

MINUTES
PLANNING BOARD
TOWN OF DAMARISCOTTA
June 05, 2017
7:00 PM

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

STAFF PRESENT: Anthony Dater, Town Planner

PUBLIC PRESENT: John Mann, Heater Road Subdivision; LeeAnna Libby, abutter to Heater Road Subdivision; Frances Hutchings, abutter to Heater Road Subdivision; Nicholas Chasse, applicant/owner; Frans Jansen, abutter to Chasse project; Hylie West, Damariscotta River Association /applicant; Steven Huffnagle, Damariscotta River Association / applicant; Jamie Ferriar, Damariscotta River Association /applicant; Bruce Benner, Lily Brook owner/applicant; Jon McGraw, owner/applicant; Gina Hamilton, Reporter, Wiscasset Newspaper; Maia Zewert, Reporter, Lincoln County News.

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

REGULAR MONTHLY MEETING FOR JUNE:

A. MINUTES

March 6, 2017 meeting

On motion Garren / Hunt to approve the March 6, 2017 meeting minutes as submitted. **VOTE: 4-0 IN FAVOR**

April 8, 2017 meeting

On motion Garren / Hunt to approve the April 8, 2017 meeting minutes as submitted. **VOTE: 4-0 IN FAVOR**

May 1, 2017 meeting

There were no minutes available for the Board to review.

B. OLD BUSINESS

1. HOLLIS LAND CONSULTANT – HEATER ROAD SUBDIVISION – LOTS 01/50-8, 58-1, AND 50-7 – RURAL DISTRICT – PRELIMINARY APPLICATION ON SUBDIVISION OF 5 EXISTING LOTS INTO SEVEN LOTS FOR 2 NEW LOTS FRONTING ON HEATER ROAD AND DRAFT ROAD ASSOCIATION AGREEMENT FOR REVIEW.

John Mann was present representing this project. He submitted an updated site plan and draft of the Road Association Agreement, as well as written update for the Board's review.

He told the Board that the plan was back to 5 lots, ranging in size from 3.2 to 4.0 acres. an existing abutter has purchased what was previously labeled as lot 4 since Hollis Land Consultant was last before the Board, so they reconfigured the plan to be 5 lots. Existing land owners on Heater Road were not interested

in joining a Road Association, so at this time the 5 subdivision lot owners will take responsibility for 20% of the road maintenance of the “Upper Heater Road” as part of the “Upper Heater Road Homeowner’s Association” covering from land owned now by Peaslee to the Damariscotta Sand & Salt Shed property.

LeeAnna Libby was in the audience and stated that she believed that Heater Road from Biscay Road to the Sand & Salt Shed should be taken over by the Town as a town road since they use that section with heavy trucks & equipment to get to the salt shed – the Town should maintain it. The whole town benefits from the use of the salt shed with the except of Hutchings Trailer Park & existing land owners on the road.

Eaton told her that that would need to be taken up with the Board of Selectmen, not the Planning Board.

Mann stated that they met with the Town and asked about their interest in the maintenance of Heater Road looking for clarification.

Dater told the Board that they could make a formal recommendation to the Board of Selectmen that, the Town take ownership of the Heater from Biscay Road to the Salt Shed and maintain the road to MDOT standards, if they wanted.

Dater asked Mann if the Road Association Agreement would be formally recorded at the registry of deeds.

Mann stated that it would be.

On motion Hunt / Garren to amend the previous vote of completeness to recognize a 5-lot plan and include Heater Road Subdivision plan dated June 1, 2017, and add the Home Owners & Road Association Maintenance Draft Agreement. **VOTE: 4-0 IN FAVOR**

On motion Hunt / Garren to approve the application as amended above. **VOTE: 3-0 IN FAVOR**

The Board signed the mylars & paper copies of the plan.

On motion Hunt / Garren to make a formal recommendation to the Board of Selectmen that the Town take ownership & maintain the Heater Road from the Biscay Road to the Salt shed, to MDOT standards. **VOTE: 4-0 IN FAVOR**

C. NEW BUSINESS

1. 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 representing this project. He explained to the Board that he acquired land abutting his property at 464 Main Street, and wants to add parking. He cleared the trees from property & leveled it out. He told the

Board he is proposing screening on the Elsie Herald property line – he is proposing 16 4' tall arborvitae trees 12' apart.

Eaton asked if he intended to use it for boats.

Chasse told him that he wasn't sure yet on that. His primary plan was for vehicle parking and extra space for turning around, etc.

Frans Jansen was present with questions. He is co-owner of the Headtide Oven Bakery that abuts the Chasse property in question. He told the Board that he was shocked that the lot was clear cut, there were 200+ year old trees there that are gone. He told the Board he does not want to look at white plastic wrapped boats, 4' trees won't hide boats. He wants 130' of fencing 6-12 feet in height, with greenery in front, 12' tall trees planted 5' apart for the entire 130 feet of fence.

Chasse told the Board that the ordinances do not require screening between 2 commercial properties.

Jansen told him that he has 2 lots & one of them is residential.

Chasse told the Board he has no intention of harming Mr. Jensen, but wants to be allowed to use his property.

Jansen stated that he wants to have it look decent again.

Sage asked Chasse if he was willing to do the 12' trees requested by Jansen.

Chasse told her no, it was not required by the Town ordinances, so no.

Chasse told the Board that the tree clearing was done with CEO approval and he submitted a copy of the permit issued March 14, 2017.

Eaton asked about the outside storage in relation to Route 1B.

Dater read from the Site Plan Review Ordinance, section 11, T, 1, E on buffer zones & incompatible uses. He noted that 11, T, 2, D stated fencing may be no more than 6' high unless they are incompatible uses, they a fence may be up to 8'.

Sage stated that the Board could require a 12' fence.

Dater told her maybe, if they determined the uses to be incompatible.

Garren asked if this should be viewed as an expansion of a conditional, grandfathered use.

Dater stated that Chasse is grandfathered in his use on the existing lot. He went on to say he believed it was legal to expand the grandfathering of a conditional use. He also stated that he thinks the Board can institute certain screening requirements. The ordinance requires 4-5 foot trees.

Eaton stated that he didn't think any laws were broken.

Sage told the Board that she has heard from a lot of people about the tree removal and it wasn't a very popular thing to do. She went on to say that she thinks Mr. Jansen's business was harmed by the tree cutting actions and it isn't that much money to screen.

Chasse told the Board that he has a right to use his property and plans to use it legally.

Garren asked if this was done under a just a building permit.

Dater told him yes, he and the CEO met with Chasse and determined that it was an expansion of a condition use and a conditional use permit would be required.

Eaton felt they should table this until they could get CEO input at the next meeting. The Board agreed.

2. 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.

Steven Hufnagel, Hylie West, and Jesse Ferreira was present for this meeting. Hufnagel told the Board they were starting with a 20+/- acre lot. They are creating 2 lots; lot A will be a little more than 9 acres and lot A1 will be a little more than 9 acres. There's been a soil test done on lot A1, lot A has an existing house & septic system.

Dater told the Board that in the Residential District, there is a requirement of 100 feet of frontage per lot. There was discussion about the definition & clarification of frontage for the 100-foot requirement.

Hufnagel told the Board that there will be 2 additional notes added to the plan, specific to conservation easements & access.

On motion Garren / Hunt to accept the preliminary subdivision application as complete, subject to the proper notice to abutters for next meeting.

VOTE: 4-0 IN FAVOR

D. OTHER

1. J.M. AUTOMOTIVE & PRO-BODY WORKS -MAIN ST (RT 1B)- LOT 3/41 – C2 HIGHWAY COMMERCIAL DISTRICT – SKETCH PLAN REVIEW ON POSSIBLE USED CAR RETAIL SALES BUSINESS AND RELATED CAR MAINTENANCE & REPAIR SHOP.

Eaton asked Dater if there were any specific references in the ordinances for car storage / sales.

Dater stated that he didn't believe so, only parking requirements.

The applicant told the Board that they are planning a 50' x 80' building, with garage doors that will face Main Street. There will be 2 offices facing Lily Brook Lane. The Septic & Well plans have been approved by CEO.

The applicant went on to say the proposed use will be a small used car sale lot & vehicle repair garage. Cars waiting to be repaired would be in a fenced in area, to keep them out of sight.

Dater reviewed the ordinance for restrictions on parking cars out in front of the building & found that the only allowable use for that in the ordinance is cars for sale.

Applicant hopes to come back with a completed application at the next Planning Board meeting.

2. Sage asked the Board if anyone had attended the “Our Town” meeting held recently. She said from what she heard at the meeting, she believes that the group is strongly against the project and very likely will appeal the Board’s decision on the Sherwin Williams / Dollar General project.

3. PLANNER’S REPORT.

July meeting falls on Monday, July 3rd – move to Monday July 10th due to the Independence Day holiday?

On motion Garren / Hunt to move the July Planning Board meeting to Monday, July 10th at the usual time. **VOTE: 3-1 IN FAVOR (SAGE)**

Dater wanted to remind the Board that there would be a planning workshop with the Board of Selectmen on the following Wednesday, if members could attend.

E. ADJOURNMENT

On motion Garren / Hunt to adjourn the meeting at 9:07 pm.


VOTE: 4-0 IN FAVOR

Respectfully submitted by:

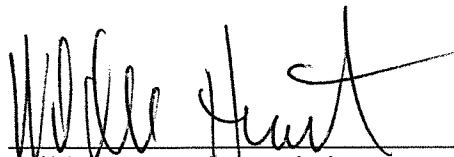


Rebecca J. Bartolotta, Deputy Clerk

We, the undersigned, do hereby approve the minutes of the June 5, 2017 Planning Board meeting:

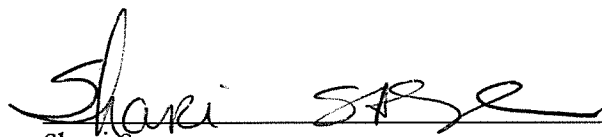


Jonathan Eaton, Chairman



Wilder Hunt, Vice – Chairman

Stephen Cole



Shari Sage

Bruce Garren

Dated: 08/07/2017