

# Planning Board Meeting Agenda

Town of Damariscotta

Tuesday, September 12, 2023 – 6:00PM

## Hybrid Meeting:

Damariscotta Town Office, 21 School Street

Zoom Meeting: <https://us02web.zoom.us/j/88985249796>

Meeting ID: 889 8524 9796      Passcode: DamaPB

1. Pledge of Allegiance
2. Call to Order
3. Old Business:
  - a. Review Planning Board Meeting Minutes
    - i. July 11, 2023 Meeting Minutes
    - ii. August 7, 2023 Meeting Minutes
4. New Business:
  - a. Syncarpha Damariscotta Solar I (Map 3, Lots 62 & 64-5):
    - i. Approval Extension Request Letter
  - b. Clippership Landing (Map 1, Lot 50):
    - i. Approval Extension Request Letter
    - ii. Bed Licensing Request Letter
5. Other Business:
  - a. Site Plan Review Ordinance Amendments
  - b. Planner's Report & Housekeeping
  - c. Questions from the public
6. Adjournment

September 6, 2023

TO: Damariscotta Planning Board  
Jonathan Eaton Jenny Begin  
Wilder Hunt Neil Genthner  
Ann Jackson Gary Rosenthal (alt)  
Dan Day (alt)

FROM: Michael Martone  
Damariscotta Town Planner

SUBJECT: Sept. Planning Board Meeting Context

This month's Planning Board meeting has several items which would benefit from a bit of context ahead of time.

**Extension of Planning Board Approval for Syncarpha's Damariscotta Solar I project**

Syncarpha has provided a letter asking if the Planning Board would consider extending the time frame on the approval of the Damariscotta Solar I project. This project was originally approved by the Planning Board on December 6, 2021 and received a year long extension on November 7, 2022.

Under the §102.6 H.(7) of the Site Plan Review Ordinance, all approvals expire after one year unless work has "substantially commenced". The Planning Board may require a new application but it does not appear that a new application is automatically required.

**Extension of Planning Board Approval for Clippership Landing**

Breakwater Commons Development has provided a letter requesting the Planning Board extend the time frame on the approval of the Clippership Landing project. This project was originally approved by the Planning Board on January 3, 2023.

As stated above, under the §102.6 H.(7) of the Site Plan Review Ordinance, all approvals expire after one year unless work has "substantially commenced". The Planning Board may require a new application but it does not appear that a new application is automatically required.

**Change to Clippership Landing Bed Licencing Category**

Separate from the above mentioned approval extension, Breakwater Commons Development is seeking to license 34 of the 102 beds in their project as 'residential care' rather than as the originally contemplated 'nursing care'. The letter provided by the applicant states that neither the design of the building nor the total number of beds would change, but that the change under MaineCare licensing from 'nursing care' to 'residential care' would affect potential funding.

The proposed land use recognized in the original application was 'Nursing Care Facility' which is defined in the Land Use Ordinance as

"A facility that provides 24-hour skilled nursing care services, rehabilitation and long-term care nursing services to patients or residents. Nursing care facilities are regulated and licensed by the State of Maine."

A definition for 'Residential Care Facility' is also provided in the Land Use Ordinance and is defined as

"A facility that provides residents in need of supervision, assistance with activities of daily living, recreational activities, dietary services, medication administration and nursing services, but do not require skilled nursing care services. Some residential care facilities provide specialized assisted living services including memory care."

While both terms are defined separately in the Land Use Ordinance, the uses are commingled in the Schedule of Land Uses table under §101.5 C.(1) of the Land Use Ordinance under the line item which includes "Congregate care and independent living facilities,

September 6, 2023

assisted living facilities, institutions or services for the disabled, nursing care facilities, residential care facilities, group care facilities”, all of which are conditional uses in the C1, C2, and R (rural) districts.

### **Site Plan Review Ordinance Amendments**

I would like to make sure we are clear on the existing issues the Planning Board would like to address, the process by which we will address each item, and the timeline we are working towards. Changes that are technical, administrative, or procedural in nature may be most efficiently addressed if we clearly define the goals, then have Isabelle and I draft recommended amendments, and then bring a coherent draft for the Board to review. Larger changes and policy issues will require more discussion, public outreach, and more complex amendments. My intention is to balance the most pressing needs with the timeline required by the legal process.

#### **Items to be Addressed:**

##### **Pre-Application Contact**

Update recommended and required meetings and communications with the Town Planner/Planning Department. Make sure applicants understand standards in the ordinance and have all information the Planning Board requires or is likely going to want.

##### **Neighborhood Meetings**

To ensure large scale projects engage the public ahead of submitting a formal application. Ideally the applicant incorporates feedback into the application and the public gains understanding of project scope + concept.

##### **Buffer + Screening Standards**

Clarify applicability and standards. This seems to be largely settled and well worked out by Isabelle's existing work.

##### **Significant Tree Standards**

Measurement, protection, and replacement. This also seems mostly settled and needing minimal additional changes.

##### **Approval Expiration And Extensions**

Providing more clarity on when and how the Board may extend approvals; how to assess Substantial Commencement and Substantial Completion; and any limitations on approval extensions.

##### **To be addressed through larger public process:**

(minor fixes could be manageable, but larger fixes will need more time and discussion.)

- Building arrangement, orientation, and design standards
- Building size limit(s)
- Lighting standards
- Traffic

##### **Timeline to Adoption**

Expect three to four months from the time the Planning Board finalizes a draft until it can be adopted at a special town meeting.

Best,

Michael Martone  
Town Planner  
Town of Damariscotta  
Office: 207.563.5168  
Cell: 201.341.4030

**PLANNING BOARD MEETING MINUTES**  
**TOWN of DAMARISCOTTA**  
**Tuesday, July 11, 2023 – 6:00PM**

**Hybrid Meeting: Town Office & via Zoom**

**MEMBERS PRESENT:** Jonathan Eaton, Chairperson; Jenny Begin, Neil Genthner, and Ann Jackson  
**ALTERNATES PRESENT:** Danial Day (Alternate)  
**ABSENTEES:** Wilder Hunt, Gary Rosenthal (Alternate)  
**STAFF PRESENT:** Michael Martone, Town Planner

**1. Pledge of Allegiance**

Chairperson Eaton led the Pledge at 6:00p.m.

**2. Call to Order**

The meeting was called to order at 6:01p.m. by Chairperson Eaton

**3. Review of Meeting Minutes**

On motion (Genthner/ Begin) to approve the minutes of June 5, 2023, as presented.

Vote: 4-0-0

**4. Public Hearing**

*(none)*

**5. Other Business**

**a. Site Plan Review Ordinance Amendments**

The Board continued the conversation begun at the June 5th Planning Board meeting regarding potential amendments to the Site Plan Review Ordinance. Isabelle Oechsle a consultant working with the Town on the project joined the meeting virtually and began the discussion with a presentation.

**Neighborhood Meetings**

Change heading of §102.5 from 'General Pre-Application' to 'Site Plan Review Procedures'

The pre-application meeting could be combined with the neighborhood meeting and required for all non-residential development and 5+ dwelling units located in or directly abutting rural, residential, or medical zoning districts.

Removal of all non-local permitting from the ordinance was discussed.

**Traffic**

Retain current traffic standards and add "the proposed development will not cause unreasonable public road congestion with respect to the use of public or private ways which will serve the users of the proposed development"

Add "Condition of adjacent streets and intersections, estimated traffic flow to be generated by proposed development, existing and proposed turning lanes, existing or proposed traffic signalization within the vicinity."

**Design Standards**

Discussion of building orientation and how the current standards are problematic. Clearer standards are needed for building footprint, orientation, scale, roof shape, height, and parking location.

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Michael Martone said this was a large part of the work Newcastle did when creating their current code which is largely form-based now. Rather than regulating the “feel” of an area or development, design standards should set clear regulations for form—including things like massing, height, façade articulation—which is the intent of form-based codes.

Jenny Begin asked about the limit of 32 units on one foundation and the Board discussed the historic makeup of development in the C-2 District which is understood to be a mixed of old farms and residences.

Michael Martone suggested that standards can be graduated so smaller buildings will be less regulated but standards can increase as building size increases. This can reduce barriers for owners of smaller properties but make sure large developments with their larger impacts fit the Town’s vision.

**Reorganization of Ordinance and Work Structure**

The standards for §102.6 Performance Standards and §102.7 Large Scale Development are largely unchanged but are being reorganized into §102.6 Standards of Review, §102.7 Design Standards, and §102.8 Additional Standards for Large Scale Development. New section 102.8 incorporates “large scale building projects” (20,000 sf) with additional requirements. Two smaller units on one site fall into this category. More requirements are spelled out for 7500 sf or less and mirror the larger scale standards.

Michael Martone commented that two separate issues are being discussed, administrative and qualitative. Administrative is mostly cleaning up and clarifying where qualitative issues are typically derived from a comprehensive plan or at least with some public input.

Jenny Begin said that there should be lots of opportunities for the public to weigh in and determining changes should be part of the Comprehensive Plan process.

Isabelle Oechsle stated that this is intended to be a stop-gap measure until the Comprehensive Plan is approved and wholesale revisions can be made.

Michael Martone and Isabelle Oechsle will discuss the process and path forward with the Town Manager as well.

**Landscaping**

Landscape standards have been consolidated in to one section and revised to include a table defining minimum Landscape Screening Requirements showing five levels (Basic, L-1 low screen; L-2 High screen; L-3 high wall and L-4 full screen fence. Isabelle Oechsle asked the Board to review and offer suggestions at the next meeting.

Jenny Begin asked if the standard of one tree every 30 ft. was adequate; she would like to see it every 20 ft. Isabelle Oechsle offered to develop visuals showing tree spacing of 30 ft, 20 ft, and 15 ft. One requirement the Board asked to see added is to discourage or prohibit the linear planting of trees.

**Time Limits**

Neil Genthner asked about time limits on approval of projects and public improvements which Isabelle Oechsle said should be addressed when considering condition on any approvals.

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Neil Genthner identified two projects that currently have not completed improvements that were agreed upon at the time they were approved. Michael Martone said requiring new projects to obtain a certificate of occupancy before the development can be used can be a good way to ensure new development completes any conditions of approval or other agreed upon items. However, because the Town's population is under 4,000 issuing such certificates of occupancy is not required by the State, but the Town can consider incorporating that requirement on its own.

For projects with a single building phase improvements would need to be completed before occupancy, but standards can be made to be flexible to account for multi-phased projects or other circumstances.

**Rooftop Solar**

Jenny Begin asked how roof-top solar affects big projects. Isobelle Oechsle stated that this issue is being considered as part of the Comprehensive Plan process. The Town already has a solar ordinance so it is a matter of updating the existing ordinance, not creating a whole new one.

The next steps are for the Board to review the current proposed changes to continue the discussion at the next meeting.

**b. Questions from the Public**

Mr. Peter Wells, a new resident and retired landscape architect, asked about an application he had submitted to replace the deck on the back of his house. Michael Martone said he had reviewed the application and while it did fall within the Shoreland Zone, it could be approved by the Code Enforcement Officer and did not require Planning Board review.

Jenny Begin said that with Peter Wells' background, she would love to have him weigh in on the landscaping aspect of the proposed changes to the Site Plan Review Ordinance. Peter Wells suggesting considering increasing the minimum tree trunk diameter to 2.5 inches and to require a root ball in burlap which should grow quicker than a 6' tree. He also stated the proposed tree spacing was sufficient. He said he would be happy to help with such issues going forward.

**c. Planner's Report**

Michael Martone informed the Board that he has officially began working as the Town Planner and is an employee of the Town of Damariscotta. The position included working at the Town Planner for Newcastle two days a week as well. Tentatively he is in Damariscotta Mondays and Wednesdays and Newcastle Tuesdays and Thursdays which is the same as the Code Enforcement Officer. Michael Martone's office hours are before noon or by appointment.

Ann Jackson asked about the 435 Main Street project and when they are coming back. Michael Martone said he has been in touch with the developer who is working through issues with MEDOT. One point that had been discussed was the possible incorporation of housing into the project. Jenny Begin expressed how hard it is currently to leave the site and drive onto Main Street.

The Board also discussed Dunkin Donuts across the street which often has cars waiting in line for the drive through that goes out into Main Street creating a dangerous situation.

It was noted that Camden National Bank currently has a large surplus of parking, much of which were originally intended to be shared with other buildings proposed on the site and Jenny Begin pointed out that the retention pond created for the development empties into the woods. Michael Martone said he would review the standards and what was approved.

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The question of how much the Town and specifically the Code Enforcement Officer takes note of new construction and whether that work was permitted. It was noted that the Code Enforcement Officer is only contracted for part time work and seeking out violations would require more resources than the Town currently has. Any member of the public or a member of the Planning Board—acting as a private citizen—could report any issues they see and should, but Board Members do not have any additional authority to Code or Zoning issues.

Jenny Begin asked why Sullivan Tire’s remodel project had not come to the Planning Board for review. There is no swale or other vegetation to mitigate runoff included in the project. Michael Martone noted that the project review likely went through the Code Enforcement Officer and may have also been before he had started with the Town. He will look into it and see if anything was missed in the approval of that work.

**Housekeeping**

Next Planning Board meeting is August 7, 2023.

**6. Adjournment**

On motion (Begin/Jackson) to adjourn the meeting at 7:35 p.m.

Vote: 4-0-0

We the undersigned approve the minutes for the Planning Board Meeting of July 11, 2023.

\_\_\_\_\_  
Jonathan Eaton, Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jenny Begin

\_\_\_\_\_  
Date

\_\_\_\_\_  
Neil Genthner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ann Jackson

\_\_\_\_\_  
Date

**PLANNING BOARD MEETING MINUTES  
TOWN of DAMARISCOTTA  
Monday, August 7, 2023 – 6:00PM**

**Hybrid Meeting: Town Office & via Zoom**

**MEMBERS PRESENT:** Jenny Begin, Neil Genthner, and Ann Jackson  
**ALTERNATES PRESENT:** Dan Day  
**ABSENTEES:** Jonathan Eaton (Chairperson), Wilder Hunt, Gary Rosenthal (Alternate)  
**STAFF PRESENT:** Michael Martone, Town Planner

**1. Pledge of Allegiance**

Neil Genthner led the Pledge at 6:00p.m.

**2. Call to Order**

The meeting was called to order at 6:00p.m. by Neil Genthner.

On motion (Begin/Genthner) to have Planning Board Alternate Dan Day fill-in for Wilder Hunt who was absent from the meeting. Vote: 3-0-0

On motion (Jackson/Begin) to elect Neil Genthner as Acting Chairperson for this meeting due to the absence of Chairperson Jonathan Eaton. Vote: 3-0-0

**3. Review of Meeting Minutes**

Review of the meeting minutes from the 7/11/23 Planning Board meeting was tabled due to the unavailability of a draft of the minutes intime for this meeting.

**4. Public Hearing**

**a. 108 Hoffses Beach Lane (Map 17, lot 002 - Karen Johnson)**

Lauren Stockwell, an environmental consultant with Stockwell Environmental Consultants was present representing the land owner, Karen Johnson.

Lauren Stockwell presented the application proposing implementing riprap along 99 feet of the property's shoreline. She explained prior attempts at stabilization through planting of suitable shrubbery in the area was unsuccessful. The H. Chester Wright Inc. designed plan shows 99 linear feet of riprap proposed along the shoreline, with a 17-foot gap for a path to the water, which has already been reviewed by DEP and received a Permitted by Rule. An email dated July 14th 2023 from the Army Corps of Engineers to Karen Johnson issuing permit # NAE-2023-01344 for shoreline stabilization and including the to-be-completed Compliance Certificate Form was provided with the submitted application.

Neil Genthner asked if Dale Wright of H. Chester Wright Inc. had certified the project which Lauren Stockwell confirmed that he had and had issues Certificate # 1800.

Jenny Begin asked if the work area would be staked with flagging to confirm the 99-foot extent of the permitted project. It was requested that the Code Enforcement Officer confirm the total length of the riprap as it is being installed. Lauren Stockwell noted that the 99' maximum length for the riprap is included in the Permitted by Rule issues by DEP as well and that any disturbed vegetation will be replaced too.



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Michael Martone explained that this kind of work does not fall under the Land Use Ordinance but was before the Board because it does fall under the Shoreline Zoning Ordinance. The existing structures on the site, while potentially non-conforming, are not being impacted and the proposed work does not increase any existing non-conformity.

In the Shoreland Zoning Ordinance, filling and earth moving of more than 10 cubic yards in the Residential Shoreland Zoning District requires approval from the Code Enforcement Officer, however, he opted to send the application to the Planning Board for their review. Either way, the activity is permissible as long as it complies with all other standards.

Michael Martone stated that the proposed project material did appear to meet the Ordinance's definition for Rip-Rap.

Jenny Begin requested that, if a building permit is not required, the Town be notified when the work begins so the Code Enforcement Officer can inspect the work and confirm the length of the impacted shoreline. The applicant agreed to the request and Michael Martone confirmed that it should be included in the final findings as a condition on the Board's approval.

Lauren Stockwell asked if a building permit or erosion permit was required to be issued by the Town. Michael Martone said these were questions for the Code Enforcement Officer and that he would be in the office the following Wednesday.

Michael Martone could send a notice of decision to Lauren Stockwell and Karen Johnson within the week but that it may take longer to get the fully signed Findings of Fact and Conclusions of Law.

On motion (Begin/Jackson) to approve the Shoreline Zoning Application for shoreline stabilization through the installation of riprap proposed on Tax Map 017, Lot 002 (108 Hoffses Beach Lane), consistent with the draft Findings of Fact and Conclusions of Law dated 07/31/2023, with the added condition that the applicant stake out the 99 feet of shoreline that will be impacted and inform the Code Enforcement Officer so he may inspect and confirm compliance. Vote: 4-0-0

**5. Other Business**

**a. Questions from the Public – None**

**b. Planner's Report**

November Planning Board Meeting

Due to the use of the Town Office's Meeting Room being used for the election the next day, Tuesday Nov. 7 and the need to prepare the room, the Board voted to reschedule the November meeting from 11/6/2023 to 11/13/2023. Vote: 4-0-0

Historic Preservation Review Committee

The Historic Preservation Review Ordinance requires the Historic Preservation Review Committee to meet once a quarter so a meeting has been scheduled for Monday, August 21, 2023. There is no formal business before the Board currently, but because of the requirement and as the new Town Planner it seemed like a good idea to convene the committee. Concern about maintenance and preservation of brick-faced buildings was raised in light of the collapse of one of Wiscasset's historic brick buildings.

PSAC (Pedestrian Safety Advisory Committee)

PSAC will be meeting Thursday, August 24, 2023 and the Planner will be attending. One agenda item is expected to be a Complete Streets checklist the Town may use when developing street and road projects.

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Comprehensive Plan

The current target date for approval and adoption of the final document by the Town (at Town Meeting) is June 2024. The survey does not seem to be getting the participation anticipated and hoped for by the Comprehensive Plan Committee so please mention it to friends and residents. Their next scheduled committee meeting is for August 28<sup>th</sup>.

**c. Housekeeping**

The next Planning Board meeting is scheduled for Tuesday, September 12, 2023.

**d. Further Discussion**

The Board discussed overall traffic concerns in town.

Jenny Begin stated that she is concerned that the Comprehensive Plan may be using outdated data as the census does not address the shift in population since it was last done in 2020. She noted that residents near Church Street had three new babies this month. There also seem to be a lot more people working remotely and that Damariscotta is now the youngest town in Lincoln County.

Ann Jackson expressed concern about left hand turns onto Rt. 1A (e.g., left out of Camden National Bank; left from School St onto Rt. 1A). The question fo whether there should be a traffic signal at the entrance to where Camden Nation Bank is?

Jenny Begin stated that she has heard from several people that the apartments across from Hannaford are quite nice and quiet

Michael informed the Board that he had a meeting with Clipper Ship Development team and they plan to ask for an extension of their original approval. Jenny Begin asked if they had received Statement of Need from the State yet. Michael Martone will try to find out for the Board by the next meeting.

**6. Adjournment**

On motion (Begin/Jackson) to adjourn the meeting at 7:15 p.m. Vote passed unanimously.

We the undersigned approve the minutes for the Planning Board Meeting of August 7, 2023.

\_\_\_\_\_  
Neil Genthner, Acting Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jenny Begin

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ann Jackson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Daniel Day (alternate)

\_\_\_\_\_  
Date



August 25, 2023

Mr. Michael Martone  
Town Planner  
Town of Damariscotta  
21 School Street  
Damariscotta, ME 04543

Re: Request for Permit Extension - Atlantic Highway (US Route 1) Solar PV Development

Dear Mr. Martone:

Damariscotta Solar I, LLC (Damariscotta Solar) is pleased to submit this request for a one-year permit extension of the Site Plan for a proposed 4.95 MW AC solar photovoltaic (PV) facility on the east side of Route 1 on the Damariscotta/Nobleboro town line. There have been no changes to the Site Plan that was originally approved by the Damariscotta Planning Board during the Public Hearing held on December 6, 2021. The same Site Plan received reapproval during the Planning Board meeting held on November 7, 2022.

The reason that construction has not substantially begun is that Central Maine Power has included this project in a transmission study. At the time the project was permitting, Damariscotta Solar was not informed that this project would be included in the study. The study is awaiting approval by CMP and is anticipated to be complete by November of this year. Construction can begin following receipt of the study results.

We respectfully request to be added to the agenda of the next Planning Board meeting on September 12, 2023 for an extension of the permit.

Sincerely,

*Sarah Hussain*

Sarah Hussain  
Syncarpha Capital, LLC  
250 West 57th Street, Suite 701  
New York, NY 10107



August 17, 2023

Forwarded via Email

Michael Martone  
Acting Town Planner  
Town of Damariscotta  
21 School Street  
Damariscotta, Me 04543  
[planner@damariscottame.com](mailto:planner@damariscottame.com)

**Re: Clippership Landing Development LLC: Request for Site Plan Permit Extension**

Mr. Martone:

Clippership Landing Development, LLC received a final decision and approval of our Site Plan Permit application on January 3, 2023. (PID #2201)

Clippership Landing Development, LLC is requesting an Extension of the site plan approval for a period of one (1) year. Construction start for Clippership Landing is pending finalizing the building design and construction pricing that will become part of a Certificate of Need (CON) application with the Maine Department of Human Services. The Certificate of Need application process is a vigorous process that can take up to six months.

We plan to file the finalized Certificate of Need Application by the end of September and don't expect to have final approval until early 2024 with an anticipated construction start in the 2<sup>nd</sup> Quarter 2024.

Thank you for your consideration.

Daniel Maguire  
Member  
Breakwater Commons Development, LLC

Managing Partner  
Sandy River Company

Real Estate Services for the Healthcare Industry

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217 Commercial St., Suite 201 PO Box 110 • Portland, Maine 04112 • TEL: 207.558.6060

[www.SandyRiverCompany.com](http://www.SandyRiverCompany.com)



August 17, 2023

Forwarded via Email

Michael Martone  
Acting Town Planner  
Town of Damariscotta  
21 School Street  
Damariscotta, Me 04543  
[planner@damariscottame.com](mailto:planner@damariscottame.com)

**Re: Clippership Landing Development LLC-Request Approval for a Change to Bed Licensing Categories for Clippership Landing**

Mr. Martone:

Clippership Landing Development, LLC received a final decision and approval of our Site Plan Permit application on January 3, 2023. (PID #2201)

Clippership Landing Development, LLC was reviewed and approved based on 102 licensed nursing care beds. After further evaluation and working closely with LincolnHealth, we have decided one of the three 34 bed "neighborhoods" in the building would best serve the community as a memory care neighborhood that is licensed as residential care beds (also known as assisted living beds) and be eligible for funding under the MaineCare PNMI program.

Please note that nursing care centers, assisted living facilities and residential care facilities are all eligible uses within the Rural Zoning District.

The number of licensed beds (102) in the building would not change and there would be no changes to the building footprint nor any change to the site plans and site design that was approved. This change is merely a change in how 34 of the 102 beds are licensed and funded under the MaineCare program. We are requesting approval for a change from 102 licensed nursing care beds to 68 licensed nursing care beds and 34 licensed residential care beds serving residents requiring memory care. Again, we are not requesting any change to the site plans and site design that has been approved.

Thank you for your consideration of this change.

  
Daniel Maguire

Member  
Breakwater Commons Development, LLC  
Managing Partner, Sandy River Company

Real Estate Services for the Healthcare Industry

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217 Commercial St., Suite 201 PO Box 110 • Portland, Maine 04112 • TEL: 207.558.6060

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