual plan of the potential project. The property consists of approximately 11 acres – they are proposing 3 separate buildings on the site; 1) retail/restaurant – approximately 5,600 square feet; 2) a bank with a drive thru – approximately 3,400 square feet; 3) at least 2 separate tenants, but could be 3 tenants if necessary to make the Board more comfortable = 3a – approximately 9,000 square feet & 3b – approximately 13,000 square feet of retail space.

Sturgen stated there would be a minor impact on existing wetlands.

They've talked with the Gun Club about the possibility of moving their access road – the club was agreeable to that possibility. Kaplin told the Board moving the road & gate would be at his expense.

They are proposing 182 parking spaces, which they understand to meet Town ordinances. They are also discussing interior connections from Damariscotta Hardware to Hannaford, to date they've talked to Rob Gardiner at Damariscotta Hardware & he is in favor of that. MDOT likes interior connections if possible, but they do plan for a full MDOT entrance permit.

They told the Board that they are aware of the bicycle/pedestrian plan & would be interested in the Board's position on how to handle it moving forward.

Cole told them there is a definite directive from the Board of Selectmen to improve pedestrian mobility in that area.

Garren mentioned the possibility of an escrow plan for future sidewalk development.

Kaplin told the Board that there has already been some interest by tenants in coming to the area.

There was discussion about the application process, how to proceed, and timing of process for this applicant.

2. OTHER

Katherine Blount from Church Street came before the Board with some questions & concerns.

She told the Board that she sent a letter and requested to read it aloud for the record.

Dater told her that the Board had copies of her letter, but he wasn't sure if they'd had a chance to review it yet.

Hunt asked her to highlight her concerns, not read the whole letter and that a copy would be placed in the file for the record.

She told the Board that she wrote the letter on behalf of herself & her neighbors. She is concerned about the Chasse property behind the Head Tide Oven, where there has been a lot of clearing going on. It is her educated opinion that Mr. Chasse is conducting a non-conforming use on his property and is now expanding that use in violation of the outside storage part of the ordinances – land use & site review. He has not applied for any permits – conditional use or building. Mr. Chasse stated that he was constructing a parking area – Ms. Blount told the Board that she is concerned about additional water run-off in an area that already has significant water run-off issues.

Ms. Blount told the Board that she cites everything in her letter, chapter & verse and she knows she is absolutely right about everything. She feels that the CEO was incorrect when she brought the concerns to his attention. The owner of the bakery also expressed her concern to the CEO about losing the 150-year-old trees.

Ms. Blount told the Board that the Town ordinances are very clear about what is allowed on the property in question – it is not an adjacent lot, it is a separate piece that Mr. Chasse only recently purchased. Boat storage is only mentioned in the ordinances in one place, and that is marinas. She is requesting that people do their job – she was a Code Enforcement Officer in Pennsylvania for 3 years, so she is familiar with reading & understanding ordinances.

She went on to say that there is no question that a conditional use of property requires a site plan review – Mr. Dater did not agree with her on this, but it is her opinion that Mr. Chasse is attempting to avoid a site plan review. She further told the Board that Mr. Chasse removed the fence that the Bakery owner had installed.

Hunt told her that it sounded like her concerns were enforcement issues, and the Planning Board does not do enforcement, the CEO does.

Ms. Blount argued Hunt's point, telling him that if he read the ordinance he would see that he is wrong, and she is right.

Dater told the Board that it goes to the CEO, if the CEO determines it requires a conditional use permit under the land use ordinance then it goes to the Planning Board. Dater stated he is unsure if the CEO has even made that determination at this point.

Ms. Blount told the Board that the CEO told her that it did not require a conditional use permit, and he referred her to the Planner, the planner instructed her to write a letter to the Planning Board and that's why she is before this Board.

Garren told Ms. Blount that all applications begin with the CEO.

Dater told Ms. Blount that if she is unhappy with the CEO decision, he believes she can file an administrative appeal based on her belief that the CEO is in error.

Sage thanked Ms. Blount for her patience. She told her speaking for herself - she understands it is late, but she believes that just because of the time, Ms. Blount should not be kicked out of the meeting because they've run short and that she should be allowed to speak. Sage went on to say that she gets her sense of urgency regarding the concerns and believes Ms. Blount has made every effort to go through the proper channels as fast as she can. Sage told Ms. Blount that for her ears, she has not pled a deaf case.

Ms. Blount encouraged the Board to read their ordinances and left the meeting.

The Board briefly discussed the property in question.

Cole felt it would be helpful for the Board to be able to see & review what was previously approved on this site.

Dater agreed to pull the file.

Garren stated that for the Board to get involved in enforcement issues seemed backward to him. He doubted that the CEO ignored her concerns.

Hunt agreed – He has never performed enforcement actions on the Planning Board, they will have to wait for direction from CEO, if any.

### **3. PLANNER'S REPORT.**

None

E. ADJOURNMENT

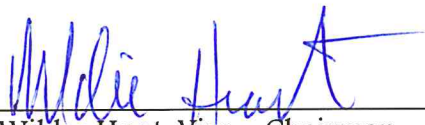
On motion Garren / Cole to adjourn the meeting.

Respectfully submitted by:

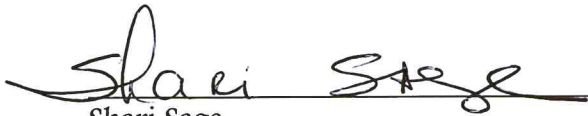
  
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Rebecca J. Bartolotta, Deputy Clerk

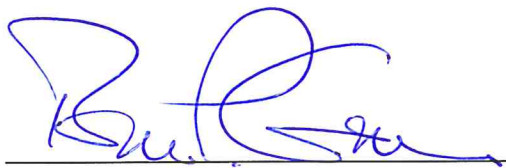
We, the undersigned, do hereby approve the minutes of the April 3, 2017 Planning Board meeting:

  
\_\_\_\_\_  
Jonathan Eaton, Chairman

  
\_\_\_\_\_  
Wilder Hunt, Vice – Chairman

\_\_\_\_\_  
Stephen Cole

  
\_\_\_\_\_  
Shari Sage

  
\_\_\_\_\_  
Bruce Garren

Dated: 06/05/2017