

Town of Damariscotta  
Planning Board Meeting  
August 31, 2015  
Minutes

Members present: Chairman Jonathan Eaton, Vice-Chairman Wilder Hunt, Stephen Cole, Shari Sage and Bruce Garren. Also present: Planner, Anthony Dater, CEO Stanley Waltz, Jenny Villeneuve, Attorney and Cindy Sykes, Secretary.

Audience: Reynold Jacobs, Robin Mayer, John and Martha Lynch, Corrone and Ruth Anne Bryant, William McNiff, Bill Murdoch, Walter Hilton, Mark and Jennie Hoffman, Marcy Hatch, Ben Bulkeley, and Maia Zewert.

**PUBLIC HEARING**

Chairman Eaton called Public Hearing to order at 7:03PM. Stated the rules for a public hearing. It is required that anyone with a conflict of bias or pecuniary interest in the project being reviewed make it known so it can be recorded in minutes. No response.

Notice of hearing has been advertised twice in the Lincoln County News as required. Also posted at the Town Office.

-Lynch – Is there time limit for notification of abutters?

-Dater – not in ordinance; Post Office attempts to deliver 3 times in 15 days

-C. Bryant – has not been notified, and is an abutter

-Dater – abutters are owners of physically contiguous lots, and across the street

-Villeneuve – Use notification of abutters within 500 feet as listed in Site Plan Ordinance for legal procedure.

-Hoffman provided receipts for certified notices to Benjamin Thompson, Mr/Mrs Bryant, Mr/Mrs Lynch, Great Salt Bay School, and State of Maine

-Sykes – Assisted Hoffman with abutter addresses, told him adjacent and across street only.

-Bryant – Masonic Lodge and American Legion also abutters

-Eaton – All fees paid? Sykes- Yes

-Eaton – do you have plan?

-Hoffman – very visible

-Eaton – application is incomplete without plan

-Hoffman – Plan for property is to sell pawn shop and antique items. Pawn only ten percent of business. Moved from 441 Main due to safety concerns. Moved items back from road for safety, Hunt said at a prior meeting that safety beats dollars every time. Paid \$10,000 for a tent, paid \$50. permit fee for use of tent for storage.

-Eaton – 4 minutes for history

-Hoffman – David Atwater complained about tent at prior location at a Selectmen's meeting. Claims Sage suggested business be moved to Waldoboro, across from Moody's where there is plenty of parking. Claims comments were unprofessional and unbelievable, typical of small town politics.

Initial plan was to purchase property next to Oyster Shell. After Planning Board review of parking plan, changed location to 535 Main St. Property has ample parking set back from road. Visual aids are important to sales. Main St has many other businesses with outside storage of inventory for sale. Pawn Shop is being singled out. Gets rave reviews from customers. Lobster buoys on Coast of Maine are not eyesores.

-Eaton asked for presentation by affected parties.

-Hatch – employee of Hoffman – Interesting job, customers enjoy the mixture of interesting art, dishes, call it an awesome store. Suggests that the abutters and board members visit the store before passing judgement. He helps people in need.

-Eaton – Outside storage is well defined in the Land Use Ordinance, cross referenced with the Site Plan Ordinance. Eaton read Section "T" of Site Plan Ordinance, referencing buffer strips, storage, parking, potential safety issues, and screening. School is an abutter, potential safety hazard for small children. Incompatible use, Board can require a buffer strip.

-Hunt – define incompatible use; Damariscotta Hardware and Chasse Marine have outside storage.

-Eaton – Located in residential area. Ordinance requires that outdoor sales and storage should be stored neatly and orderly, and screened from view.

- C. Bryant – Lives across the street. Has seen 4 or 5 rats at bird feeder. Items outside are a good place for varmints to live. Safety of children is a concern. Room for storage at back of property.

-R Bryant – Pawn Shop devalues abutter properties, has besmirched neighborhood.

-M. Lynch – People need to abide by rules and regulations. Dater had email stating Mr Hoffman would not store outside. Why was there no conditional use permit or plan submitted in May? Has lived here 37 years, area becoming more commercial, mess in residential area. A mattress was left outside for a week.

-Hoffman – mattress was given to a needy person

Eaton – C-2 Zone, retail is allowed

-Murdoch – Friend – This loud blustery guy is a nice person who helps community. Agrees with Lynch.

-Jacobs – Voiced support for Hoffman, buys and sells there. Let business grow, all pawn shops have items outside. Lawn is being organized. A fence blocks view. Kids can get hurt on a playground. People don't like change, but business route one is evolving.

-M. Lynch – Hoffman opened in May, he knew he needed conditional use permit for outside storage. No respect for Ordinance.

-Dater – Hoffman told CEO early May that there would be no outside storage. Outside storage is defined as inventory left outside after business hours.

-Waltz – Asked Hoffman to submit Conditional Use permit, as outside storage is a significant change or increase in business.

-M. Lynch – why has it taken so long? Bothered by lack of compliance.

-Dater – As a new retail business, originally had no outside storage.

-Waltz – Existing businesses pre 1998 are grandfathered. Will be sending letters to other businesses. Business permit not currently required. Hoffman had enough storage in barn and house, but business has grown. Here tonight for conditional use permit.

Eaton – Read Waltz letter sent to Hoffman in June, 2015 requiring a screening fence by 7/6/15, or could be fined. Notice to withdraw that letter was sent on 7/9/15.

Sent notice of violation to Hoffman, requiring him to cease and desist operation or submit a conditional use application within 30 days. Complied with letter, submitted conditional use application.

-Villeneuve – here tonight to review conditional use application. Planning Board can approve, approve with conditions, or deny.

-Waltz – Has no outside trash or anything that would invite rats.

-Hoffman – Bird feeders attract rats. Bryant should stop feeding the birds.

Eaton – closed Public Hearing at 7:55PM.

## PLANNING BOARD MEETING

- Eaton – application is incomplete, no plot plan with designated area for storage. Ordinance requires permit and plan.
- Garren – application states “to store stuff outside”.
- Eaton - Could be interpreted to mean unlimited storage.
- Cole – Procedural problem, all abutters not notified.
- Hoffman – will notify additional abutters within 500 feet
- Eaton – Define outside storage area, maybe fenced area that can close at night.
- Villeneuve – should vote that application is incomplete.

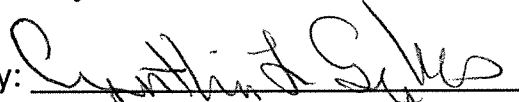
**On Motion Hunt/Garren that application is incomplete. Vote 4-0-1.**

Hunt – advised Hoffman to pay attention to the Ordinance requirements.

## ADJOURNMENT

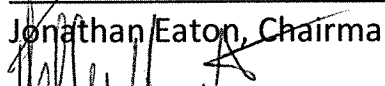
**On Motion Cole/Garren to adjourn at 8:13PM. Vote 4-0-1. Meeting adjourned.**

Respectfully submitted by:

  
Cynthia L. Sykes, Deputy Clerk

We, the undersigned do hereby approve as written, or with changes as noted, the Minutes of the August 31, 2015 Planning Board Meeting.

  
Jonathan Eaton, Chairman

  
Wilder Hunt, Vice-Chair

  
Stephen Cole

  
Shari Sage

  
Bruce Garren

Dated

10/5/15