

## Agenda for July 16, 2018 LUAC Meeting

1. Given that Town Meeting approved our initial amendments to the Site Plan Review Ordinance by a close vote at open meeting, we need to review the current SPR Draft (which includes those adopted changes) focusing on the remaining recommended changes. Matt has suggested we look at adding something about "major changes to commercial buildings exteriors" getting further planning board review, and I think that is doable. We probably will need a second meeting (or more) this summer to finish our review of the SPR Ordinance with a view to getting a public hearing and putting it on the November ballot.

2. LUAC has been invited to a Workshop with the Selectmen at 5:30pm on Wednesday August 15<sup>th</sup> (prior to their regular meeting) to review our next steps as a committee. So I'd like to meet one more time before then to finish our review of the SPR Ordinance and think about how we are doing.

3. I have begun working on revising the Historic ordinance (to fit Certified Local Government guidelines) but will need more time and want feedback from the Selectmen on whether they want to pursue a CLG ordinance, and whether they'd support a demolition delay ordinance as a stand-alone, or as a provision in the larger ordinance. We might suggest that Megan from Augusta could meet with them as she did with us.

d.) Reports/old/new business. Thanks. Bruce

### Appendix:

Information circulated in e-mails since we last met.

#### 1.) From Town Manager July 16, 2018:

**Matt Lutkus <MLutkus@damariscottame.com>** 1:02 PM (1 hour ago)

to Anthony, me, Stan

Tony and Bruce, I have not seen if this is in the latest draft but wanted to flag this again if it is not. The LUAC may want to consider including in its draft ordinance a provision that requires Planning Board approval of major changes to commercial buildings' exteriors. Right now, as long as the owner of the building remains on the same footprint, the only requirement is that they meet the Sign Ordinance provisions. Recent examples are Hammond's and Rising Tide's exterior changes and, coming up in the near future, the significant updating that McDonalds is planning. Matt

2.) **Tony sent this link this afternoon** – includes a blog and podcast etc on Smart Growth: <https://smartgrowthamerica.org/>

3.) **From earlier today:** Tony's response to Matt's question: [Under the LUAC “recommendations for changes to Land Use related ordinances”](#), we need to present an updated subdivision ordinance and an updated site plan ordinance as well as an historic

preservation or demo delay ordinance. Can the Selectmen deal with the Bag Ban ordinance? With Town Manager and Planner as staff?

**From:** Matt Lutkus **Sent:** Thursday, July 12, 2018 12:44 PM

**To:** Anthony Dater; Rebecca Bartolotta; Cheryl Pinkham; John Roberts; Hugh Priebe; Jason Warlick; Jo Kenefick; Jurate Barnes; Michelle Cameron; Stan Waltz

**Subject:** Town Annual Work Plans Please take a look at the 2018-19 Draft workplan and let me know if there is anything that you would like to add. I have also attached the update for 2017-18. We should celebrate all that we have accomplished- not only the items listed on the plan but so much more. Thanks to everyone. I will be having a workshop with the Selectmen on August 1 to get their views on what should be included in the plan for 2018-19. Matt Matt Lutkus Town Manager Town of Damariscotta, ME [mlutkus@damariscottame.com](mailto:mlutkus@damariscottame.com) 207-563-5168 FAX 207-563-6862

4.) **Jenny's suggestion** for a complete rewrite from scratch – idealistic and understandable but I think beyond our ability and mandate just now. Here is what Jenny suggested a few days ago:

**Jenny begin** 4:49 PM (22 hours ago)

to dater, Matt, Antonio, haas, me, Ronn, Ann, apinkham, croberts, lucy04553, Matt, fmsewall, jpolyniak

Dear Committee:

After my initial contributions to the site plan review update regarding stormwater and erosion control and a few other tweaks, I have watched the steady march of additional edits to a fundamentally flawed document, despite all the good efforts and best intentions.

Damariscotta needs a comprehensive land use and development code. One that is easy to access online and to reference and devoid of the redundancy of the current collection of ordinances that because of their evolution over time with many authors and agendas has resulted in ordinances such as the current one for site plan review which is convoluted in organization and allows opportunities for inconsistent application.

At some point in the near future, I think we need to bring in a professional to reorganize the ordinances into a code (for example see Brunswicks). There is an organization called Code Publishing that does this for towns, but I don't think we are at a stage that they could work with us.

Even with this site plan review ordinance, we need professional/legal/planning/editorial help. The edits are so numerous we should perhaps seriously consider a repeal and replace measure, not to go through changes line by line. We could then be free to organize this ordinance properly and make it a less convoluted document (without losing the important content!!)

**5.) From Matt, July 12, 2018:** Tony, make sure that all new and revised ordinances going forward incorporate the new format recommended by Bruce, Robin and other members of the ordinance format committee in 2016. In retrospect, we should have done this when the changes to the Floodplain, Shoreland Zoning and Sit Plan Review Ordinances were made earlier this year. Thanks, Matt

6.) **From Matt, July 12, 2018:**

**Matt Lutkus <MLutkus@damariscottame.com>** Jul 12 (4 days ago)

to me, cwpinc30, Anthony, Rebecca, Michelle, Cheryl, Stan, Jason, Ronn

Jon, Bruce and Tony, Here are several very important items.

**-The Selectmen would like to hold a workshop with the Land Use Committee on August 15 a 5:30PM (prior to regular Board of Selectmen's Meeting) to review next steps in LUAC's review of the land-use ordinances.**

**-The Selectmen are intending on taking the proposed plastic bag/polystyrene prohibition ordinance to the voters in a special town meeting coinciding with the general election on November 6.** If the Historic Preservation Ordinance is ready for early September public hearings, this Ordinance could be included on the ballot. Bruce and Tony, Let me know if this is doable. -The legislature recently overrode three vetoes of bills related to adult-use marijuana facilities and medical marijuana caregiver and retail locations. The new laws broaden municipal authority in both areas. This includes land use issues regarding these establishments. Towns that wish to have these marijuana facilities located within their boundaries will need to "opt-in" (existing medical marijuana caregivers will be grandfathered). I am asking Tony to identify those provisions in each of the new laws that relate to zoning/land use and develop recommendations for the Planning Board and LUAC and ultimately the Board of Selectmen. Again, the Board of Selectmen would like to have ordinances authorizing marijuana establishments (cultivation, manufacturing, testing and sales) along with all related land -use and license-related ordinance on the November 6 ballot. Tony and the Planning Board will obviously have an important role in the drafting of this ordinance. LUAC will need to decided whether it would like to provide and input as a committee.

For the sake of preparing the initial drafts on land-use, I would recommend: Using the statutory default of 1000 feet for the distance from schools (municipalities can reduce this to no less than 500 feet)

Allowing retail sales only in C1 and C2.

Allowing commercial cultivation only in C2 and rural

Allowing testing and manufacturing only in C2

Allowing cultivation for personal use up to the limits in the Statute (municipalities have some latitude to reduce this if we wanted)

These are only my recommendations. The Planning Board can decide differently if it so

chooses. Please refer to the law itself for guidance on what land-use issues need to be addressed in the adult-use (recreational) law:

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1199&item=4&snum=128>

The sections on local regulation begin on page 27, although there are references to the municipal role in administering this law throughout the document. The new medical marijuana laws were just approved by the legislature on Monday so I do not have copies of the statutes yet.

FYI, I will be working with Chief Warlick and the Town Hall staff to establish recommended licensing requirements and forms as well as address other issues like the criminal background checks. Matt Lutkus