

Agenda of the Damariscotta Land Use Advisory Committee (LUAC)

4:30 - 6:00 pm, Monday, March 18, 2019.

1. Review and approve agenda.
2. Review and approve Minutes of March 4, 2019 LUAC meeting, with any revisions as needed.
3. Shall we change the dates of our April meetings to **Monday April 1 and Tuesday April 16**, as Bob has suggested? I think that this would be a good idea. [*We agreed to this change.*]
4. Robert Faunce, Planner: Update/remarks. Bob emailed me (BLR) today (3/18) to ask [First, do you recall what we decided to change in SPR on pages 3, 19, 30 and 32? My response was:](#) On page 3: It looks like you want to have 102.3.A.1 start with either "New Construction" or "Construction".... We also inserted per Haas to capitalize "Conversion" in 102.3.A.3. Marijuana in 9.: Is that something we omit if the Selectmen don't approve an ordinance? Or is it something to leave in as it will apply if and only if we adopt said ordinance?

On page 19: I think we agreed to clarify G.2. by making it clear that the Board *didn't* have discretion to NOT hold a public hearing (for sites 7,200 sq ft. or more). Rather it reads as written "The Board **shall** schedule....etc." And then have a period after Section 102.5.G.1. And then a new sentence: "The Board **may** at its own discretion hold a public hearing and site visit for projects with a smaller footprint than 7,200 sq.ft." Again I think that was a point Haas and others made at our last meeting.

On page 30: K.3. line 5: should read ""able to be contained therein." (We added "be") We approved everything up to M on page 32, so we pick up on the balance of the document from that point.

Bob also asked me: Second, Amanda and I research the aggrieved party question. Attached is her latest memo. The definition as currently proposed is not consistent with Maine case law. I talked to the York planner and manager, neither of them was aware of the definition cited by Tony and both said they would like to see it removed. If the LUAC still wants to expand the definition of aggrieved party beyond the current scope you might consider the following. Bob Bob's suggestion is:

AGGRIEVED PERSON OR PARTY – an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of citizens of Damariscotta who have suffered particularized injury as a result of the granting or denial of such a permit or variance; **a person who can establish that his or her actual use or enjoyment of property will be adversely affected by a proposed project or some other personal interest will be directly affected, which is different from that suffered by the general public.**

I think the suggested language looks good. I attach Amanda's memo and we can talk about it tonight.

5. Continue discussion of the revised and reformatted *Site Plan Review Ordinance* (SPRO) planner provided us previously, from page 32. Discuss the "Aggrieved party" definition. Try to complete our review of the SPRO to send it to the Planning Board and Board of Selectmen in time for June warrant.

6. Report of March Community Conversation Subcommittee (Haas, Jenny, Ann J.)

7. Time permitting, revisit the ideas of a C-3 Overlay District for Church Street to address noise and light pollution and preserving the residential nature of this close-in-town neighborhood.

8. Next meetings:

Previously: Monday April 8, 2019 at 4:30; ***Changed to April 1***

Previously: Tuesday April 23, 2019 at 4:30; ***Changed to April 16***, just before the Planning Board Meeting that same evening.