

MINUTES
PLANNING BOARD
TOWN OF DAMARISCOTTA
MARCH 5, 2018
6:00 PM

MEMBERS PRESENT: Shari Sage, Neil Genthner, and Wilder Hunt. Alternate members Dana Orenstein and Jenny Begin were also present.

STAFF PRESENT: Anthony Dater, Town Planner; Matt Lutkus, Town Manager.

PUBLIC PRESENT: Chris Roberts, resident, LCN; Ronn Orenstein, resident, Selectman; Scott Abotoni, resident, Deb Suchar, resident; Louis Abotoni, resident, Selectman; Catherine Blount, resident; Seth Hagar, resident.

CALL TO ORDER: In the absence of the Chairman, Vice Chairman Hunt took charge of the meeting and called the meeting to order.

On motion Sage / Genthner to allow alternates Dana Orenstein and Jenny Begin to participate in this meeting as voting members of the Board in the absence of both Eaton and Maltese.

VOTE: 3-0 IN FAVOR

PUBLIC HEARING:

- A. **PROPOSED AMENDMENT TO THE DAMARISCOTTA SHORELAND ZONING ORDINANCE, SECTION 15.B.4.A FOR ALLOWING FLOODPROOFING NON-RESIDENTIAL STRUCTURES UP TO THREE FEET ABOVE THE BASE FLOOD ELEVATION (BFE) IN LIEU OF ELEVATING THE LOWEST FLOOR TO THREE FEET ABOVE THE BFE. FLOODPROOFED NON-RESIDENTIAL STRUCTURES WOULD BE ALLOWED TO HAVE THEIR LOWEST FLOOR ONE FOOT ABOVE THE BFE.**

Damariscotta Town Manager, Matt Lutkus explained the reasoning behind this amendment. It has to do with the location of the proposed public restrooms and the ability to keep the access ADA compliant as required. Lutkus told the Board that originally the request was to amend the flood plain ordinance for municipal facilities but the Selectmen have had multiple discussions about that and have come to the conclusion that the Town should be required to meet the same requirements as any other non-residential construction. The Town should set the example for any other non-residential construction within the flood plain. This requested amendment to the Shoreland Zoning Ordinance will apply to all non-residential construction and allow them to do waterproofing from the 1-3 foot level and is in compliance with State Statute.

Lutkus told the Board with the most recent flooding of the municipal parking lot area, there have been a lot of questions about the proposed restrooms being above flood stage. He can confirm that it would in fact be above that.

Dater elaborated on Lutkus' information and told the Board one reason for the amendment is the ADA requirements. At the 3-foot level, the required ADA ramps would be very long and interfere with existing parking spaces.

Lutkus told the Board that for many years, the Town has considered the existing barbershop location as the optimal spot for the proposed restrooms. As of last Friday, the Town has reached an agreement with the owner to purchase that property. The Town's costs are capped at the \$71,000 that was budgeted in capital reserves a few years ago. The balance is funded by private donations and grant funds.

Genthner asked Lutkus how high up on the building in the proposed location the storm water would have been in the recent storms.

Lutkus told Genthner that the “storm of record” in 1978 was 10.5’ and the granite base of the proposed building would be approximately 1 foot above that level. He plans to have the engineer give the exact location and comparison to the highest annual tide.

There was no public questions or comments on this public hearing.

Hunt closed the public hearing and opened the regular meeting.

REGULAR MONTHLY MEETING FOR MARCH 2018:

A. MINUTES:

There were no minutes were available for Board review.

Hunt asked once again if there was any comments from the public on the ordinance amendment, being none, he asked the Board for action on the proposed amendment to the Damariscotta Shoreland Zoning Ordinance, Section 15.B.4a as described and reviewed in the public hearing.

On motion Hunt / Genthner to accept the proposed amendment as presented and send it on to the Board of Selectmen for their approval for inclusion on the March 21st special town meeting warrant.

VOTE: 5-0 IN FAVOR

B. OLD BUSINESS:

1. DAMARISCOTTA WATERFRONT RESTROOMS – HARBOR MUNICIPAL PARKING LOT – C1 DOWNTOWN COMMERCIAL DISTRICT AND SHORELAND COMMERCIAL ZONE – SKETCH PLAN REVIEW. AMENDMENT OF THE SHORELAND ZONING ORDINANCE FOR FREEBOARD FOR RESTROOMS.

Lutkus told the Board that he would like to present the sketch plan review with the engineer at the Board’s April meeting.

Tabled to April 2, 2018 meeting.

2. JM AUTOMOTIVE – ACROSS FROM 705 MAIN STREET (RT. 1B LILY BROOK APARTMENTS) – LOT 3/42 HIGHWAY COMMERCIAL C2 DISTRICT – PRELIMINARY PLAN APPLICATION FOR FOUR-BAY COMMERCIAL AUTOMOTIVE REPAIR GARAGE.

The applicant is not quite prepared to submit his final application and has requested to be tabled to the April Planning Board meeting.

C. NEW BUSINESS:

1. CHASSE, NICHOLAS – 464 MAIN STREET (ROUTE 1B) LOT 8/21-1- C2 COMMERCIAL DISTRICT. REVIEW OF PRELIMINARY PLAN PROPOSED FOR COMMERCIAL USE OF LOT FOR PARKING AND STORAGE OF VEHICLES AND BOATS.

Nicholas Chasse has requested that his application be tabled until further notice.

2. POND CIRCLE LTD PARTNERSHIP – 240-246 LESSNER ROAD AND POND CIRCLE – LOT 2/5 – RURAL DISTRICT – PROPOSED CHANGE OF 14 RENTAL CONDOMINIUM RESIDENTIAL UNITS TO 14 OWNER OCCUPIED UNITS WITHIN EXISTING CONDOMINIUM SITE.

Pond Circle LTD Partnership has requested that their application be tabled until April.

Begin asked if it is still considered a subdivision.

Dater stated that he's read through the previous application material and in his opinion, it never was a subdivision. It's more of a multi-unit condominium, under the ordinances of Damariscotta. The land is communally owned and has to remain as so, but the buildings can be individually owned.

Begin asked where their water comes from.

Dater stated it was well water.

Scott Abbotoni stated from the audience that he believes it is just one well and more than 13 users requires a properly trained & certified operator to run the water system. He believes they also need an operator for the wastewater system if also communal.

Dater told him that was a good question – the Board should ask those questions when they come before the Board.

Begin stated that it feels like a tangled web. The Pond Circle project received a lot Federal grant funds and State tax breaks to build.

D. OTHER:

1. QUESTIONS FROM THE PUBLIC

- a. Consideration of a new C3 Overlay District: Sage told the Board that this is something she has worked on with the Planning Advisory Committee. It is a mixture of the C1 and C2 districts but because it bumps up against historical residential pockets it will restrict the types of commercial activity allowed. She told the Board that she would like to see it go before the Land Use Committee first for their input.

Scott Abbotoni asked if the purpose of a new district was to keep businesses out.

Hunt told him that he thought the intent of the conversation was to make the residential and commercial districts in that area more compatible.

Sage stated that it is not to keep business out. It's to modify that area so that a Hannaford size business can't go in that area, which is currently primarily residential use now.

- b. Seth Hagar asked the Board to educate him on the process and time line when the Planning Board approves a project and it goes to appeal? Specifically, the 435 Main project.

Lutkus told Hagar that an aggrieved party has 30 days to file an appeal with the Board of Appeals after the Planning Board makes a decision. The Attorney for the Town advised that the 30-day period begins on the date the Notice of

Decision is signed by the Planning Board, which in this case was February 5th. Then the Board of Appeals has 30 days to set a public hearing date.

Dater gave an abbreviated history of the process on that project.

Hagar asked why if the Board voted to approve the application on December 4th by vote, why does the clock for appeal not start until 2 months later.

Dater stated that there is always a lag in time on the process. A notice of decision has to get drafted and then be presented for review and approved by the Board before becoming official.

Hunt told Hagar that the Board of Appeals has to accept the appeal, act on the appeal to either uphold the Planning Board's decision or grant the appeal; or they can remand back to the Planning Board for more information before making a decision.

- c. Michael McNaboe of Dirigo Capital Advisors came before the Board to tell them about a very preliminary idea his company has for a brewery on Piper Mill Road property. They own approximately 140 acres between Heater Road, School Street, and Piper Mill Road. He told the Board the extent of his knowledge of the history of that property is that there have been a few proposals that haven't worked out.

McNaboe told the Board that they've met with Dater & Lutkus to discuss the property. Most of the property is rural, but there is a commercial portion, that is closest to Main Street with access through Valley Lane, off School Street. McNaboe showed the Board the location on a small aerial photograph of the area, Dater produced a map for reference.

Sage asked if it was part of a wetland.

McNaboe told her that they've not had any engineering review of the property yet, their idea is still developing, they want to find out what the land can be used for.

McNaboe told the Board that they currently own a brewery that is currently in storage and would like to begin brewing beer for their businesses and would like to add a tasting room.

McNaboe told the Board that due to some of the slope and existing contours of the land, they may want to increase the size of the commercial portion of the property to allow for a better building envelope to do this project. At this point he thinks they will have to move towards Piper Mill Road but reiterated that this is very preliminary. He told the Board that not all of the property is suitable for development so they are open to other ideas on how to utilize that property to benefit the community as well.

Orenstein asked how many jobs a brewery might create.

McNaboe told her maybe 10. They are not proposing a brew/pub so there's no food component per se – mainly manufacturing and tasting.

Seth Hagar asked if the applicant would be tax exempt.

McNaboe told him definitely not.

Chris Roberts voiced concern about the Valley Lane access being through the residential area.

McNaboe told him that they've not had the property surveyed yet, so he doesn't know the exacts of the commercial section, but he believes they will also have access off Piper Mill Road that they will also look at as an option.

Hunt asked if they will own Valley Lane or just have a ROW over it.

McNaboe did not know the answer.

Hunt felt like that could make a difference.

McNaboe asked the Board how challenging it would be to expand the commercial zone on the property if that became necessary.

Hunt told him it was a process that ultimately ends up with a vote of the Townspeople.

Dater expanded on Hunt's comment. He told McNaboe that to start, he would need to put something specific in writing to the Planning Board to show them how he proposes to expand it. If the Planning Board agreed, they would hold a public hearing or several and the Board ultimately votes to forward it to the Selectmen for consideration and inclusion on a Town Meeting Warrant for vote.

Lutkus told McNaboe that it's not insurmountable, it's been done a few times since he's been with the Town. He told McNaboe that he and Dater could help them through the process if they were serious.

Sage suggested McNaboe have a pre-application conversation with the Fire Chief with regards to the Site Plan Review application requirements.

Dater told McNaboe that they can start with a site plan review application and meet with him once they have something firm to go over the requirements.

- d. Sage told the Board that she's been approached by some people in town who want to know who is going to oversee the new status of the Stepping Stone Housing project. She believes the way it stands now is that they can have 3 structures.

Lutkus told her that it is the CEO's job to make sure that applicants build what they have received a permit for.

Dater explained that his understanding is that they can continue with their current use with what is in place but will need to come back to the Planning Board for a Site Plan Review application for the 3 units permitted if they want to change the location of the buildings.

2. REVIEW DRAFT PLANNING BOARD BYLAWS.

Dater suggested the reviewing of the bylaws be tabled

3. PLANNER'S REPORTS

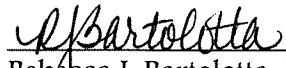
4. HOUSEKEEPING ITEMS

E. ADJOURNMENT

On motion Hunt / Genthner to adjourn the meeting at 7:30 pm.

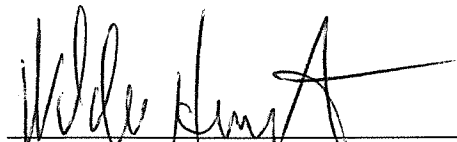
VOTE: 3-0 IN FAVOR

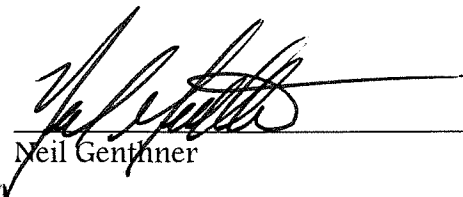
Respectfully submitted by:

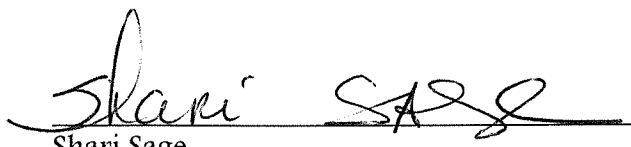

Rebecca J. Bartolotta, Deputy Clerk

We, the undersigned, do hereby approve the minutes of the **March 5, 2018** Planning Board meeting:

Jonathan Eaton, Chairman


Wilder Hunt, Vice – Chairman


Neil Genthner


Shari Sage

Adam Maltese

Dated: 04/02/2018