

Town of Damariscotta  
Planning Board Meeting  
May 4, 2015  
Minutes

**ROLL CALL**

Members present: Chairman Jonathan Eaton, Vice-Chairman Wilder Hunt, Stephen Cole, Bruce Garren, and Shari Sage. Also present were Stanley Waltz CEO, Tony Dater, Town Planner and Cindy Sykes, Secretary. Also present were: Tom Hoepner, John Roberts, J.W. Oliver, Becky Bartolotta, Debra Lucchesi, Robert Clifford, Verne Verney, Matt Poole, Susan and Jeff Chalmers, and Ben Bulkeley.

**MINUTES**

The Board reviewed Minutes from April 6, 2015. **On Motion Garren/Cole to approve as written. Vote 3-0-2. Sage was absent on April 6<sup>th</sup>.**

**PUBLIC HEARING**

Public Hearing was convened at 7:03PM by Chairman Jonathan Eaton.  
(Articles for June 10, 2015 Annual Town Meeting attached for reference)

1. Chairman Eaton read Article 3. The Board had previously approved a 3 foot elevation above the base flood level. **On Motion Hunt/Garren to approve Article 3 as printed. Vote 4-0-1.** Dater will forward to State immediately for approval before June 10<sup>th</sup>.

2. Article 4 - Dater explained that the proposed Shoreland Zoning Ordinance has technical, not substantive changes as a result of the DEP's review of the September, 2014 SLZ. Tributary streams were not included in that ordinance. Also, mandatory filing at county registry of deeds for approved expansions of non-conforming structures has been added. **On Motion Garren/Cole to approve Article 4 as written. Vote 4-0-1.**

-Article 5 – To authorize the Maine Forest Service to conduct all administration and enforcement of timber harvesting for the Town's Shoreland Zoning Ordinances. Planning Board had approved at a prior meeting. **On Motion Garren/Hunt to adopt Article 5 as written. Vote 4-0-1.**

3. -Hagar –Map 3 Lot 8 - Becky Bartolotta told the Board that Hagar is requesting to expand the C2 zone. Changing an abutting 3 acre lot on Map 3 Lot 12-4 from residential to C2 would square up the C2 zone with the back of Colby and Gale's lot. Eaton requested that Hagar provide a map of the proposed change. **On Motion Hunt/Cole to approve Article 6 as written . Vote 4-0-1.**

4. Dater – 2014 Comprehensive Plan dated 2/18/15. Technical changes are required to be in compliance. Volume 1 is the plan information, including goals and policies. Volume 2 is appendix, added to meet state requirements. Proposed new State information is standardized language from agencies, IF&W and DEP. **On Motion Cole/Garren to approve Article ? as written. Vote 4-0-1.**

**On Motion Hunt/Garren to adjourn Public Hearing at 7:25PM. Vote 4-0-1.**

#### **A. OLD BUSINESS**

1. John Roberts asked when the sign ordinance would be reviewed, he has been requesting a change since January or February. Fire Dept needs to know what they can replace the sign with. Need to raise money. He has identified holes in current ordinance. Does not want to ask for an exception for municipal buildings. Will email his information for changeable signs again if needed.

-Hoepner – Proposed sign meets all current standards except that it is electronic.

-Dater – can create a 2 sentence amendment for municipal buildings. Work on other buildings later.

-Roberts – Had recommended language in his letter. Does not want fire dept to fit special category for the sign. There are existing changeable signs.

-Dater – banks are allowed to have them.

-Sage – can fine tune restrictions

-Cole – Dater could try to integrate Roberts language into current Site Plan Ordinance.

-Eaton – need to change definitions for both electronic and changeable signs

-Garren – no reasonable person would object to a Fire Dept sign. He would favor exception if needed

-Dater – Town does not want to be accused of spot zoning. Will review Roberts recommendations, and work on the wording for the Ordinance.

## B. NEW BUSINESS

1. Colby & Gale – 154 Biscay Rd – Board reviewed and discussed the plan for the addition of one additional propane storage tank

-Sage – how long has there been no stormwater issues as noted under Performance Standards.

-Clifford – built in 1988

-Eaton – has looked at property, there is no change in surfaces, only adding a third tank.

-Poole – smart hoses are 2 ended, with valves on each end. Thin metal wire in hose will break and turn off both valves if there is a problem.

-Clifford – need additional storage due to growth in sales. **On Motion Hunt/Sage to approve project as presented. Vote 4-0-1.**

2. Stepping Stones – Howlett here to answer questions regarding project at Blue Haven Lane.

-Eaton – Board needs to set up site visit

-Waltz – oil tank issue has been resolved. DEP came to review property. Did not see anything that caused alarm. Colby and Gale had pumped the tank out.

-Howlett – asked what turning radius will be required for fire trucks.

-Hoepner – could not make turn coming down Hodgdon from cemetery.

-Roberts – Need 50 foot turning radius for 40 foot long truck. Need 12 feet to protect other structures during setup, and need a landing spot for fire truck.

-Howlett – will participate in road project with Steve Reynolds from highway dept. Currently two narrow entrances off Hodgdon.

-Roberts – Could it be widened to one entrance for easier access?

-Howlett – yes. One house will have Pleasant St entrance. All houses except the blue one in the middle are currently over the property line. Proposing to replace 6 buildings with 4 buildings containing a total of 7 dwelling units. Presented plan for 1.5 story duplex cape. First will have full basement, others may have crawl spaces. 22'x28' with 480 square feet per unit after stairs. Well insulated for

heating. Safe to help people get on their feet. Maximum height is 23 feet basement to roof on gable end. Daylight basement would add another 8 feet to height. Will encourage small gardens to retain green space.

- Waltz – site visit will need advertising if more than 3 members meet.
- Dater – available Mondays and Tuesdays
- Roberts – centralized alarms?
- Howlett – electricians will recommend
- Dater will advertise site visit.

3. Chalmers – 2 Hodgdon St – Commercial use of property – Susan Chalmers presented plan. Currently does online retail in Bristol. Requesting approval to renovate barn into retail space as home occupation. Across street is a gallery. Will add 3 gravel parking spaces for a total of 5. Should not affect drainage, and will not be visible from street due to fence. Sales of collectible treasures and clothing. No bathroom in barn. Gardens will remain.

-Submitted waiver requests for site plan and topography with contours. Notified abutters. Signage in keeping with neighborhood. Retail hours are undecided, but will not be early AM. Will hang a sign when open; not a lighted sign. Fedex and UPS are standard traffic. Occasional large truck for large shipments.

-Sage – Use will fit in with new comp plan.

-Dater – Site Plan Ordinance requires signs to be in character with the area. Board can limit size.

-Eaton – no outside storage allowed.

-Sage – Will there be items sold on commission? 100% indoors?

-S. Chalmers – had not considered commission. All items will be inside.

-Dater – Site Plan Ordinance requires 4 parking spaces up to 1,000 square feet of retail space.

-J Chalmers – Busy with internet sales, wants a brick and mortar store.

-Waltz – no issues with project.

-Roberts – how many exits from barn?

-S Chalmers – There is a door on the side, door to the house, and large garage doors.

**On Motion Hunt/Garren to grant waiver requests for 2 foot contours and a formal survey of the lot. Vote 4-0-1.**

-Eaton – Must come back to apply for sign. No signage in the interim.

-S. Chalmers – it is a Sole Proprietorship.

**On Motion Sage/Hunt to accept application as complete. Vote 4-0-1.**

**On Motion Hunt/Garren to approve project as submitted. Applicant to return for approval of sign. Vote 4-0-1.**

Dater – sign application to include design, size, color, lighting, and material.

### **C. OTHER**

1. Cevera – Vine St, Map 6 Lot 94-1 – Property is under contract. Is proposing to construct 12 or 13 homes on Hanley's property. With purchase of additional property, may construct up to 23 or 24 total. Access project from Vine St. Retirement community for middle income; walkable to all services. Working with Tor Glendinning on the plan, and may use Zander Lee for construction. Property has a Right of Way to Yellowfront Plaza for emergency access. Will install a 6 to 8 foot privacy fence, double gated for emergency.

-Cole – project to be built in phases?

-Cevera - Would do all construction at once if able to buy additional property for townhouse apartments. Good location for senior housing. Not typical subdivision.

-Roberts - Vine St is narrow, a tight road for current two way parking.

For good fire truck access to project, parking would need to be decreased to one side of street. Eaton agreed. Development would need a cul de sac area to turn trucks around. Need a more defined plan.

-Cevera – Would the Board like to mull it over and meet again? Will not purchase property if Board denies project.

-Cole – Timeline?

-Cevera – Contingent on engineering and permitting. Public utilities. Some property is wetlands. Expects feedback from neighbors.

-Sage – Have projects in other places?

-Cevera – Yes, hotels, a 6 unit condo in Newcastle and a new restaurant in New Harbor.

-Roberts – Extension of Vine St possible? Extension of road must be accepted by Town.

-Dater – possible.

-Cevera – Will be private road into development.

-Dater – Traffic and glare regulated in Site Review Ordinance.

- Cole – buffering will be important.
- Hoepner – Neither the school bus nor the post office services Vine St.
- Cevera – will return with a more defined plan.

**ADJOURN**

**On Motion Cole/Hunt to adjourn at 9:20PM. Vote 4-0-1.**

Respectfully submitted by:

  
Cynthia L. Sykes, Deputy Clerk

We, the undersigned do hereby approve as written, or with changes as noted, the Minutes of the May 4, 2015 Planning Board meeting.

  
Jonathan Eaton, Chairman

  
Wilder Hunt, Vice-Chairman

  
Stephen Cole

  
Shari Sage

  
Bruce Garren

Dated

6/1/15

## **WARRANT for ATM on June, 2015**

ARTICLE 3. Shall the Town vote to rescind the existing Floodplain Management Ordinance enacted June 9, 2004 and replace it by a new Floodplain Management Ordinance as required by the Federal Emergency Management Agency (FEMA) for the Town to retain eligibility for the National Flood Insurance Program (NFIP) as of July 16, 2015? The major substantive change over the existing ordinance would be that all new residential and non-residential structures must be elevated at least two feet above the base flood (i.e. 100-year flood level). All substantial improvements to residential and non-residential structures must be elevated at least 1 foot above the base flood or level with the lowest habitable floor whichever is at least one above the base flood elevation.

A copy of the proposed ordinance is on file with the Town Clerk and posted with this warrant.

ARTICLE 4. Shall the Town vote to enact technical changes to the existing Shoreland Zoning Ordinance of September 17, 2014 resulting from review by the Maine Department of Environmental Protection (DEP) as follows:

Section 12.C. Non-conforming structures - by adding "or tributary stream" to the term 'the normal high water line of a waterbody or upland edge of a wetland' when this term appears in Sections C.b, C.b(1), Sections C.c(1) and c(3).

A copy of the proposed ordinance is on file with the Town Clerk and posted with this warrant.

ARTICLE 5. Shall the Town vote to enact changes to the existing Shoreland Zoning Ordinance of September 17, 2014, Sections 15(O) and 15(O-1) resulting from the Maine Forest Service letter of December 23, 2014 authorizing the Town to choose to have the Maine Forest Service conduct all administration and enforcement of timber harvesting ordinances of the Town's Shoreland Zones as follows:

Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. Section 438-B(5), at which time Section 15(O-1) shall become effective. Until such time as Section 15(O) is repealed, Section 15(O-1) is not in effect. Upon repeal, Section 15(O) shall read: "Repealed on June 10, 2015 in accordance with 38 MRSA Section 438-B(5)."

A copy of the proposed ordinance is on file with the Town Clerk and posted with this warrant

ARTICLE 6. Shall the Town vote to enact a change to the Official Zoning Map dated November 4, 2009 as follow:

Move the boarder of the Commercial C2 District from the noth boundary of 162 Biscay Road (Map 3 Lot 8) northward to include the western portion of the abutting property (Map 3 Lot 012-004)?

A copy of the proposed map change is on file with the Town Clerk and posted with this warrant.

ARTICLE 7. Shall the Town vote to enact technical revisions to the 2014 Comprehensive Plan dated February 18, 2015 and approved on March 2, 2015 by the Municipal Planning assistance Program of the Maine Department of Agriculture, Conservation & Forestry. The technical revisions of February 18, 2015 results in the 2014 Comprehensive Plan as revised to be both complete and consistent with the State Growth Management Act.

The technical revisions are mainly to add detail to the natural and marine resources inventory and to clarify that State tax programs for Tree Growth, Farmland and Open Space are current use tax provisions and not tax exemptions.

A copy of the Comprehensive Plan revisions is on file with the Town Clerk and posted with this warrant.

