

MINUTES
PLANNING BOARD
TOWN OF DAMARISCOTTA
May 2, 2016
7:00 PM

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

STAFF PRESENT: Anthony Dater, Town Planner; Stan Waltz, Code Enforcement Officer

PUBLIC PRESENT: Jennifer Villeneuve, Town Counsel; Chris Davis, Pemaquid Oyster Company (POC); Jeff McKeen, POC; Celia Cart, POC; David Lash, POC; Corrone Bryant, Abutter Maine-ly Pawn; Ruth Anne Bryant, Abutter (Maine-ly Pawn); Carter Newell, POC; Phil Averill, Pemaquid Watershed Association; Ray Cragin, Tracy Verney, Inn Along the Way (IATW); John Gallagher, IATW; Justin Waltz, Coastal Carwash; Darick Herald, Coastal Carwash; Rick Burt, IATW; Sherry Flint, IATW; Tim Kompton, IATW; Debra Lucchesi, Jennie Hoffman, Maine-ly Pawn; Mark Hoffman, Maine-ly Pawn; Martha Lynch, Abutter Maine-ly Pawn & Vine St; Jack Lynch, Abutter Maine-ly Pawn & Vine St.

CALL TO ORDER: Chairman Eaton opened the meeting at 7:00 pm.

A. MINUTES

1. MARCH 7, 2016 MEETING

On motion Hunt / Garren to approve the March 7, 2016 meeting minutes as submitted. **VOTE 5-0 IN FAVOR**

2. APRIL 4, 2016 MEETINGS

On motion Hunt / Cole to approve the April 4, 2016 meeting minutes as submitted. **VOTE 5-0 IN FAVOR**

B. OLD BUSINESS

1. REVIEW DRAFT #15 SIGN ORDINANCE WITH TOWN ATTORNEY IN PREPARATION FOR SELECTMENS' MAY 18, 2016 PUBLIC HEARING. VOTE FINAL VERSION FOR THE PUBLIC HEARING.

Town Attorney, Jennifer Villeneuve told the Board that off premise signs (ie sandwich board) are not permitted by State law in any public way. While MDOT is not very consistent in their enforcement of this law she would not recommend enacting a municipal ordinance that directly contradicts State Statute and she suggested that they strike page4 section 3D from the proposed ordinance.

Garren: a lot of important discussions happened about this topic from day one. He would like to see it left in and add "...to the extent permitted by State law..."

Board agreed with Garren.

Attorney Villeneuve suggested that section 4F be removed entirely because there is no legal president for the type of mediation process outlined in this section which makes the enforcement structure muddy – and not sure how the appeals process would apply. If a resident has a problem with illumination, aggrieved parties can pursue the civil nuisance law if they wish.

Sage: That makes a double standard between the Residential / Rural & C2 districts – which doesn't seem fair

Villeneuve: it is acceptable to have different standards for different districts.

Sage: Suggest that the words “at least” be added to section E -

Garren: agree with that as long as the section F is removed. “...turn down to 50% of maximum illumination or less...”

Sage: on the record - not happy with Board's decision but will let voters decide

Garren: one of the changes made presents a complication that he was not aware of: page 5, section 5 – made it clear that the specific signs listed in the section do not need a permit – address signs, trespass signs, electronically changeable signs at gas stations etc – so it says no permit required for those. It also says no permit required for temporary signs on page 6. Gas stations should be removed from that list & put into their own section (already exists)

On motion Garren / Cole to accept the draft as changed at tonight's meeting.

VOTE: 5-0 IN FAVOR

On motion Hunt / Garren to send draft approved tonight to Selectmen for inclusion in their 05/18/16 public hearing.

VOTE: 5-0 IN FAVOR

2. HOFFMAN – MAINE-LY PAWN AT 535 MAIN STREET – C2 DISTRICT:
APPLICATION FOR CONDITIONAL USE PERMIT PURSUANT TO THE SITE PLAN
REVIEW ORDINANCE FOR OUTDOOR DISPLAY & STORAGE OF SALES GOODS.

Hoffman submitted an additional hand out with site plan showing storage area and proposed screening plan.

Hunt: Thought there was communication from Stan that screening needs to be dense, which has a lot of definitions; non-deciduous, like evergreens so that screening is there 12 months a year. Plant structure needs to be measured in specific sizes. How will the evergreens be planted in terms of distance?

Hoffman: Depends on the plant – each requires different spacing.

Dater: It is within the Board's authority to require evergreens for screening.

Hunt: I don't feel qualified to make that decision; it should be a professional to make a recommendation to the board on proper screening.

Eaton: Large item storage area is how large?

Hoffman: approximately 40' x 14' there are going to be very few items there. Wanted to designate area so that if we decide to utilize it, we don't have to come back. There will be personal stuff stored on the property as well.

Eaton: Why the C shaped fence?

Hoffman: to follow contour of the land. There was a drop-off behind the fence, filled it in to gradually decrease it so it can be mowed.

Eaton: not suggesting a 20' tall wall of green, but would like to see some type of a planting plan so we could figure out a reasonable distance behind that fence.

Hoffman: We would need to know exactly what the board wants for evergreens, types of plantings, and distances.

Eaton: I think we need to do a little research on that.

Hunt: I'm not comfortable saying that you need this here and that there. There are people that make their living doing this and if someone presented a plan I would listen to them closely. Maybe take the bull by the horns and present a "this is what you need to do" approach to the applicant would move it along a little faster.

Eaton: Isn't there some type of statewide formula for screening?

Tony: Yes, the Extension Service has experts that offer a free service that will assist in making a planting plan with distance & type specifics. The applicant can contact them as well. Does the applicant have any preference on type of evergreen?

Hoffman: Let me know what you want. You guys tell me what you want me to do, instead of me coming up with a plan and then you coming up with a plan and we end up back at the drawing board. I'm not coming up with anything - you guys are in charge, so tell me what you want.

Hunt: I remember from discussion at previous meetings we talked about the screening needing to be five feet high, I thought we had a consensus.

Eaton: We need to have a discussion on that - not sold on five feet.

Stanley: Is the Board trying to screen merchandise that may be for sale or the whole business?

Eaton: Not looking to screen the whole business.

Hoffman: Is there even a need for a conditional use permit if we pick our stuff up at closing? If the stuff is put away, do we legally need the conditional use permit?

Garren: essentially, that's right, outdoor storage is goods left out overnight. The screening requirement comes in because of the outdoor storage.

Jenny: doesn't recall a differentiation between night & day in the ordinance - that specifics can be part of the permit - its about allowing flexibility to address issues when there are multi-use districts. The Board's approach will be different in each situation.

Dater: In the Land Use Ordinance, Section 9M - "all outdoor sale and storage, materials should be screened by suitable fence, wall, or plantings." Site plan review is more detailed. CEO and planner interprets that to be sale goods.

Jenny: If the board has the conditional use permit before it, and it is complete, then the board at that point could proceed and determine what

it would like to see as conditions and hopefully come up with something that works for all parties.

Hoffman: there might not be any utilization of outside storage area.

Cole: I don't recall the Board ever creating a landscape plan and ask an applicant to put it into practice, we've always asked the applicant to get professional expertise and present a plan to us, that we can then approve. That makes more sense and is more straight forward.

Dater: The board could provide information, behind the fences, evergreen shrubbery, distance on center from when they were planted.

Hunt: This has been in front of the applicant for several months, and he has known full well what the ordinance says, and now we're here. In fairness to the abutters, it shouldn't take several more months for an answer.

Martha Lynch: These are all acceptable - but most of these will be gone without evergreens and then there will be no screening

Eaton: asked CEO what his point was when asked if the Board is trying to screen the whole business.

CEO: The Board was talking about the evergreen trees becoming a solid fence and it sounded like you were trying to limit what you can see or screen the whole business. There are other businesses that have stuff outside at night in the C2 district – the Town would have to write a letter to four or five businesses. They can certainly put up a fence, but I want something set so that when I go to see them or if they come see Tony or I, we know what to say to them.

Hoffman: NC Hunt, they have more stuff outside of their store and they are within a certain distance of a private residence and have been there longer than Maine-ly Pawn. They are in the same C2 zone and they should be held to the same standard.

CEO: Hannaford has flowers outside, that's sales, outside at night, and I will have to go to them and ask them for screening.

Jenny: At some point you have to get to the end of this process and have a functional conditional use permit that can be complied with. As far as the CEO, every application is going to be different, the Board needs to look at the information about abutters, angles of views, the merchandise being stored, does it make sense for that type of business.

Hoffman: If we, as a tiny business in town, needs to put up a hedge, certainly a business of that magnitude should be held to the same standard. We shouldn't be held to a different standard than other businesses in the same district that are not grandfathered.

Audience Member: The difficulty here is that you can't have a standard that's one size fits all.

Jenny: That's why conditional use permit was invented, it's a tool that make sure that each of these standards are met. Some screenings are going to look different than others.

Ruth Ann Bryant: I thought it was to be a screening fence, if you can look through and see everything in the yard, it's not a screen. It's a nice looking split rail fence – but it's not a screen.

Eaton: That's what the Board is working on now. It wouldn't just be a split rail fence, we're discussing plantings, how many and how much.

Haus: Plants grow, and you should specify a certain size tree. there are a lot of different interpretations of what that could look like.

Hunt: Have had other instances where businesses have done plantings, fences, and it took one meeting.

Jenny Hoffman: Really hope the Board doesn't expect them to spend \$20,000 in fencing & plantings, because we can't afford that.

Eaton: It's not our business to be designing this. We could make some suggestions and have him design it.

CEO: He could go to someone like Buzz Pinkham, discuss it, present a plan to Tony & I and we're going to make a recommendation to you & hopefully the Board could approve it in June.

Hoffman: What does the Board want to see as a finished height?

Eaton: 4 feet?

Hunt: Prefer 5 feet

Hoffman: 5 feet when planting or 5 feet ultimate height?

Eaton: Suggested thought for planting distance?

Hunt: Couldn't begin to know – I defer to the Buzzy Pinkhams of the world.

Stan: How long do you want this fence of shrubbery?

Eaton: the straight portion of the fence

Sage: Concerned about the planting season if we wait until June – email vote for plant approval?

Eaton: Don't think an email vote is appropriate. Would like to see the size of the large item storage area designated in feet; the area behind the fence marked as outside storage to show the area that is being screened; and what size that area is. Include what the plantings will be, the size of plantings.

Stephen: This has been a long, convoluted process. I'd like to see a final application at the next meeting showing a buffer of evergreens that are sufficient height to provide that buffer, not a full screen.

Continued to June meeting.

3. INN ALONG THE WAY – 741 MAIN STREET (ROUTE 1B) – LOT 3/46- C2
HIGHWAY COMMERCIAL AND RURAL DISTRICTS – PRELIMINARY PLAN REVIEW
OF PROPOSED PLANNED UNIT DEVELOPMENT (PUD) RETIREE HOUSING
CAMPUS.

Architect Rick Burt: Just wanted to update the Board on progress being made on the project. Working on ordinances that apply on the state level, have submitted a pre-application to DEP requesting a meeting regarding state law of site subdivision as well as storm water management. They are proposing that the 17 single family detached units, would not meet the state subdivision definition. Currently waiting to hear back but would like the processes to go parallel if possible. There's a lot of design work that needs to be done and it's a lengthy process – hoping that if we're meeting the State criteria will be meeting the town ordinances. On May 28, Inn Along the Way will be opening up the property to the public for a spring gathering – the Board is invited.

Because of the size of the project, it will be phased over time, based on funding available. The application will show what the phases are planned as.

Will be in contact with the Planner as far as getting on the agenda for future meetings.

4. VINE STREET LLC – VINE STREET EXTENSION – LOT 3-94-1- C2 HIGHWAY
COMMERCIAL DISTRICT – PRELIMINARY PLAN REVIEW FOR PROPOSED MULTI-
UNIT RESIDENTIAL DEVELOPMENT.

There was no one present representing Vine Street, LLC.

5. PEMAQUID OYSTER COMPANY, INC – DAMARISCOTTA RIVER AT BRIGGS ROAD
EXTENDED OFF BRISTOL ROAD – LOT 1/6 – RESIDENTIAL SHORELAND ZONE –
APPLICATION FOR PERMANENT PIER.

Attorney Hull was not present.

Carter Newell updated the Board since they last met - Pemaquid Oyster Company has hired Attorney David Levesque to represent them, and there has been some horse trading back & forth with Attorney Hull –

Cart: The objections by Attorney Hull's clients seem to center around the performance standards in the ordinance – which they have addressed in their submittals – unless Pemaquid Oyster Company allowed them irrevocable access / use of their pier for them, their guests, and boats – then the concerns about those standards seem to go away.

Cart: The Board should have the Site Review Application, which was missing at the end of last meeting. Very few of the performance standards apply to this type of use but will review each item separately.

Dater: Will the dock be above or below the high water mark at the most upland side? According to the Shoreland Zoning Ordinance, if it is below – that is completely State land and the Municipality would have no jurisdiction.

Lash: basically going to be right AT the high water mark – but it could be below...

McKeen: the pier is not going to change their use of the property. They've been using it as stated since 1996 – that won't change with or without a pier permit.

Dater: In his opinion the the NRPA application contains all the information that is required under the Town's Shoreland & Land Use Ordinance applications.

Jenny: review steps procedurally – determine a complete application before a substantive review is done.

On motion Hunt / Garren that the application is complete.

VOTE: 5-0 IN FAVOR

Dater: The abutter asked, in writing, that a decision be delayed since they could not be present at tonight's meeting.

Cole: It's a complex application that is going to require guidance from the Town Attorney, Planner, and CEO as the Board reviews the application.

Garren: (Tony) It would be great if the Board could get the materials before the next meeting & have time to review.

Continued to June meeting.

C. NEW BUSINESS

1. COPPOLA – 590 MAIN STREET (ROUTE 1B) – LOT 3/20-2 – C2 COMMERCIAL DISTRICT: APPLICATION FOR AN AMENDED SITE PLAN PERMIT FOR SECOND SIGN ON PROPERTY.

There was no one present representing Coppola.

2. PEMAQUID WATERSHED ASSOCIATION (PWA) – 584 MAIN STREET – LOT 3/20 – C2 COMMERCIAL DISTRICT – APPLICATION FOR NEW SIGN.

Phil Averill was present representing Pemaquid Watershed Association. An application was submitted, with a picture and dimensions, to install a manually changeable sign at the Pemaquid Watershed Association new office location on Main Street.

The actual sign area will be 6' x 4' and will have standard flood lighting from the top on a timer – on at dusk off at 10:30pm. Can shield the lighting if required by the Board.

On motion Hunt / Cole to approve the application as submitted with the additional condition to include cut off lighting.

VOTE: 5-0 IN FAVOR

3. FINISH LINE DETAILING – 74 BISCAY ROAD – LOT 3 /4-1- APPLICATION FOR CONDITION USE PERMIT PURSUANT TO THE SITE PLAN REVIEW ORDINANCE FOR A VEHICLE AND WATERCRAFT WASHING, CLEANING, AND OUTFITTING BUSINESS.

Applicant explained his intention to lease a garage bay space in an existing building at 74 Biscay Road to open a detailing shop. There will be a sign approximately 5' x 32" with no lighting. Abutters were notified, applicant submitted proof.

Dater: Only had a pre application sketch discussion with the applicant - do not have an application from the applicant yet – this is preliminary.

Applicant submitted a site plan outlining some of the required information.

Sage: appropriate drainage system to handle water?

Applicant: yes – no indoor washing – so not a huge impact – only planning on 2-3 cars per day and it only takes approximately 10 gallons of water to wash. Any major washing will be taken down the road to the car wash.

Dater: Review Site Plan check list so that the applicant will know what other items the Board may require for approval?

Board agreed they could quickly review the check list.

Dater: went over list aloud and noted missing information:

- Site plan should include map / lot of property
- Include zoning district (C2)
- Locate proposed sign on site plan
- Locate any buildings & roads within 50 feet of lot lines on site plan
- Copy of applicable State / Federal approved permits: DHHS wastewater
- Identify water supply – public or well – need letter from GSBSD if public

Continued to June meeting.

D. OTHER

1. QUESTIONS FROM THE PUBLIC TO PLANNING BOARD

None

2. PLANNER'S REPORT

Dater brought up a letter sent into the Town by 2 Schooner Cove residents voicing concern about a possible new, bigger building on the Miles campus. CEO told the Board that they met with the representatives and went over a pre-application, preliminary sketch plan. The plan is to take down the physician's building to the left of the Hospital and replace it with a 3-story, 34,000 sq ft building. No application has been submitted yet.

E. ADJOURNMENT

On motion Hunt / Garren to adjourn meeting at 9:55pm

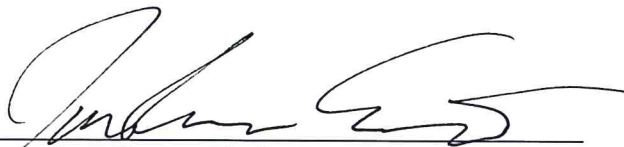
VOTE: 5-0 IN FAVOR

Respectfully submitted by:

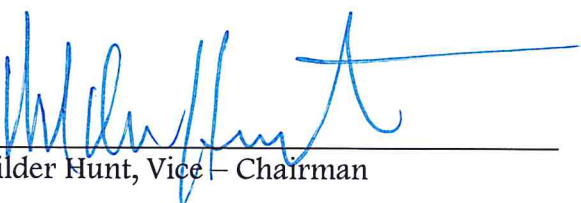


Rebecca J. Bartolotta, Deputy Clerk


We, the undersigned, do hereby approve the minutes of the May 02, 2016 Planning Board meeting:



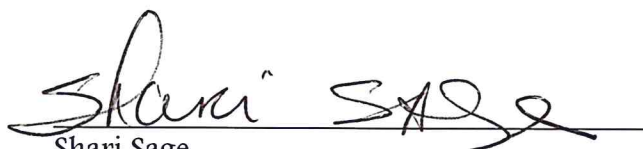
Jonathan Eaton, Chairman




Wilder Hunt, Vice - Chairman



Stephen Cole



Shari Sage



Bruce Garren

Dated: 07/11/16

