

MINUTES
PLANNING BOARD
TOWN OF DAMARISCOTTA
February 6, 2017
7:00 PM

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

STAFF PRESENT: Anthony Dater, Town Planner

PUBLIC PRESENT: Rick Burt, Architect for Inn Along the Way (IAW); Tracy Verney, IAW; Lissette Griffin, Applicant; Debra Lucchesi, Interested Citizen; Regina Davey, Citizen; Jenny Begin, neighbor to Stepping Stone Housing; Helena Strang, River's Edge Realty, Abbie Lane; Susan McAlister, neighbor to Stepping Stone Housing; Gabe Shadis, neighbor to Stepping Stone Housing; Cindy Sherman, neighbor to Stepping Stone Housing; Paul Sherman, neighbor to Stepping Stone Housing; John Scribner, developer for Damariscotta DG, LLC; Kristin Cameron, citizen; Jessica Sirois, neighbor to Stepping Stones Housing; Ed Seidel, citizen; Amy Lalime, neighbor to Stepping Stones Housing; Andrea Keushguerian, citizen; Lucy Harrington, resident; Jennifer Arter, resident; Thomas Arter, resident; Jennifer Wais, Griffin property; Timothy Kimpton, IAW; Kimberly Sampson, Abbie Lane; Adam Maltese, Abbie Lane; Marilee Harris, Stepping Stone Housing; Maia Zewert, Lincoln County News.

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

PUBLIC HEARINGS ON THE FOLLOWING ITEMS:

1. **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, Project Engineer; and John Scribner, Property Developer were representing this project. Turner told the Board that they are in the process of purchasing of the property but it's not complete yet. He told the Board they are planning 2 stand-alone retail stores; a Dollar General – approximately 7,500 square feet in size, and a Sherwin Williams Paint & Hardware – approximately 4,500 square feet in size. Turner explained that the property is a little over 2 acres and each tenant will be in control of their own piece of the property.

Turner showed a drawing that indicated 2 access points to the property; one on Main Street, and one on Biscay Road. There will be a landscaping buffer between the 2 buildings and some parking at the front. Turner indicated that they have shown the 50' required buffer at the front of the buildings, but asked the Board to acknowledge that quite a few existing commercial properties do not have that kind of buffer. They did move the buildings back, but are trying to maintain as much of the existing landscaping to the rear of the property as possible.

Lucy Harrington asked if the Townspeople had any input on whether they even want this type of store here at all.

Jenny Begin expressed concern that there are already 5 paint stores in town and not sure this town can support this type of business. She doesn't want the Town to end up with an empty shell.

Turner explained that the tenants come to the developers, not the other way around. The tenants do a lot of background research on an area, including a feasibility study, before going to a developer to find the property.

Amy Lalime asked about the possibility of sidewalks in that area.

Turner told her that there was no provision for sidewalks because there is no existing sidewalk infrastructure and because Main Street is a State Road, the MDOT does not want to encourage pedestrian traffic where there is not a sidewalk existing, so they do not allow "dead-end sidewalks".

Dater told the group that the Damariscotta Sidewalk – Bicycle Plan prepared in 2008 did plan for sidewalks all the way to Great Salt Bay School, and that new commercial development in that area would be required to assist in the installation / construction of that sidewalk.

Turner requested a copy of that plan. Dater agreed to get one to them.

A member of the audience asked about a traffic study since there can be a significant back up in that area due to the traffic light at the intersection.

Turner explained that they did have to do a trip analysis for the MDOT entrance permit application. He further stated that they had just started that process 1 week ago, that was the reason for the 2nd access point on Biscay Road – MDOT's preliminary review was favorable.

Garren asked about the timing of the MDOT process.

Turner told him it was usually a couple of months.

Garren stated that the Main St. access was a little close to the traffic light at the intersection.

The Board agreed with Garren on this point.

Sage suggested maybe moving the access to the farthest Northern part of the property, making it a little further from that light.

Eaton suggested maybe making the Main Street access and entrance only would be safer.

Ed Seidel asked what the percentage of impervious area was proposed to be.

Turner stated 53% +/-

Turner told the Board that they have done a Geotechnical study and their storm water management plan meets or exceeds the DEP standards, which will meet the Town's standards.

Turner told the Board that the store fronts & signage will face Main Street.

An audience member asked the Board if there was any option to say no to this project.

Dater explained the process to the room, noting that it is possible for citizens to weigh in on the design as the Board processes the application.

Eaton explained that the Board can't tell an applicant what to do on a commercial lot – if they go through the process, meet the Town requirements in the ordinances, the Board can't prevent the project.

Jenny Begin was concerned about light pollution.

Turner explained the lighting plan for the site – 16' poles with shielded fixtures. He explained that, for safety, the outside lighting stays on for approximately 30 minutes after the employees leave. The only lighting left on is 1 small shielded light on each side of the building.

2. INN ALONG THE WAY – 741 MAIN ST. (RT. 1B) – LOT 3/46 – C2 HIGHWAY COMMERCIAL AND RURAL DISTRICTS – PRELIMINARY SITE PLAN OF PROPOSED MIXED-USE PLANNED-UNIT DEVELOPMENT RETIREE HOUSING CAMPUS WITH INN, COMMUNITY BUILDING AND MULT-UNITS.

Dater explained that Inn Along the Way was on the Public Hearing Agenda just as a formality, due to an advertising error.

Jenny Begin asked to see the site plan.

Rick Burt put the site plan board up.

Tracey Verney, VP at Inn Along the Way read the agency's mission statement aloud.

Tom Arter asked what percentage of the property was going to be undeveloped.

Burt told him their project would encompass only about 3 of the 31-acre property, so approximately 10% developed.

Arter asked if they had considered putting any easements on the property.

Tim Kimpton told Arter no, they didn't plan any more than what this project consists of.

Public Hearing was closed at 7:45 pm.

REGULAR MONTHLY MEETING FOR JANUARY:

A. MINUTES

December 5, 2016 meeting:

On motion Sage / Garren to approve the December minutes as written.

VOTE: 4-0 IN FAVOR

January 9, 2017 meeting:

On motion Sage / Garren to approve the January minutes as written.

VOTE: 4-0 FAVOR

B. OLD BUSINESS

1. STEPPING STONES HOUSING INC. – PLEASANT & HODGDON STREETS – LOTS 7/41 & 41-1 – RESIDENTIAL DISTRICT – REVISED PRELIMINARY SITE PLAN APPLICATION FOR SIX-UNIT MULT-UNIT RESIDENTIAL DEVELOPMENT.

Dater told the Board, per their request at a previous meeting, there was new DEP info on the storm water run-off in front of them on this application.

Garren asked Dater to bring the Board up to speed on the process to date.

Marilee Harris told the Board that there were 4 items requested of her at the previous meeting. She did not have all of the items, but expects to have them all prepared for the March 6th Planning Board meeting.

- 1) DEP Storm water report – submitted today
- 2) Sign – completed application & specific location
Harris told the Board that she has spoken with CEO and the planned sign will meet all Town Ordinance requirements.
- 3) Landscape plan
- 4) Financial records

Garren asked Harris if they have started construction yet on the existing building permit.

Harris told him they have not started yet – they are still working on the design plans.

Harris handed out a copy of the application Stepping Stone Housing, Inc. will use for prospective tenants for the Board to review.

Harris explained that prospective and existing tenants must agree to the mission and sign the agreement; submit to 2 different background checks, on local and one national; reference check; and proof of income, in an effort to make sure they are supporting the right people.

Garren asked if the standards used to vet applicants has been written up yet.

Harris told him not on paper yet, but it will be similar to other charities.

Hunt stated that he appreciates the submission of the application for the Board to see. He asked if it includes existing tenants.

Harris told him that any existing tenants will be given the option to stay and will be required to meet the same standards & sign the same agreement to continue their residency.

Sage stated that requiring the existing tenants to meet the mission and walk the same path seemed too loose.

Harris further explained that the mission / plan is different for each applicant, Stepping Stone Housing, Inc. sits down with the applicant to formulate their individual plan. The mission is to support the housing needs of people earning under \$17,000 a year.

Eaton told Sage her comments weren't really ordinance based.

Sage stated that she was following up to Hunt's question and the answers were somewhat gray to her.

Hunt stated that the answers were very clear to him.

Harris told the Board that the First National Bank of Damariscotta will have a site plan & examples in their lobby for the rest of February, to inform the public of the plan.

Begin expressed concern about what the project would look like once completed – she wanted to make sure a professional designer would be used in order to keep with the quality & character of the area.

Lucy Harrington asked if an applicant had to have specific religious beliefs to live there.

Harris told her there were no religious specifications to live on the property.

Gabe Shadis told the Board that they were the “development police” for Damariscotta and the citizens are relying on the Board to make the right decisions.

Stepping Stone Housing, Inc. will be on the March agenda.

2. INN-ALONG-THE-WAY – 741 MAIN STREET (RT 1B) – LOT 3/46 – C2
HIGHWAY COMMERCIAL AND RURAL DISTRICTS – PRELIMINARY SITE PLAN
OF PROPOSED MIXED-USE PLANNED-UNIT DEVELOPMENT RETIREE HOUSING
CAMPUS WITH INN, COMMUNITY BUILDING AND MULIT-UNITS.

Rick Burt, architect for the project reviewed some of the loose ends from the last meeting. He told the Board that the letter from the Fire Chief has been submitted and the State permits are in process. He told the Board that the phasing site plan makes sense today, but some of the phases may develop a little differently as time goes on:

Phase I – Inn

Phase II – 4 respite cottages

Phase III – driveway to cottages, around pond & 3-4 resident cottages

Phase IV – the balance of the resident cottages

He explained that there is not a specific time table for the phases, they plan to build as they can afford to. He told the Board they are seeking full project approval at this meeting and as agreed to at last month's meeting, they will

come back before each phase to prove the financial capacity to complete said phase.

Hunt asked how future ordinance changes might affect this project if approved now, but built later.

Dater stated that if the Board approves the concept plan of the entire project now, any ordinance changes later would not pertain because the approval would be documented.

Garren asked Dater what procedure will require the applicant to come back with financial information.

Dater told him it could be in the notice of decision as a condition of approval if the Board so moved.

Garren felt it was unusual for the Planning Board to monitor this type of thing – usually the Board approves, with conditions and the CEO monitors for compliance. This project could go out 10 years or more.

Dater told him that it may be unusual for Damariscotta, but he has had some experience with this type of approval.

Garren stated that site plan approval was only good for 2 years, this project could go much longer.

Burt told him that was not necessarily true.

Tim Kimpton explained that the agency is trying to complete the project with no debt so it will truly be a sustainable project.

Sage asked about fundraising.

Kimpton told her that they were approved as a 501C in 2014 and began fund raising in 2015. They currently have a little over \$500,000 in the bank toward phase I.

Garren asked about an estimate of costs.

Burt told him that they were working with Wright Ryan on that, but to date they don't have 100% of costs down due to the continual shaping of the project.

Garren stated that he would be interested in seeing the costs.

Burt reviewed the waivers requested:

- 1) IAW request waiver for the curb requirements, based on the letter from the Fire Chief regarding fire truck access and to allow better sheet flow. They would like to be able to only curb selected areas.
- 2) IAW request waiver for the buffer strip requirement at the entrance & parking areas. They would like to leave much of the property in its natural state, there is natural buffers at the entrance now.

On motion Hunt / Garren to approve the waivers requested by Inn Along the Way.
VOTE: 4-0 IN FAVOR

On motion Hunt / Sage to accept the application as complete, with the specific phases to be defined at a later date, with proof of financial capacity, pending State permits.
VOTE: 4-0 IN FAVOR

On motion Garren / Hunt to approve the application for site plan review, phasing to begin as financially capable, pending State of Maine permit approvals presented to the Board to be included in the application.
VOTE: 4-0 IN FAVOR

3. GRIFFIN – 60 MAIN STREET – LOT 6/26 – C1 DOWNTOWN COMMERCIAL DISTRICT AND COMMERCIAL SHORELAND ZONE – PRELIMINARY MULTI-UNIT RESIDENTIAL SITE PLAN FOR THIRD DWELLING-UNITY ON PROPERTY.

Dater informed the Board that the applicant still has not heard back from the Fire Chief at this point. Dater told the Board that the CEO requires fire separation between the garage & apartment. Applicant will hardwire smoke & CO detectors, add windows on 2nd floor as a secondary egress with fire ladder as required.

Garren questioned the distance to the ground from the 2nd floor window and expressed concerned about using that window without an actual fire escape.

Garren further stated that the Board was not familiar with the specific codes and really needed the Fire Chief's input on this type of project.

Dater stated that the Board can require the Fire Chief's letter as a condition of approval.

Garren requested that Dater pursue the letter from the Fire Chief on this project.

Sage asked about abutter feedback.

Griffin told her the only abutters were commercial entities, no residential abutters. Griffin told the Board she would like to request a waiver from the notification of abutters requirement.

Dater explained that waivers should be in writing to the Board, but it was ultimately up to the Board.

On motion Garren / Sage to approve the applicant's request to waive the abutter notification requirement due to the fact that there aren't any residential abutters, only commercial businesses; and to accept the application as complete, pending receipt of the letter from the Fire Chief.

VOTE: 4-0 IN FAVOR

On motion Garren / Sage to approve the site plan review application with the condition that be no occupancy of the apartment until full review & letter by Fire Chief, and all his requirements are met.
VOTE: 4-0 IN FAVOR

C. NEW BUSINESS

1. 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.

Dater read page 16, section 11, H3 from the Site Plan Review Ordinance regarding parking lot placement.

Garren stated it didn't appear that anyone was really required to follow that – is it even enforced?

The Board discussed the 50' buffer required from street to parking lots. Dater asked the applicant if that was a consideration.

Turner told the Board that the topography of the property was challenging and with the storm water management they placed the parking in such a way to keep the operational areas away from pedestrian traffic. They do plan landscaping to soften the look.

The Board generally liked the applicants site plan better than the ordinance requirements / specifications.

Turner told the Board that the applicant has 6 waiver requests that they have submitted in writing:

- 1) Parking requirements – the ordinance requires 30 parking spaces. The Dollar General building will have 25. Applicant asks that the parking ratio be calculated based on retail square footage only – not the entire building, including the storage space.
- 2) Location of Parking – due to the size & shape of the lot, the applicant is planning the parking lot placement in the safest way possible for pedestrians.
- 3) Grade requirements – there is a small portion of the Biscay Road access that is greater than the 3% grade permitted – in order to blend into Biscay road and create a smooth transition.
- 4) Lighting – The maximum illumination at the driveway – directly under the light poles will exceed the 1.5 foot-candles permitted. Turner told the Board that the maximum they have over the entire site is 17, with the cone of light dissipating quickly as you move away from the pole. All lights will be shielded, downward lights. Turner also told the Board that all pole & sign lighting will turn completely off 30-60 minutes after employees leave at close of business.

Sage asked how late the stores are open.

Turner stated that Dollar General will be open until 10pm, Sherwin Williams until 7pm.

- 5) Sidewalk width - at the service side of Dollar General- Turner stated they are proposing a sizeable buffer between the 2 buildings instead of the 6-foot buffer between the buildings & the sidewalks.

- 6) Landscaping – ordinance requires 29 trees on the Main Street side – applicant proposes shade trees evenly spaced on Biscay Road and the Northern border. They would like to spread 14 trees throughout the entire site instead of 29.

Sage asked the size of the trees.

Turner stated +/- 3" diameter trees

Garren asked if the abutters have been notified.

Turner stated they had & he submitted the proof to the Board.

Dater told the applicant they needed to verify the actual street address with the CEO – they are not 508 Main St. That number belongs to Women of Substance, across the road.

Garren asked about the sidewalk issue on Main Street.

Dater stated that the Board can require new commercial development to install sidewalks as part of the application process, in accordance with the long-range plans of the Bicycle & Pedestrian Safety Plan of 2008.

Garren stated that he understands the position of MDOT that there not be a dead ended sidewalk to nowhere. Maybe a better plan would be for the Board to require financial contributions to the Town's sidewalk fund for future construction in that area. No other applicant to date has been required to meet this sidewalk plan.

The Board felt a member of the Board of Selectmen should be asked to the next meeting to discuss this.

D. OTHER

1. QUESTIONS FROM THE PUBLIC ON ABBIE LANE SUBDIVISION APPLICATION.

Dater told the Board that an illegal subdivision on Abbie Lane has come to the Town's attention after a title search for a sale of one of the lots.

There was an attorney present representing Wells Fargo, who owns one of the lots in question. The Attorney told the Board that they were working on obtaining a survey.

Adam Maltese, owner of one of the 3 lots in question gave some background information to the Board. Essentially a 3rd lot was created within 5 years.

Garren asked how many lots were in subdivision.

Dater stated there were 7 lots total, 3 are illegal. There could be a subdivision application for the 3 lots to make it legal.

The 3 lots are:

Map 004 Lot 073-5
Map 004 Lot 073-6
Map 004 Lot 073-8

Dater reminded the Board that the Town's subdivision ordinance is out of date and the State's Statute takes precedent at this point.

Garren stated that it should be 1 application for 3 lots, but since the original owner is not in the picture it would seem that Wells Fargo's title insurance would cover this type of instance.

Garren also told the parties that some waivers would be expected since the lots already exist.

Abbie Lane Subdivision Application will be put on the April agenda to allow Wells Fargo time to get the survey done.

2. PLANNER'S REPORT

NONE

E. ADJOURNMENT

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

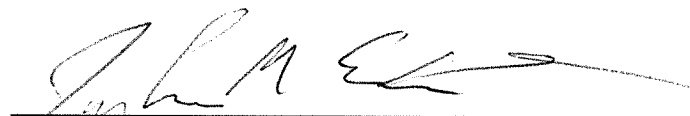
VOTE: 4-0 IN FAVOR

Respectfully submitted by:




Rebecca J. Bartolotta, Deputy Clerk

We, the undersigned, do hereby approve the minutes of the February 6, 2017 Planning Board meeting:

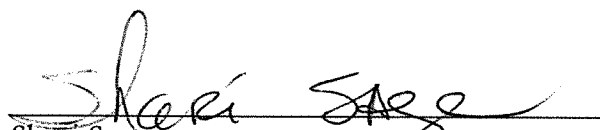


Jonathan Eaton, Chairman



Wilder Hunt, Vice – Chairman

Stephen Cole



Shari Sage



Bruce Garren

Dated: 03/06/2017

