

MINUTES
PLANNING BOARD
TOWN OF DAMARISCOTTA
December 5, 2016
6:30 PM

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

STAFF PRESENT: Anthony Dater, Town Planner

PUBLIC PRESENT: John Mann, Agent Coastal Realty; Jim Donovan, CEO, Lincoln Health; Stacey Miller, Lincoln Health; Patrick Parson, Lincoln Health; Charles Rizza, Lincoln Health; Peter Biegel, Lincoln Health; Jessica Sirois, abutter to Stepping Stone Housing project; William McNiff, Concerned Citizen; Gabe Shadis, Stepping Stone Housing project; Cindy Sherman, Stepping Stone Housing project; Paul Sherman, Stepping Stone Housing project; Marilee Harris, Stepping Stone Housing project; Maia Zewert, LCN; Matt Newman, Lincoln Health; Susan McAlister, Stepping Stone Housing Project; Gina Hamilton, Wiscasset Newspaper; Richard Mayer, Concerned Citizen; Robin Mayer, Concerned Citizen; Anton Lahnston; Lucina McLean; Debra Lucchesi; Amy Lalime, Stepping Stone Housing Project.

CALL TO ORDER: Chairman Eaton called the meeting to order.

PUBLIC HEARINGS ON THE FOLLOWING ITEMS:

1. **LINCOLN HEALTH – MILES CAMPUS – MILES ROAD (OFF BRISTOL ROAD) – LOTS 9/64, 11/29, AND 11/27 – MEDICAL FACILITY SHORELAND ZONE – REVIEW OF PRELIMINARY PLAN ON PROPOSED NEW HEALTH CENTER.**

Peter Biegel from Land Design Solutions was present representing Lincoln Health on this project. Biegel reviewed the project - explaining the site plan drawing to the room. He told the Board the proposed building is a 3 story, approximately 39,500 square foot structure and it will meet the 40-foot height restriction. He also reminded the Board that they had requested, and the Board voted on and approved waivers on the boundary survey & showing right title & interest requirements, based on the location of the proposed project – on the Miles Campus. He told the Board that there will be 489 total parking spaces on the campus and they will be resurfacing the parking lot.

Hunt asked if those parking spaces in the helipad were calculated into the number of parking spaces given. He considers those kinds of “quasi-parking” - since those spaces need to be vacated when a helicopter needs to land.

Another member of the Lincoln Health project told the Board that there are 4 spaces in the helipad. With the current restructuring / relocation of the Doctor’s offices, 4 replacement spaces will be much more readily available in the event those vehicles need to be moved.

Biegel reviewed the Floodplain information for the site.

Biegel told the Board that letters were submitted from Great Salt Bay Sanitary District.

Biegel stated that the storm water management plan has been submitted to DEP.

The plan showed the limit of disturbance as far as tree removal etc. A comment at the last meeting regarding a large pine tree – they retained an arborist to determine the

health of the tree. It was determined that the tree was not in good health and would not likely live much longer.

Dater asked about replanting a tree. Biegel showed several areas on the plan where they were planting new trees, but in that specific location they would not because it's right in the middle of the drop off.

There was discussion about multiple emergency vehicle access on the property, in the event of a catastrophic event.

Anton Lahnston, a resident of Schooner Cove stated that he had no objections to this project but was concerned about the walk-ability between the Miles Campus and downtown Damariscotta. The current walk-ability of Bristol Road is terrible. There is a real need for sidewalks in this area.

2. COASTAL REALTY CAPITAL, LLC – HEATER ROAD – LOTS 1/50-8, 58-1, AND 50-7 – RURAL DISTRICT – PRELIMINARY APPLICATION ON SUBDIVISION OF FOUR EXISTING LOTS INTO SIX LOTS FOR 2 NEW LOTS FRONTING ON HEATER ROAD.

John Mann was present representing Coastal Realty Capital, LLC on this project. He gave an overview of the project and provided proof of notice to abutters & various Town agencies involved. He also submitted a finalized plan for Board review. He stated that the lots were 3-4 acres each.

Dater told Mann that the custodian of the Town cemeteries had expressed concern about the possibility that there may be 3 people buried somewhere in the vicinity of these lots and that potential buyers should be made aware. The Cemetery Committee was not sure of the exact location at this time, but it's thought they are buried further North on Heater Road

Mann told the Board they had noticed a small cemetery surrounded by a stone wall across the road from the property he's looking to subdivide.

Garren asked about the Road Association Agreement.

Mann stated that the agreement was not quite finished yet, but they are working on it and they understand that it is a requirement of the application with the Town.

Sage asked if there was any response from the abutters.

Mann told her there was not any feedback up to this meeting.

Eaton asked the audience if there was any public comment on this project.

There was none.

Garren asked about the soil test for wastewater.

Dater told him that it was submitted since the last meeting and they are all set with that. Dater also confirmed with Mann that each property would be responsible for their own water supply.

There was no public comment on this public hearing at all.

3. STEPPING STONES HOUSING, INC. – PLEASANT & HODGDON STREETS – LOTS 7/41 AND 41-1 – RESIDENTIAL DISTRICT – PRELIMINARY SITE PLAN APPLICATION FOR MULTI-UNIT RESIDENTIAL DEVELOPMENT.

Marilee Harris was present representing Stepping Stone Housing, Inc.

Harris told the Board there was a new plan in their packet and all other items on the site review application check list have been submitted as requested.

Harris told the Board that they have paid for and receive a permit to build ONE of the cottages they are proposing in an effort to get permission to build them. They've submitted sample plans as well that fall within the 720 square feet – they do not have the exact layout yet because they are still working with the builder to finalize it and as a non-profit they can't spend money not knowing if they will receive permission to build.

Dick Mayer told the Board there shouldn't be a time limit on the public hearing. The public should be given every opportunity to speak.

He & Dater discussed the applicability of the Town's Site Review Ordinance to this project.

Dater explained that it was similar to a condominium - a planned unit development – it is in fact part of the land use ordinance.

Mayer attempted to debate the grandfathering issue – He expressed concern at the number of units planned for a lot half the size of what is permitted in the ordinance.

Garren explained that the Town Attorney attended one of the meetings where the Board discussed the grandfathering at length and it was determined that the lot was grandfathered for 7 units.

Gabe Shadis expressed concern that this project was going to set a precedent for other non-conforming properties in town & encouraged the Board to look at the bigger picture & what could happen to the Town in the future.

Shadis also told the Board that the grandfathering decision will over saturate a very small neighborhood and he urged the Board to use their power responsibly.

Jessica Sirois expressed concern about the impact of the signage & lighting on the neighborhood and clarified that those items are part of the Site Review Ordinance. She wanted further assurances that even though the type of building planned keeps changing in design, that the project will still be required to meet the commercial Fire Code. She also renewed her opinion that this project is a change in use and the grandfathering should not be legal.

Marilee Harris told Sirois that the lighting would be similar to that of a traditional home setting – front door light and only 1 small sign will hang unlit on the property. She also verified that they will adhere to whatever is required regarding fire & safety codes.

Dick Mayer again brought the question of the definition of condominium – he read aloud from the Land Use ordinance “..... a condominium isindividually owned by

the occupants..” He understood that these units will NOT be individually owned by the occupants – so not a condominium, by definition.

Dater reviewed the ordinance – read aloud from the definition of multi-family dwelling units – which refers to the Site Review Ordinance, which is how the Board got to where they currently are.

Garren stated that the Board has had assistance from the Town Attorney over the past months in reviewing this project. If not reviewed under Site Plan Ordinance – then what? He told Mayer that he thinks a project of this impact deserves the intense review of the Board.

CEO reviewed the steps to date & how it was determined that this project needed to come before the Planning Board.

Gayle Weber spoke about an incident involving a dog from the property in question that caused an 80-year-old woman to fall & break her shoulder. She felt that incident may be indicative of the “management” of the site.

Chairman Eaton closed the public hearing portion of the meeting.

REGULAR MONTHLY MEETING FOR DECEMBER:

A. MINUTES

October 3, 2016

On motion Garren / Cole to accept the October minutes as written.

VOTE: 5-0 IN FAVOR

November 14, 2016

On motion Garren / Cole to accept the November minutes as written.

VOTE: 5-0 IN FAVOR

B. OLD BUSINESS

1. LINCOLN HEALTH – MILES CAMPUS – MILES ROAD (OFF BRISTOL ROAD) – LOTS 9/64, 11/29 AND ``/27 – MEDICAL FACILITY SHORELAND ZONE – REVIEW AND POSSIBLE DECISION ON FINAL PLAN OF PROPOSED NEW HEALTH CENTER.

Garren requested to be recused from the decision process on this project because he is on the Board of Trustees for the hospital.

Eaton told the Board that Sage had asked if she should recuse herself, because she is an abutter to the project. Eaton felt if she could make a fair & unbiased decision that she shouldn’t have to.

Dater felt that the Board should vote on both members’ participation.

On motion Hunt / Cole to allow Garren to be recused from this project.

**VOTE: 4-0 IN FAVOR
(GARREN DID NOT VOTE)**

On motion Hunt / Cole to publicly recognize Sage as an abutter to the project.

VOTE: 4-0 IN FAVOR
(SAGE DID NOT VOTE)

On motion Cole / Hunt that the application submitted by Lincoln Health is complete.

VOTE: 3-0 IN FAVOR
(EATON DID NOT VOTE)

Discussion with audience member & Schooner Cove resident regarding the lack of sidewalks on Miles Street. The gentleman has plans to approach the hospital regarding the addition of sidewalks within this project.

Peter Biegal told the Board that sidewalks are part of the discussion just beginning on the bigger picture for the campus, but not necessarily this building project due to budget constraints.

A member of the audience & resident of Schooner Cove asked for clarification on whether this new building was to entice new doctors to this area or just planned for the existing doctors on the campus, stating that she had received conflicting information.

Jim Donovan, President & CEO of Lincoln Health spoke to clarify the issue. He stated that they are intending to bring together physicians from 4 other buildings on the Miles Campus. They are also planning for expansion space for 2 more doctors in the new building to increase access to specialists at their facility instead of patients traveling to see those types of doctors. It is planned as "visiting" specialists space.

Dater asked the applicants if any consideration has been given to create space on the roof for a rain garden handle storm water or solar panels for electricity in the future.

The Architect, Charlie Rizza, told the Board that there are no plans for those items at this time.

Cole read aloud from the Site Plan Ordinance – page 18, Section I – pedestrian circulation –

"The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances / exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project..."

Peter Biegal showed where sidewalks are planned as part of their proposed project.

There was discussion on how much of Miles Street was Town owned.

Robin Mayer, Selectman for Town of Damariscotta told them that they own up to the Stop sign just past the causeway, Miles owns the rest. There are no plans for sidewalks on Miles Street at this time due to budget constraints within the Town. She went on to state that the Bristol Road sidewalk project is a State project, grant funded.

Hunt stated that he felt the sidewalks on Miles Street were a Town issue not a Lincoln Health issue at this point.

Cole state that he hoped that at some point in the future, once there is a Bristol Road sidewalk, the hospital will consider improving the connect from the Miles Campus to the Downtown area.

CEO Donovan told the Board the hospital would be happy to talk about that option with the Town at some point in the future.

On motion Hunt / Cole to approve the application as presented.

VOTE: 4-0 IN FAVOR
(GARREN WAS RECUSED)

The Board signed copies of the site plan for the file.

2. COASTAL REALTY CAPITAL, LLC – HEATER ROAD – LOTS 1/50-8, 58-1, AND 50-7 – RURAL DISTRICT – REVIEW AND POSSIBLE DECISIONS ON SUBDIVISION OF FOUR EXISTING LOTS INTO SIX LOTS FOR 2 NEW LOTS FRONTING ON HEATER ROAD.

John Mann asked the Board to consider ruling on the completeness of the preliminary application / site plan so the process can continue to move forward.

Eaton asked about the road association agreement.

Mann told the Board it wasn't complete yet but they anticipate bringing a completed agreement to the next meeting.

Mann told the Board they added the 50' turn out to the plan that was suggested at the previous meeting.

On motion Hunt /Sage to accept the application as complete with the exception of the Road Association Agreement, which is still not complete.

Cole stated that he feels that they need to wait for the Road Association Agreement to act on the application at all.

VOTE: 5-0 IN FAVOR

3. STEPPING STONE HOUSING, INC. – PLEASANT & HODGDON STREETS – LOTS 7/41 & 41-1 – RESIDENTIAL DISTRICT – REVIEW AND POSSIBLE DECISIONS ON PRELIMINARY AND DRAFT FINAL SITE PLAN APPLICATION FOR MULTI-UNIT RESIDENTIAL DEVELOPMENT

Cole asked Marilee Harris to clarify her presentation at the public hearing regarding the single structure.

Harris told the Board that they completed the building permit on the single structure just so they can start something. They would like to proceed with the project as proposed. They only have a concept plan from the designer at this point.

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

**VOTE: 4-0-1 IN FAVOR
(SAGE ABSTAIN)**

Garren stated that the points raised regarding the use of terminology condominium brought up questions & he reviewed the file & the ordinances and he agrees condominium may have been the wrong word to use. It meets the definition of multifamily dwelling units in the Site Plan Review Ordinance ... "3 or more dwelling units in a single or multiple buildings..." and that does seem to fit this project.

Sage noted that there were a lot of waivers requested.

Dater told the Board the list of waivers requested was similar to those included in the applicant's previous application. He told the Board he met with the Applicant on November 30th & went over the check list.

Sage had questions about some of the waivers requests & check list items that were marked N/A:

- Noise control
- Lighting & glare
- Screening & buffers
- Storm water Management, erosion control
- Sign location

Harris told the Board the answers to the waiver requests were written out on an attached sheet, dated August 8th.

Garren noted that many of the items on the waiver request list were not really waivers, but were actually answers to the ordinance requirements – for example – setback requirements – the applicant has stated that in building new buildings they will adhere to the setback requirements of the ordinance – so that's not really a waiver.

Dater reminded the Board that they do not have to approve all waiver requests – they should review each individually.

Garren asked about the implications of a denial of a waiver request by the Board & where it would put the applicant procedurally.

Dater told him that the applicant will have to provide an answer to comply with the specific requirement then.

Garren felt that all or most of the items listed as waiver requests should not be there, but should be re-cast as part of the applicant's answer to the standards.

Harris requested that the Board take away the words "request for waiver" on her August 8th letter and just leave it as the itemized plan for their application.

Garren stated that the Board can't change a letter – it would need to be redone.

Harris asked the Board for specifics in the wording to meet their requirements.

Garren indicated that they were working on that now.

The Board reviewed the check list dated 11/30/16.

Dater explained that the check mark means it is needed; the x means it's been provided; and the N/A means it was deemed by the Planner to be not applicable.

The Board noted that the applicant will need to include the size / location of the sign planned.

The applicant stated that there will be no additional exterior lighting planned – only usual residential door lights.

Jessica Sirois asked about Ambulance accessibility requirements.

Harris noted that there was an entrance permit & a plan showing that they changed the entrance to accommodate better access included in the application before the Board as well as a letter from the Fire Chief that should cover that question.

The Board felt perhaps a letter should come from the Ambulance Service regarding accessibility –

Cole stated that the Board did not usually require anything from the Ambulance, and he was uncomfortable applying a different standard to this applicant. He felt a letter from the Fire Department should cover it – if a fire truck can access the property, an ambulance surely can.

Eaton felt the applicant should get the letter.

The Board discussed landscaping requirements.

Harris asked if what was shown / or listed not enough. They are not removing any existing trees or shrubs. They may add landscaping around the homes, once built but not to the actually property.

Garren stated it needs to be specific

Hunt felt the plan needs to list types, numbers, and sizes of landscaping planned at completion of construction.

Cole was fine with the existing wording but recalled an abutter sending a letter with some specific requirements.

That abutter was present and talked about her request.

Sirois felt something should be required to hold the noise on that property.

Dater stated that the Board could require a landscape plan.

Cole felt the best outcome would be for the abutters & the applicant to work together on an affordable plan vs. the Board issuing a formal plan.

Sage disagreed – an informal agreement would not be enforceable in her opinion.

Harris asked if fencing is part of the landscaping plan.

Dater said it can be combined on one plan.

Sage asked about the concerns outlined in a letter from GSBSD, Leanna Libby.

Eaton explained that that didn't have anything to do with this Board, it was pertaining to the existing infrastructure, belonging to the Sanitary District.

Eaton asked Dater about the noise limit.

Dater stated that the following were the guidelines within the ordinance:

Residential area: 7am-7pm – maximum of 55 decibels
7pm-7am – maximum of 45 decibels

Commercial: maximum of 65 decibels

The Board didn't feel that there would be excessive noise.

The audience asked about noise during the construction.

Dater stated it would have to adhere to the 7am-7pm industrial level of 70 decibels.

Eaton stated if not, it would be a complaint against the contractor, not Stepping Stones.

Sage inquired about lighting & glare – she felt the applicant should be required to submit details about lighting – to show that they are only intending to have porch lighting.

Sage inquired about storm water management.

Dater told the Board its sheet flow across the grass out to the street.

Garren asked with the increase in asphalt & roof area, should something different be planned.

Harris told the Board they would do whatever is required to keep the water flowing where it is supposed to.

Eaton stated he didn't think this plan would be a huge change over what was there.

Harris agreed, stating there will actually be less roof area.

The Board talked about the general direction of the water now based on the conditions of the land now.

Dater told the Board there are some options:

1. The Board could require the applicant to hire an engineer to look at the property & submit suggestions.
2. The Board could require a formal storm water management plan.
3. The Board could accept the applicant's explanation is sufficient.

Cole stated that the problem exists – it doesn't seem fair to require the applicant to fix something that is already there. It's a municipal problem.

Garren stated that he did not think it was necessary to require a storm water management plan.

Sage stated she was not ok with that – this project will only add to the problem.

Eaton felt the Board should have someone look at it & make an assessment, to cover their butts.

On motion Garren / Sage to require the applicant to request soil & water conservation services look at the property & assess the storm water management plan.

VOTE: 5-0 IN FAVOR

There was discussion about whether this project would be a commercial use due to being rented. Stepping Stones is a non-profit organization. Commercial use would not be allowed in a residential district. Dater read from the ordinance where rental units are excepted from the definition of commercial.

Dater told the Board they can act on waivers requested.

On motion Garren / Cole to waive the ordinance requirement for 2' contours on site plan.

VOTE: 5-0 IN FAVOR

The applicant reviewed her list of items with the Board that she needs to submit for the next meeting.

The Board requested that the applicant bring financial information to the next meeting.

C. NEW BUSINESS

NONE

D. OTHER

1. OTHER QUESTIONS FROM THE PUBLIC TO PLANNING BOARD

2. PLANNER'S REPORT

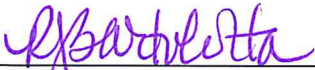
None

E. ADJOURNMENT

On motion Hunt / Garren to adjourn meeting at 10:15 pm.

VOTE: 5-0 IN FAVOR

Respectfully submitted by:

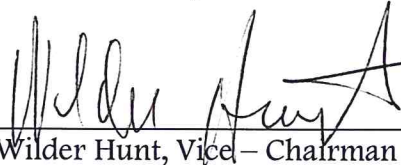


Rebecca J. Bartolotta, Deputy Clerk

We, the undersigned, do hereby approve the minutes of the December 5, 2016 Planning Board meeting:

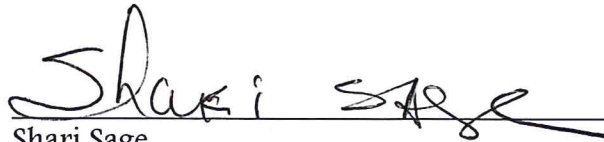


Jonathan Eaton, Chairman



Wilder Hunt, Vice – Chairman

Stephen Cole



Shari Sage



Bruce Garren

Dated: 02/04/17

