

**MINUTES
PLANNING BOARD
TOWN OF DAMARISCOTTA
September 18, 2017
7:00 PM**

MEMBERS PRESENT: Jonathan Eaton, Shari Sage, Adam Maltese, Neil Genthner, and Wilder Hunt. Alternates Jenny Begin and Dana Orenstein were also present.

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

PUBLIC PRESENT: LeeAnna Libby, tax payer; Susannah French, resident; Sandi Day, resident; Minda Gold, resident; Ed Seidel, resident; Gunnar Gundersen, Rifle Club representative; Jeffrey Pierce, resident, property owner & business owner; Rob Gardiner, resident & business owner; Christine Szalay, resident; Robert Hunt, business owner; Calvin Dodge, resident; Marjorie Dodge, resident; Louis Abbotoni, resident; Paula Abbotoni, resident; Laurie Green, resident; Megan Dinsmore, resident; Chuck Dinsmore, resident; Bill Crocker, resident; Adam Nelson, tax payer, Mark Hagar, resident; Chris Roberts, resident; Brent Hallowell, resident; Barbara Ganem, resident & business owner; Priscilla Ulin, resident; Tom Quaranto; Gordon Isleib, resident; Richard Francis; Tamar Francis; Joy Vaughan; Ann Jackson, resident; Jenny Mayer; Kimberly Sampson, resident; Susan Davis; Caroline Howe; Arifa Buehler, resident; Peter Drum; Amy Lalime, resident; Andrea Keushguerian, resident; Lucy Harrington, resident; Gwen Purcell, resident; Robin Mayer, resident; Peter Kinney, resident; Jane Tims, resident; David Pierce, tax payer; Lisa Katz, resident; Lewis Cameron, resident; Seth Hagar, resident; Sal Bartolotta; Scott Abbotoni, resident; Dan Catlin, applicant; Shawn Tobey, Hoyle Tanner Engineering; Andy Sturgeon, Hoyle Tanner Engineering; Matt Lutkus, resident & Town Manager; Maia Zewert, LCN; Jim Cosgrove, resident.

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

PUBLIC HEARING:

A. DAMARISCOTTA MAIN STREET, LLC – 435 MAIN STREET (RT. 1B)(GUN CLUB ENTRANCE)- LOT 1/56-1-HIGHWAY COMMERCIAL C2 DISTRICT – SKETCH PLAN APPLICATION FOR THREE RETAIL/PROFESSIONAL/COMMERCIAL BUILDINGS.

Chairman Eaton gave an overview of the public hearing format – he would like to start with Damariscotta residents, giving 3-4 minutes each for people to speak, lasting approximately 1 hour if possible. He also asked the room to keep their questions & comments as non-repetitive as possible.

Eaton asked if there was a representative present of the “Our Town” group.

Jenny Begin stated that the “Official” Our Town group WAS a legal entity during the Walmart issue, but that group has been dissolved. The current Our Town group is a loose group of concerned citizens calling themselves Our Town is a Facebook discussion group only.

Andy Sturgeon of Hoyle Tanner introduced himself, Shawn Tobey, Project Engineer (Hoyle Tanner) and Dan Catlin, Developer / Applicant.

Tobey gave a brief overview of the project for the audience. He stated that it is an 11.3-acre parcel of land located on Main Street between Damariscotta Hardware and Hannaford Supermarket.

He stated the project will consist of 3 retail/commercial buildings:

- 1) Bank with drive thru - 3,500 sq. ft.
- 2) Retail/service-possible 1 restaurant tenant or 3 separate tenants – 5,525 sq. ft.
- 3) Retail/service – possible 2 tenants – 22,000 sq. ft.

Tobey showed a site plan and location of the property on Main Street (Route 1 corridor). He also showed a 3D rendering showing the location of the 3 buildings, parking areas, and screening planned for the site.

Tobey stated that there were 142 parking spaces planned for the project.

Amy Lalime asked how many parking spaces were at Hannaford, for a comparison.

Tobey stated that there is an industry standard, also used in the Town Ordinances, of 4 spaces per 1,000 sq ft building that they were following, so he assumes the same ratio was used at Hannaford, but he doesn't have any knowledge on their actual number.

Ed Seidel asked why the renderings at this meeting don't reflect the discussion at a previous meeting regarding parking in the rear of the buildings.

Tobey explained that those kinds of details were still in discussions at this point.

Catlin explained that in general the retail model is very purposeful as far as parking layout, it makes more sense from a safety standpoint for the parking to be at the front door. They have to meet ADA regulations as well.

Seidel asked if they would be asking for a variance (waiver).

Sturgeon told the group that he believed that would be their plan at this point – just for the building at the front right on the property as the other buildings screen parking for the rear building, which is allowed in the ordinance. He stated that it is their opinion that they are consistent with what is already in the area – a lot, if not all of the commercial entities along that stretch of Main Street, old and new, have been allowed parking at the front of the buildings, proving that their plan is not unusual for the area.

Lalime stated that she is very concerned about how things will look once done. She wanted people to know that she is a Mainer, not from away, and not against development. She is concerned about the old growth trees that will have to come down along the front to accommodate sidewalks etc. She also reminded the applicant that the suggestion was made at the last meeting to turn the building on the right slightly so the doors fronted on their own roadway and place the parking at that side.

Catlin stated that turning the building significantly reduces it's rentability. He also told the group that the whole property was logged at some point and the only "old growth" is at the very edges.

Catlin further stated that they were working with Damariscotta Hardware & the Sanitary District on a sewer extension that would run from the Napa up to Hannaford and that will get into the roots of the few large trees along the front. He said they've had several engineers look at it to see if the front trees could be saved and they all came back with the same answer – it's not worth it. They've put together a landscaping plan that is to Town code.

Laurie Green stated that she would prefer to see the building turned so that the main entrance would be at the side or rear. She proposed that that building be moved as close to the road as possible to allow room for parking on the main entrance side of the building.

Sturgeon reiterated their plan to seek a waiver and told her that they have done extensive research – they are consistent with that area of Town and have pictures showing that fact. They feel that they have already rearranged the buildings around as much as possible to minimize the parking at the front.

Kim Sampson stated that she did not think the Planning Board was allowed to grant a waiver for something like trees or parking, she thought the waiver process was meant for something like a building that was already standing that an application process needed to be altered in some way. She told the Board that she would like assurances that they will follow the ordinance standards as written.

Eaton asked Town Planner, Tony Dater to speak on the procedure surrounding a waiver.

Dater stated that according the ordinances, there is a waiver process. The Board may, for good cause, waive any performance standards – the applicant must make a case for the request as well as put the request in writing.

He went on to say that many of the buildings along Main Street pre-date the existing site plan ordinance.

Sampson asked about the building process, noting that in a previous meeting the applicant stated that they were approaching the construction in phases, as he gets tenants signed and that it could take several years. She asked what happens if the Planning Board approves the entire project and the ordinance changes before the last building goes up. She requested a 1-year approval by the Board and make the applicant come back to the Board before each new phase goes forward to ensure they are in compliance with the newest version of the ordinances.

Eaton read aloud from the ordinance on parking:

"... in no case shall parking lots be located between the front façade of the principal building and the primary abutting streets unless the Planning Board grants a waiver and both the building and the parking area are screened from view from the frontage street..."

Eaton went on to say that was pretty clear to him, the Planning Board is allowed to grant waivers in regards to parking.

Sampson asked who determines if the waiver is worthy.

Eaton told her the Planning Board as a whole discusses it and makes that decision.

Andrea Keushquerian felt the project as presented was clearly in conflict with the ordinance. She went on to suggest that the sewer lines be pushed back behind the existing trees.

Sturgeon stated that the renderings shown follow the screening specifications in the ordinance.

Lalime read from the ordinance – page 21 – Natural Beauty:

“...the applicant shall maintain a wooded buffer strip of no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets...”

She went on to say in her opinion a buffer doesn't have holes that you can see through.

Sturgeon showed on the drawings the location of their 50-foot buffer, repeating that the placement of the sewer lines & sidewalk necessitates some tree removal.

Minda Gold asked how the applicant plans to make the buildings & façade fit in with the New England landscape here in Damariscotta. She went on to say the current drawings looks a lot like the buildings in the Topsham Fair Mall.

She told the Board that she is very proud of the Damariscotta landscape and is not opposed to development but feels that it needs to be done responsibly and respectfully to the village that exists. She cited the Freeport McDonald's as an example of respectful development. She asked the applicant to commit to looking at more aesthetically pleasing architecture for this area on this project.

Catlin explained some of the factors behind building design. He also told the group that the rendering he's showing is angled from the sky – the big square of the roof won't be seen from the road. He also explained that they were a little bit limited because they are capturing 100% of the storm water, which is important for the environment.

Catlin agreed to go back to his design team and see if there's anything they can do to give the buildings more detail, more New England.

There was a question from the audience about where the water will go.

Catlin told them they are constructing an engineered storm pond at the rear of the property. The pond needs to be permitted by DEP and they will need to meet all those requirements.

Tobey showed the site plan locating the storm pond.

Calvin Dodge spoke from the audience about the history of the town and speed of growth in Damariscotta. He was happy that there isn't a single vacant building in the downtown area. More businesses want to come here but there aren't any available rents. If Damariscotta is going to be the service center of the area they need to plan ahead, and do it right. We should not worry about losing a few trees. He went on to say that it's ok if the jobs these businesses bring are not be full time – there's a few retired folks he knows that are looking for part-time jobs. Damariscotta is not a one-horse town any longer, and there is a need for taxable commercial properties to help offset the tax-exempt properties here. He urged the crowd to look to the future and not to leave the tax burden to the older people in town. Don't argue over the petty things.

Lucy Harrington stated that she also wanted the facades of the buildings to not look like they belong in Arizona. Why do they all have to look the same up and down the eastern shore board.

Catlin explained that the most important thing on the façade was the sign band. People need to see what's there. He went on to explain that they have found this design to work well with their plans to make the buildings multi-purpose, for any use, medical offices, service uses, other commercial uses. He pointed out that he added stone to the façade of one of the buildings to break up the concrete.

Harrington told him it looked like a crematorium.

Gordon Islep asked if the pond was a retention basin or detention basin? He also asked what year storm it will be designed for.

Tobey explained that it was a wet pond / detention pond designed through Maine DEP. The drainage and pond need to be thoroughly inspected and permitted to meet DEP regulations. He went on to say the pond is to be designed for a 25-year storm per DEP regulations, but because of it's size, it will hold a 50-year storm before topping over. Tobey stated that the overflow will go into a water course shown on the plan that was flagged by a wetland scientist and then located for the plan. It's an unnamed stream that they must get permitted to use through DEP.

Islep asked how much of the present wetlands will be filled in for this project.

Tobey told him just under 10,000 square feet.

Islep asked if that area has been examined for endangered or plants of a particular interest.

Tobey told him that that sort of thing is part of the DEP permit process.

Jim Campbell said Calvin Dodge's statement hit the nail right on the head. He thanked the presenters for the information they've provided. He said what ever goes into that property will look a heck of a lot better than what is currently there. There is nothing wrong with this plan. Townspeople shouldn't worry

about what happens if it goes belly up because something else will take it over, just like what happens in the downtown area. He hopes the Planning Board will support it.

Ann Jackson said she is also proud of Damariscotta and agrees there needs to be growth but she doesn't want to settle for a formula box. She also expressed concern for the added traffic on Church Street if this project is built. She feels all of the cars that don't want to drive through that area of Main Street will cut through Church Street.

Susannah French also expressed concern about the amount of traffic coming off Biscay Road. There needs to be wider roads to accommodate the traffic. She feels that the run off may affect the DRA property as well.

Sandi Day stated that she is feeling encouraged by this meeting, because she is hearing that people aren't against development. She wants people to understand that there are so many people in the community struggling to pay the very high property taxes. She went on to say that she feels like the applicant is listening to the community and will do their best to work with them. She's happy to hear that the rifle club will be accommodated.

Chris Szalay said she remembers when McDonalds was coming and it was deemed the apocalypse. She is concerned about the rapid rate of recent development and it's affect on the traffic along the upper Main Street/Business Route 1 corridor. Making a left turn out of any of the existing businesses along there is next to impossible, many people go right and turn around further down the road. She would like extra thought be given to that area, whether it means widening the road, better turn lanes, etc.

Lisa Katz asked if there was a sense of how this sort of development would affect the tax base for homeowners & residents.

Town Manager Matt Lutkus was put on the spot for an answer. He explained that there really wasn't any way to know exactly what the tax revenue from this project would be until reviewed by the Assessor's Agent.

A member of the audience asked if their taxes would go down.

Again, Lutkus explained that it was impossible to know that at this time. He told the room that reducing taxes has been a long-term goal of the Board of Selectmen, which is the primary motivation of the Board to get more commercial properties and less tax-exempt properties in town. He went on to say that it would stand to reason that if there was more tax revenue coming in to offset the costs, which are mainly the public schools, then the tax rate will go down.

Sturgeon offered to calculate the taxes based on his numbers.

Rob Hunt said he applauds the healthy discussion happening tonight. He was also pleased that the Planning Board is diligent in their process. He stated that he felt there should not be arguments over a few trees and he hopes the developer listens to the feedback.

Laurie Green said it's not an us vs them, it should be a WE. We as a community are trying to find the best option. We all want growth and alleviation of property taxes. We want the community to be a healthy, safe place to walk and be able to connect with nature. She hoped there would be small details, like bike racks and sidewalks to connect this project to the human, not just a car.

Sampson spoke again. She stated that if this development adds \$3,000,000 to the taxable value of the town, that would reduce taxes by approximately \$200 per year on a \$200,000 home.

She went on to say that if this development was developed intensely, as a mixed-use development it could add as much as \$15,000,000 to the tax base, reducing taxes by about \$1,000 per year. She explained mixed-use as 2 story buildings with apartments or office space upstairs over the commercial space.

Catlin told her those are called "lifestyle centers" and they are a great idea, however you see them more once you get outside the State of Maine. People want to eat at the restaurant on the first floor, work on the 2nd floor, and live on the 3rd floor (for example). He went on to say that mixed-use properties are starting to come to the Portland area, but the Mid coast area is quite a few years out from that type of development working. In his opinion, right now, the market won't support it.

Jenny Mayher told Catlin that it was her understanding that Damariscotta really needs more apartments & office space. She encouraged the applicant to look into that as part of an impact study. She stated that she is pro-business and wants the town to grow in a responsible manner. The only economic advantage Damariscotta has, is the character and mixed-use development makes a lot of sense.

Sturgeon told the group that mixed-use makes a lot sense, but this property is commercial zoned. He went on to say that Catlin owns every property he's built/developed, he's not out to flip properties to make a buck, he's a commercial developer who does his research in an area and knows his business. They estimate this project will create 100 new jobs for the area, both full-time and part-time.

Eaton told the room that mixed-uses were not required by the ordinances and this meeting is about the project on the table, not about what may happen.

Sturgeon stated that they calculated the project will contribute approximately \$60,000 in taxes to the Town per year.

The room was not impressed by that figure.

Gold asked where the snow would go.

Catlin told her that the snow would likely be piled in an area of the parking lot.

Tobey stated that the snow would also be piled in the green spaces and islands to melt and go into the drainage system. The snow will not run offsite untreated.

Louis Abbotoni stated that he was in favor of this project. He talked about how the Town has evolved into what it is today through some mistakes; death, fire, business failures; but also through some good progress. He named long time businesses in town that have moved out of the downtown area, but are still here because of development. Damariscotta is not the buildings in town, it's the people, who always take care of each other.

Eaton told the room that the public hearing portion of the meeting was going to come to a close. He said the Board will not be voting on anything tonight.

He went on to ask those that asked the applicant to change the façade to make a specific suggestion.

Harrington stated that she personally didn't think the building had to look like the drawings in order to create a good business environment.

Chairman Eaton closed the public hearing at 8:25 pm.

REGULAR MONTHLY MEETING FOR SEPTEMBER:

A. MINUTES

There were no minutes available for the Board to review.

B. OLD BUSINESS

1. DAMARISCOTTA MAIN STREET, LLC – 435 MAIN STREET (RT. 1B)(GUN CLUB ENTRANCE)- LOT 1/56-1-HIGHWAY COMMERCIAL C2 DISTRICT – SKETCH PLAN APPLICATION FOR THREE RETAIL/PROFESSIONAL/COMMERCIAL BUILDINGS.

Maltese asked the planner what the two criteria were for a buffer and screening, is a buffer is just a green space and screening is vegetative to screen view.

Dater stated that when there is residential property beside commercial property, the ordinance requires screening that obscures the residential view into the commercial property.

In his opinion, screening of a buffer area along Route 1B means to obscure the view to a large extent. The argument was made tonight that the developer wants the buildings seen for maximum potential but buildings can be 40 feet high in the commercial area, so those buildings will still be seen even behind proper screening. The intent is to soften the impact of the buildings on the streetscape.

Maltese asked for clarification on the classification of this project as large-scale development.

Dater agreed that it does fall into that category.

Maltese pointed out the specifications on building appearance in the large-scale development section of the ordinance. The applicant would be required to meet the specifications outlined in section 12, A1-7.

Dater agreed.

Maltese asked the applicant if they had reviewed that section of the ordinance.

Sturgeon told him that he felt they were a long way from that type of review just yet. He feels that their proposal meets the screening requirements in the ordinance, specifically page 25 section 2c.

Maltese told him that he just wanted to be sure they meet the criteria regarding the architecture of the building.

Sturgeon told him that it was a little unusual to get into building details at the sketch plan design stage. They aren't done with the design of the building architecture, but they plan to meet the standards in the ordinance. After 4 meetings they don't yet have a determination of a complete application.

Catlin told the Board that they did try to put some pillars and shadow lines to create dimension in the facades of the buildings so it's not just a long straight wall facing the street. He told the Board they are going to go back and tweak the design a little after what they heard tonight.

Orenstein told the applicant that she understands their point of view about the parking in the front of the building. She suggested that maybe they could leave the building in the same position, but move it closer to Main Street, with the names of the stores still on the façade facing the street, and put the front doors at the rear – where the parking would be located – at the front doors.

Catlin told her that wasn't really how retail worked, he really needs the front door under the sign. He feels it would be a safety issue. He doesn't like to mix the loading areas with the customer areas. He also told the Board that he assumes that the Fire Chief will want circulation around all 4 sides of the building.

Eaton told him that he has a good point, but its up to the Fire Chief to decide. He reminded the applicant that he will need a letter from the Fire Chief.

Sturgeon asked the Board why they would push this project on the parking issue when they just granted approval to a project with 6 waivers, one of those being for parking in the front.

Maltese told him that just because a certain decision was made by the Planning Board on a project, it doesn't mean that all future decisions will be made based on that past decision. The Planning Board is allowed to look at each decision individually.

Sturgeon told him that part of their argument will be that they won't be setting a trend in that area.

Genthner asked the applicant how his argument worked for the rear building, who's signs can't be seen at all from the street.

Catlin explained that is actually part of the reason he doesn't want to move the front building. When they design these types of developments, they design a visual corridor so those signs actually can be seen – that's why the buildings are placed as they are.

Sage compared the Damariscotta area to Camden and Freeport – those areas park in the rear, except for the very downtown area and they seem to be surviving. She also suggested a faux roof line to get a new England theme. She told the applicant that she didn't see anything presented that would cause her to want to grant a waiver.

Sturgeon told her there would be safety concerns with deliveries – having a truck stop on Main Street, in a 40 MPH zone to unload across the 50-foot buffer doesn't make sense either. Ultimately the project has to be a viable project for them, it can't turn out to be a vacant building.

Eaton stated that he is very familiar with the Camden & Freeport area, and agrees with Sage that their parking is at the rear, in the immediate downtown area. As you move out of the downtown there are buildings with parking at the front, grocery stores & restaurants just after exiting downtown Camden specifically.

CEO spoke of the parking in Damariscotta. He told the Board that there has always been parking on Main Street, the only reason there is even a municipal parking lot at the rear is because when they built the bypass, they dumped that material out behind the buildings. He said that in his opinion it is foolish to say that parking in front is out of the ordinary in that area. He went on to remind the Board that they have box stores in town now, Damariscotta Hardware, Hannaford, Sullivan tire etc. to choose this project to "stick it to" on the non-box architecture seems unfair to him.

Sage stated that someone has to be the first to adhere to the ordinance.

Eaton asked the Board if they thought a site visit would be worthwhile. They could get a first-hand idea of the tree situation among other things.

Begin felt it would be helpful. She was interested in seeing the proximity of the rifle club to the project

Eaton suggested a compromise for the applicant to consider, just an idea from his own thoughts, not speaking for the whole board, but maybe if Catlin shrinks the front parking area it could be an option? He also suggested more screening at the street.

Sturgeon told him that would go back and take a look. He told the Board that another reason they want to take out the existing old trees is that they are pines and once you clean up the underbrush area those pines aren't going to offer any screening, their branches are up much higher and anything planted below to add to the screening wouldn't survive in the shadow of a big pine.

Genthner agreed – the sewer line will get into the root system at that location and those pines will be as good as gone anyway.

Begin asked about accessibility between the buildings.

Tobey showed on the site plan the location of sidewalks & crosswalks with tip downs in the parking area.

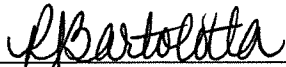
The Board scheduled a site visit for 10/02/17 at 7:00 am.

C. ADJOURNMENT

On motion Sage / Genthner to adjourn the meeting at 9:10 pm.

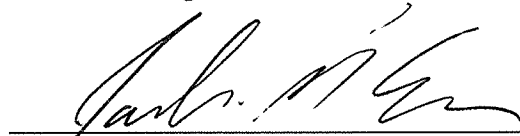
VOTE: 5-0 IN FAVOR

Respectfully submitted by:

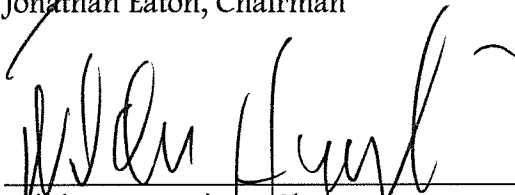


Rebecca J. Bartolotta, Deputy Clerk

We, the undersigned, do hereby approve the minutes of the September 18, 2017 Planning Board meeting:



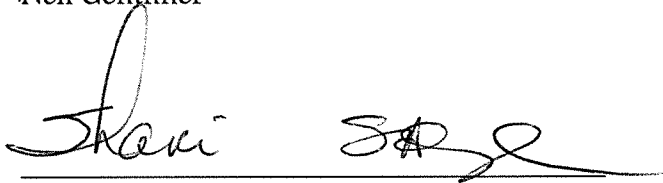
Jonathan Eaton, Chairman



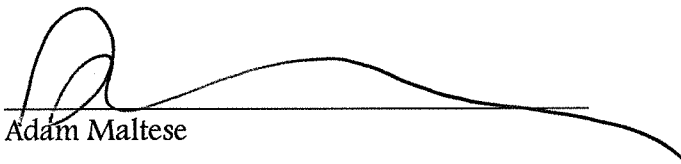
Wilder Hunt, Vice - Chairman



Neil Genthner



Shari Sage



Adam Maltese

Dated: 01/08/2018