

Town of Damariscotta
Planning Board Meeting
September 14, 2015

Members present: Chairman Jonathan Eaton, Vice-Chairman Wilder Hunt, Stephen Cole, Shari Sage, and Bruce Garren. Also present were Matthew Lutkus, Town Manager, Town Planner Anthony Dater, Stan Waltz, CEO and Cindy Sykes, Secretary.

Audience: Jenny Villeneuve, Corrone and RuthAnne Bryant, Marvin Look, Marilee Harris, Ben Bulkeley, Michelle Miller, Terry Gifford, Martha Lynch, Mark and Jenny Hoffman, Douglas Morton, Barnaby Porter, Richard Hirsch, Ernie McNiff, Ralph Najim, Jack Holland, Gary and Jane Gravel, Adam Maltese, Kimberly Sampson, and Marcia Degeer.

Chairman Eaton called the meeting to order at 7PM.

A. NEW BUSINESS

- None

B. OLD BUSINESS

3. Draft Sign Ordinance

-Eaton - not a public hearing, but people can speak. This preliminary draft was created using the Camden sign ordinance. Needs to address changeable signs, sandwich boards, locations, size, number etc.

-McNiff – commends the town for having sensible rules and regulations.

-Morton – Grandfathering of current signs will need to be addressed. There are many backlit signs in town. Choices are to grandfather all existing signs, or require their removal after a specific time limit set in Ordinance.

-Villeneuve – Ordinance can address non-compliant signs.

-J. Gravel – Suggests grandfathering of existing signs. Removing her signs will show ugly CMP poles and oil tanks.

-Eaton – Gas station signs are changeable, not flashing or scrolling, perhaps could require that they be turned off when business is closed.

-G. Gravel – Gas pumps open 24/7. State law requires prices to be displayed.

- Hirsch – Is a fee necessary? Will Ordinance address banners for special events?
 - Eaton – Fees pay for CEO's time spent on permit review and research. People who feel they may be compromised will usually attend the public hearing.
 - Dater – no longer than 90 days in 12 months is considered temporary
 - Lutkus – This meeting was set to allow input to create a proposed sign ordinance. A working draft has not been created. Any feedback regarding signs can be sent to Dater for review.
 - Porter – Any digital electronic sign will change, confused about backlit signs. Sandwich boards are cluttering the downtown.
 - Dater – need stand alone sign ordinance to regulate off site signs. Would require review before approval of a sign permit.
 - Eaton – Informational/directional signs could be located in one place, perhaps the side of a building. Town would not be required to do it, but the Chamber of Commerce might help.
 - Harris – existing signs are not addressed, should talk to owners for input.
 - Dater – grandfathering issue will be addressed
 - Eaton – not discussed yet; public hearing will be held by Planning Board when final draft Ordinance is complete. After public hearing, the Planning Board can vote to send approved draft to Selectboard for inclusion on annual town meeting warrant.
- Further discussion at this time tabled.

MINUTES

The Board reviewed Minutes from 8/3/15. **On Motion Garren/Cole to approve as written. Vote 4-0-1.** The Board signed the Minutes.

The Board reviewed Minutes from 8/31/15. Sage asked that the word "claims" be added to the beginning of a sentence on page 2, line 8 which currently reads: Sage suggested business be moved to Waldoboro across from Moody's where there is plenty of parking. Also, the word "claims" should be added to the next sentence, which currently reads: Comments were unprofessional and unbelievable, typical of small town politics.

Dater – On page 3, 7 lines from bottom of page, change the word permit to application.

On Motion Garren/Sage to approve the 8/31/15 Minutes with corrections as noted. Vote 4-0-1.

OLD BUSINESS

2. Mark and Jenny Hoffman – Mainely Pawn/535 Main St– provided certified mail receipts for sending notice of meeting to additional abutters within 500 feet of the property as required by the Board at the 8/31/15 meeting.

-Eaton – Asked Board if application was complete.

-Hunt – Asked Hoffman about buffer or screening from neighbors.

-M. Hoffman – none; it is a commercial district.

-Hunt – Ordinance requires buffers and screening if business has abutting residential properties.

-Garren – Also no setbacks, which are important

On Motion Hunt/Garren that application is incomplete as presented. Vote 4-0-1.

-Eaton – Board will recommend to Selectmen and CEO that it be brought into compliance with regulations.

-Hoffman – Commented that a 40 by 60 foot tent will conceal contents.

-Lynch – Need to preserve natural and scenic beauty of the town.

-C. Bryant – pickup truck has been for sale longer than 10 days on front lawn of Mainely Pawn.

-Dater – Board is reviewing outdoor storage, would need to review C2 zoning rules regarding used car lots.

-Lynch – what is difference between storage and display?

-Dater – Display is items taken in at night, storage is items left outside

-J. Gravel – What is different between his business and Hammond Lumber?

-Eaton – Pawn shop is in a residential area, Hammond is not. Ordinance is specific regarding screening.

-J. Gravel – School is an issue.

-R.A. Bryant – properties are being devalued; back yard of pawn shop is covered with metal

-Dater – Land Use Ordinance requires that all outdoor sales and storage be neat and orderly, shall be screened from residential property.

-C. Bryant – There is no fence between pawn shop and school.

-Eaton – hazardous to children

-Dater – Storage versus junkyard is a discussion point for the Board.

1. Sampson/Maltese – 44 Abbie Ln – Board reviewed site plan

-Eaton – John Roberts, Fire Chief has emailed that emergency access is okay.

-Dater – changed plan to conventional wastewater disposal. Any plan for future alternative?

-Maltese – Subsurface wastewater was the simplest route.

-Sampson – Will have 3 current students; if over 4, will need to add to septic, maximum will be 8. DHHS allows 12.

-Garren – playground?

-Sampson – fenced area has a boat and maybe a swing; children will do leaf rubbings, climbing logs

-Cole – What's current plan for access? Neighbors are concerned.

-Maltese – Proposing same access as last month. Civil engineer Anne Betts reviewed emergency access and safe travel. Good site distance, turnout allows cars to pass. Her concern is that increased road width leads to faster vehicle traffic. Spoke with Michelle Miller and offered to widen road, and also stabilize the area near garage with riprap.

-Miller – Original right of way was 12 feet. Extreme traffic has widened roads, created turnouts and made area by her garage unstable and dangerous. Has planted trees and used logs in turnouts on her own property, and someone removed them.

-Gifford, previous owner – gave history of Right of way. CMP given a ROW in 1947. ROW was used in the late 1960's to haul out wood with a team of horses, ROW was probably 8 feet wide at that time. Attorney John Lynch told her that the issuance of additional building permits on that road would be overburdening it with traffic.

-Eaton – Miller should write letter to CEO regarding property damage caused by vehicle traffic.

-Gifford – Deed states ROW is for access and utilities. All properties along Abbie Lane may not have a legal ROW. ROW is approximately 30 feet at Maltese property.

-Garren – ROW's are a civil law matter, not Planning Board.

-Hunt – Knickerbocker's letter states road is safe due to turnouts. Accessibility is the key issue for this application.

-Eaton – Maltese has a legal ROW.

-DeGeer – Miller is losing land due to the widening of the road by vehicular traffic.

– Miller - Bulldozers are not a natural use of a road.

- Gifford – Miller needs to stabilize land by garage with rocks to prevent it from falling into the stream. That will narrow the road.
- Degeer – Riprap may help
- Cole – the turnouts make adequate access for emergency vehicles.
- Maltese – Asked Miller if he could use the turnouts.
- Miller – if you are allowed to use them, everyone will.
- Sampson – Hopes to get a road association formed for Abbie Lane.
- Degeer – There is well established case law that shows that additional traffic is not considered overburdening a road. Road association would allow sharing of costs for improving the road.
- Gifford - A culvert was required by Miller's property because it is a wetland, stream has trout. Swampy area.
- Sampson – Can lots be subdivided in that area?
- Dater – If lot is subdivided, may need to meet private road standards.
- Garren – Does Planning Board have discretion to decide if road can handle additional traffic? And require road to be made safe before approval?
- Eaton – 12 foot ROW does not allow two cars to pass.
- Degeer – Provided easement does not state 12 feet. Court would understand that roads widen with use.
- Sage – Fire Dept may need to review road for emergency access again if the area stabilized makes access narrower.
- Sampson – Will Miller reclaim Page's driveway?
- Miller – Page does not own the turnout everyone uses.
- Garren – Fire Chief may have a different opinion if riprap used. He does not reference turnouts, approved access as safe.
- Dater – Planning Board can consider Abbie Lane a legal, grandfathered, non conforming road if it they conclude it is safe. Board could require a road association as a condition of approval.
- Eaton – Home occupation can be allowed on private way.
- Miller – Stream prevents widening of the road.
- Maltese – What if he proposed to take over maintenance of the first 600 feet of the road? Can put up bond if needed. Will do what is needed to maintain to current standards.
- J. Gravel – Road association is a big joke. Foreclosures happening on Abbie Lane. Why can't daycare be approved contingent upon Fire Dept approval and no turnouts?

- Maltese – Fire Chief John Roberts said fire trucks can get in if a couple of trees are taken down. Water can be pumped in from retention pond. Need fire extinguishers. Section near Miller's garage could have Caution – One way traffic sign. Plans to caution parents that road is tight.
- Sampson – If someone fails to follow safe road rules, can tell them they no longer can attend the daycare.
- Garren – Unless Fire Chief is concerned, no good reason to say no to daycare. Limited to 8 children, and Maltese has offered to take over maintenance of first 600 feet of road.
- Hunt – Emotional neighbors last meeting said cars travel 40 mph on that road. Improving road will increase speed. Daycare will increase traffic.
- Degeer – Well established case law that increased traffic is not considered as overburdening a road.
- Dater – ROW agreement between parties would satisfy intent of the Site Plan Ordinance.
- Gifford – Traffic will arrive all at once.
- Sampson – Nature of early childhood is arrive at different times.
- Hunt – Civil engineer letter includes turnout. Court of law is the only way to answer the width of the ROW.
- Eaton – Board could vote, if application is denied, has option to go to Appeals Board. Or get written agreement with Miller re: turnouts. Would need another letter from Fire Chief. Board can't make decision without knowing who has the right to pass on ROW.
- Maltese showed Miller a map and asked if he could continue to use turnouts.
- Miller - No decision tonight. Since 1968 has been maintained as 12 foot ROW.
- Degeer – would argue has not been maintained as 12 feet.
- Eaton – Said parties should try to come to a civil agreement about road, and return to October Planning Board Meeting.

OTHER

1. -Jack Holland, broker with Farrin Properties – Would outside storage of propane by an oil company be allowed on Map 3, lot 42 in the C-2 zone?
- Dater – Conditional use, governed by the Site Plan Ordinance.

-Eaton – There is a brook on that lot that runs to Great Salt Bay. Check with DEP regarding setbacks for fuel storage from a wetland. Project will require screening and a letter from the Fire Dept.

-Dater – Propane does not require containment, some fuels do.

Holland gave info on Road Associations.

The Board revisited signs.

Eaton – Camden Ordinance is good. Damariscotta's needs more comprehensive rules for changeable, scrolling and backlit signs. Need to look at other ordinances. Also need to limit the number.

-Dater – Need permit before installation. The Planning Board could recommend a moratorium on signs for 9 months until June annual town meeting.

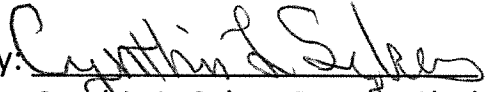
On Motion Hunt/Cole to recommend a moratorium on signs for 9 months. Vote 4-0-1.

Eaton – Workshop dates can be set at November meeting.

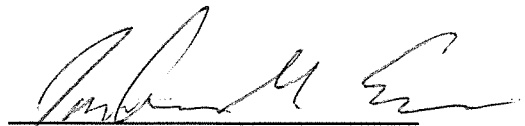
ADJOURNMENT

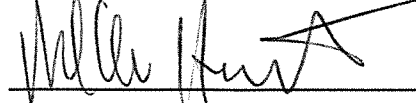
On Motion Hunt/Garren to adjourn at 9:52PM. Vote 4-0-1. Meeting adjourned.

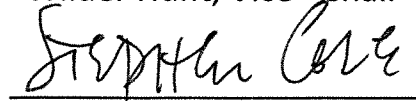
Respectfully submitted by:



Cynthia L. Sykes, Deputy Clerk


We, the undersigned, do hereby approve as written, or with changes as noted, the Minutes of the September 14, 2015 Planning Board meeting.


Jonathan Eaton, Chairman


Wilder Hunt, Vice –Chair


Stephen Cole


Shari Sage


Bruce Garren

Dated 10/5/15

