

MINUTES
PLANNING BOARD
TOWN OF DAMARISCOTTA
July 10, 2017
7:00 PM

MEMBERS PRESENT: Jonathan Eaton, Shari Sage, Adam Maltese, Neil Genthner, and Wilder Hunt. Alternates Jenny Begin and Dana Orenstein were also present.

STAFF PRESENT: Anthony Dater, Town Planner

PUBLIC PRESENT: John Roberts, Fire Chief; Robin Mayer, Board of Selectmen; John Heller, Applicant; Laura Blake, Heller application; Hylie West, DRA application; Jesse Ferreira, DRA; Raoul Nelson, citizen; Gina Hamilton, Wiscasset Newspaper; Maia Zewert, Lincoln County News; Nick Chasse, Applicant, Scott Dupuis, Applicant; Steven Hufnagel, DRA; Michelle Hallowell, Chasse application; Katherine Blount, Chasse neighbor; Austin Turner, applicant (DG/SW) Mr. Scribner, applicant (DG/SW)

CALL TO ORDER: Chairman Eaton called the meeting to order at 7:05 pm.

REGULAR MONTHLY MEETING FOR JUNE:

A. MINUTES

May 1, 2017 meeting

On motion Hunt / Sage to approve the May 1, 2017 meeting minutes as submitted. **VOTE: 3-0 IN FAVOR**

The Board members present for the May meeting signed the approved minutes.

B. OLD BUSINESS

1. DAMARISCOTTA DG, LLC – POOLE PROPERTY – 508 MAIN STREET (CORNER OF BISCAIY RD / RT. 1B) – LOT 8/16-1, HIGHWAY COMMERCIAL C2 DISTRICT – NOTICE OF DECISION.

Fire Chief, John Roberts was present to discuss his requirements for this project. He told the Board that he was pushing hard to have the buildings sprinkled, a requirement at 12,000 + square feet. Because these are to be 2 separate buildings approximately 90 feet apart, he compromised. The buildings will have a fire alarm system that is monitored 24/7. Chief Roberts requested this condition be specifically documented in the notice of decision.

Chief Roberts went on to tell the Board that he requested the trees & light poles between the buildings be relocated slightly to allow for better access for firefighting apparatus, etc. He also requested the curb at the island between the buildings be changed to a “mountable” curb to allow firefighting equipment to drive up on it, if necessary.

Chief Roberts also told the Board that he reviewed the turning radius with the applicant and is ok with it – there will be times that customer presence will make it tricky.

Eaton acknowledged that describes most commercial places in town.

Roberts agreed.

Genthner asked Roberts if all other fire department requests were met.

Roberts confirmed that they were.

Dater reviewed the points of the Notice of Decision:

- Sidewalk – a much bigger project ahead, the wording was being fine-tuned on the land transfer to safeguard any grant funds that may exist. Damariscotta DG, LLC is putting an estimated donation of \$38,500 into an escrow account towards the construction of a sidewalk in that area.
- Fire Department – install a Knox box, mountable curbing on island between the buildings, moved light poles & landscaping between the buildings to allow for better access, install a 24/7 monitored fire alarm.
- Lighting – clarification – 1 low light wall pack per building side to stay on at night for security purposes.

Dater stated that he would like to get some kind of correspondence from MDOT with a general assurance on the land transfer for the sidewalks.

On motion Hunt / Genthner to approve the Notice of Decision with changes noted.

VOTE: 5-0 IN FAVOR

Dater will prepare the Notice of Decision with the changes discussed tonight for the Chairman to sign.

Sage asked Turner if after the “Our Town” meeting they gave any more thought into changing the buildings to be more “New England like” in style.

Turner told her they had not.

2. CHASSE MARINE COMPANY – 464 MAIN STREET (RT. 1B) – LOT 08/21-1- C2 COMMERCIAL DISTRICT. AFTER CLEAR CUTTING, REVIEW OF REVISED SCREENING OF THIS LOT FROM ABUTTING RESIDENTIAL PROPERTIES AND PROPOSED ENLARGEMENT OF IMPERVIOUS SURFACE.

Nick Chasse was present, with Attorney Michelle Hallowell.

Chasse told the Board that he just wanted to use his property, one can always use more parking – for either cars or boats. He isn’t expecting a lot of activity on the property in question and he has always maintained a neat appearance on the surrounding property and plans to continue to do so. He told the Board that he has arborvitaes to plant for screening on the residential side of the property, approximately 20-25 trees ready to go in on the Elsie Herald property line.

Sage referred to a letter to the Planning Board from Franz Jansen, abutter to this project. She read aloud from portions of the letter (copy attached to these minutes for reference).

Chasse told the Board that he wants to be a good neighbor. The noise is no louder than a lawnmower.

Hallowell told the Board that there has never been screening between the bakery & the boats on the existing lot and they've heard no issue about it. She went on to say that Mr. Chasse has used his property in its current use long before the bakery came, there hasn't been any change in the use of this property so the items pointed out in the letter from the Jansen's have been there all along. She pointed out that the bakery is seasonal.

Sage stated that she would like to see 12' tall trees or an 8' high fence along the 130-foot property line with the bakery. She asked Chasse where he stood on that request.

Hallowell told Sage that she didn't think they were at that point in the process yet, there's still a long way to go.

Hallowell also told the Board that the use is exactly the same as when the bakery moved in, if the use wasn't incompatible then, it would be hard to see it as such now. This Board has to determine whether a conditional use permit is necessary, the bakery's requests are not realistic.

Maltese stated that maybe if Chasse would compromise and do what the bakery is asking, it would shorten up the process and save the cost of the legal steps. It seems that arborvitae would be cheaper and appease his neighbors.

Hallowell told Maltese that that was not an option at this point. Chasse has followed the proper process and has a permit in hand to clear the area for parking. Chasse Marine is a different entity, the Chasse here tonight is the property owner.

Sage asked Chasse what he had for trees to plant.

Chasse stated that he had 20-25 arborvitae approximately 4-5 foot in height onsite & ready to plant.

Hallowell told Sage the trees she is asking about are earmarked for planting on the RESIDENTIAL property line with Herald, NOT the commercial property line with the bakery.

Maltese asked Chasse what the decibel of a boat motor was.

Chasse stated that he didn't know the exact number – but it is not any louder than a lawnmower running.

Dater read aloud from the Site Plan Review Ordinance section 11, T, e on incompatible uses:

“Where the Board determines that adjacent uses or accessory uses are incompatible, a buffer strip may be required along any property line to shield incompatible uses or accessory uses from one another. Such

buffer strips shall be a minimum of twenty-five (25) feet in width and such additional width which in the judgement of the Board may be necessary to shield incompatible uses from ordinary view.”

Dater told the Board that he was unable find a “planning” definition of incompatible uses so he used the dictionary:

“(of two things) so opposed in character as to be incapable of existing together...”

CEO stated that the Site Plan Review Ordinance states that a project is subject to review under that ordinance if the applicant is proposing to “strip, grade, remove or fill earth materials of more than 20,000 square feet in area in the aggregate.”

Hallowell told him the total gravel used was only 2,640 square feet, so that didn’t apply.

Chasse stated that the only re-grading that was done was ditching properly so that his property did not drain onto abutting properties. He ditched to steer the water to an existing drainage ditch on his property, between the buildings.

Hunt asked what the minimum size was to trigger a site review conditional use permit review?

CEO told Hunt 10,000 square feet of impervious area.

Hunt asked if impervious meant strictly paved area?

Dater told Hunt that gravel can be impervious area. He also stated that a significant change in use would also trigger a site plan review (he read from the ordinance about buildings)

Hunt told him there were no new buildings proposed. He felt they were jumping around a bit on this. He told the Board he did not think it was a good idea to go “stretching” the ordinances, if they don’t apply, they don’t apply.

Audience member Katherine Blount told the Board that outside storage of materials is not permitted at all in the C2 district – the entire boat storage yard is not permitted per the ordinances. Those boats can’t be screened. She went on to tell the Board that they cannot make a conditional use permitted without a variance.

Dater read aloud the section on conditional uses permitted in C2 from the ordinance, specifically:

“all required to be conditional use in Downtown (C1) District except that retail, wholesale, and service establishments may have outside storage within limits set by the Site Review Ordinance.”

Sage stated that Hammond Lumber moved their outside storage for the Planning Board.

CEO told her that they did not. They moved their items for their own uses.

A gentleman from the audience stated that this is not a contiguous lot.

Blount told the Board that the “Hannaford commercial area” is creeping into the residential Church Street area.

Eaton told her it is limited – the commercial use can only go so far.

Blount stated that the use is not permitted in C2 PERIOD.

CEO stated that Chasse has been in place long before the ordinances existed. In his opinion, it would be grandfathered anyway.

Chasse told the Board Chasse Marine has been in business since 1974.

Blount told him that he was wrong – there are no boats pictured in a google earth image from 2004.

Eaton told her that there have been boats there all along.

CEO told the Board he’s good as long as he screens the residential side from view.

Hallowell told the Board again, the boats were on the property at the time the bakery moved in and they made no complaint of incompatibility then; boats are still on the property, there has been no change in use, so she believes it would be hard to prove the incompatibility angle now.

CEO stated that Chasse wants to lease this property to Chasse Marine, a separate entity – so maybe Chasse Marine should come for the conditional use permit if he plans to store boats. He sees no issue with it as a parking lot.

Eaton agreed, a parking lot would be ok.

Hunt asked if there would be any need for further review, beyond the CEO permit for a parking lot.

CEO stated that he would like to review the ordinances on that question.

At some point, there was a statement called out from the audience that the Chasse lot was the cause for the substantial erosion on Church Street, particularly the area surrounding a hydrant.

Chief Roberts stated that the erosion in that area has been a long-term problem, long before any changes to the lot were made. There’s a history of the area around that hydrant eroding.

Sage asked about possibly doing a site visit.

Eaton told her he was familiar with the site but would be ok with a site visit if the rest of the Board wanted to.

The Board agreed to do a site visit on Monday, August 7th at 7am.

3. DAMARISCOTTA RIVER ASSOCIATION – 40 FIELD ROAD (RT. 1B)- LOT 03/1-1- RESIDENTIAL DISTRICT – THE FREEMAN SUBDIVISION – PRELIMINARY PLAN REVIEW OF PROPOSED AMENDMENT TO EXISTING SUBDIVISION BY ADDING A PORTION OF AN ABUTTING LOT.

Hylie West, Steven Hufnagel, and Jesse Ferreira were present for this project. They submitted a completed subdivision plan with Mylars and proof of notice to abutters for the Board's review. The Board did not see any issues with the proposed amendment to existing subdivision.

On motion Hunt / Sage to approve the subdivision amendment as proposed.

VOTE: 5-0 IN FAVOR

The Board signed the site plans & mylars. Dater requested 2 signed copies.

Dater requested that the applicant also provide an electronic version to the town as well.

C. NEW BUSINESS

1. JOHN HELLER – 20 VINE STREET – LOT 6/109 – PRELIMINARY PLAN FOR A HOME OCCUPATION PROFESSIONAL OFFICE.

John Heller was present to represent this project. He told the Board that he would like to move his farming & agriculture insurance office from it's current location at 77 Main Street in Newcastle to 20 Vine Street, Damariscotta. He showed the Board site plans.

He told the Board he is not planning any renovations at this time. He currently has 1 full time employee and 1-part time employee. He is planning to use the first floor as his office space and the 2nd floor as a residence, not for income rental or Airbnb rental, but he is not ready to move to Damariscotta fulltime just yet.

He doesn't plan any lit signs on the property, he has a small 24" x 30" sign that will hang on the building itself.

He submitted proof of notice to abutters. He told the Board he only received 3 responses back & included those emails in his packet to the Board.

Dater told him a home occupation requires it to be his residence, but professional office is permitted as conditional use in the Residential District.

CEO noted that there are already a couple of professional offices on Vine Street.

Eaton read the waivers request out loud.

On motion Hunt / Genthner to approve all waivers as submitted.

VOTE: 5-0 IN FAVOR

Eaton asked Heller about his plans for parking needs.

Heller told him that the existing driveway should provide the parking he will require – they don't need a lot of space – he is on the road more than 50% of the time and he only has 1 full time employee - it's not that busy of a business.

There were no abutters present at this meeting.

Eaton asked Dater if Heller had to come back next month.

Dater told him that the Board could decide on his application tonight.

On motion Sage / Hunt to approve application as submitted.

VOTE: 5-0 IN FAVOR

2. DUPUIS GARAGE – 4 RICE WAY (OFF ROUTE 1B)- LOT 10/20 – SKETCH AND PRELIMINARY PLAN APPLICATION FOR CONDITIONAL USE PERMIT FOR A TWO-BAY VEHICLE REPAIR GARAGE IN EXISTING BUILDING.

Scott Dupuis was present representing this project. He showed the Board a small, very preliminary site plan. He plans to open a vehicle repair garage on Rice Lane. He told the Board the 2-bay garage building already exists on the site.

Eaton told Dupuis that the cars he is working on will need to be parked out behind the building.

Sage asked about a sign.

Dupuis told her that he will eventually have a sign – nothing illuminated, just a simple sign with a light shining on the sign.

Orenstein asked if he planned to sell vehicles at this location.

Dupuis told her he didn't plan on it as a regular thing, that there may be something to sell from time to time, similar to what's been going on at that site now.

Dater stated that motor vehicle sales is allowed in the C2 District.

Maltese asked about sewer & water to the site.

Dupuis told him that he isn't planning a septic at this time. For the little use he will have, he is planning a holding tank and will be submitting that application to the CEO shortly. He figures that it would be silly to invest the money in a septic system when the sewer line will go by there eventually and he can tie in then.

Eaton told him he would need to keep & maintain existing buffer strips.

Genthner asked him what his plans were for disposing of waste oil.

Dupuis told him he plans to use it in the waste oil furnace he will use to heat the shop.

Maltese asked him what his plans were for disposing of antifreeze.

Dupuis explained that now it is mostly all recycled, places want that stuff.

Mr. Dupuis will come back to the August Planning Board meeting.

D. OTHER

1. Chairman of the Board of Selectmen, Robin Mayer was present to tell the Board about a new Planning Advisory Committee (PAC) being created by the Selectmen. She handed out a draft showing members and the purpose. She told the Board the PAC would be looking for feedback – any changes, suggestions etc. to guide their purpose.
2. Sage wanted to talk about sign concerns. She had emailed a summation to the Board members prior to this meeting (copy attached to minutes for reference).

She spoke about the graffiti on the fence at the pawn shop and felt that graffiti should be specifically addressed in the ordinance – it should be banned. People come to this area for the New England quaintness, not for what's currently here – LED signs, graffiti plywood – visitors will not keep coming.

Begin told her some graffiti is beautiful and referenced the graffiti inside the new music store on Elm St.

Maltese felt it was a dangerous step to ban it as some sign could be considered graffiti by some and art by others.

Dater said it could be a very deep conversation. What's the definition of graffiti?

Hunt told Sage her issue is global – she will have to narrow the scope of her concerns – it will need to be specific. Art is subjective.

Sage stated that she is trying to preserve the aesthetics of the town.

Eaton stated that she is bouncing all over the place on this and maybe the new advisory committee is a better format for her concerns.

Begin asked about a moratorium until things are settled.

Sage told them it won't look like New England in 100 years if it's not stopped now. The visitors will be lost as will the character of the town.

Dater stated that the sign ordinance can be amended to say C2 minus specific properties with proper process.

Eaton asked if it would be a town vote.

Dater said it would have to go to town vote.

Dater reviewed the process and steps necessary to get an amendment.

Sage stated that she doesn't believe any business makes more money due to their LED sign.

Eaton disagreed with her statement.

Hunt stated that he finds Damariscotta Hardware's sign very informative.

Maia Zewert asked if Sage was presenting this summation as a Planning Board member or as a citizen, as it was confusing because she was sitting at the Board table.

Dater explained that Sage must present this as a citizen.

Begin stated that she felt LED signs are a concern and should be addressed immediately to get changes into the ordinance for protection. one business gets one, then the next, & next and so on.

Eaton stated that he didn't see LED signs coming to Church Street, but there could be steps put in place to prevent them from coming to the residential areas.

Hunt stated that the sign ordinance took over a year to create – it didn't just happen. The LED signs were hashed out over and over again and the townspeople have voted.

Sage told them that there are numerous small towns banning LED all together and surviving just fine.

Hunt told her that Damariscotta is a business center – business will come here due to the location.

Eaton stated that he would like to get the Selectmen's opinion of Sage's summations. He went on to say that the graffiti part was not complete enough to even discuss at this point.

Sage suggested that "they" work on modifying it then.

Eaton told her that SHE needs to modify it, the Planning Board isn't spending any more time on it until it's specific and narrowed down in definition.

Eaton agreed that there should probably be some protection in place for the residential areas of Church Street, Chapman Street etc.

Sage told the Board that she is also working on a light map with Ronn Orenstein.

Begin suggested that maybe Damariscotta needs some type of design review committee, similar to what Newcastle currently has.

Robin Mayer reminded the Board that the new committee (PAC) would be looking at these very issues and not to go too far just yet.

Sage told the Board that there have already been retaliation actions by a business against a residential property.

E. ADJOURNMENT

On motion Hunt / Maltese to adjourn the meeting at 10:05 pm.

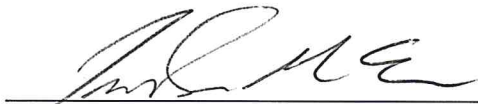
VOTE: 5-0 IN FAVOR

Respectfully submitted by:



Rebecca J. Bartolotta, Deputy Clerk


We, the undersigned, do hereby approve the minutes of the July 10, 2017 Planning Board meeting:



Jonathan Eaton, Chairman



Wilder Hunt, Vice – Chairman



Neil Gentner

Shari Sage



Adam Maltese

Dated: 08/07/2017

