

Agenda
Board of Selectmen's Meeting
Town of Damariscotta, Maine
June 6, 2018, 5:30 PM
Damariscotta Town Hall

- I. Pledge of Allegiance**
- II. Call to Order**
- III. Minutes**
 - 1. May 16 Meeting
- IV. Financial Reports**
 - 1. Payroll Warrant # 57
 - 2. Accounts Payable Warrant # 58
- V. Presentations**
 - 1. Stepping Stone- Two Presentations
- VI. Citizen Comments and General Correspondence**
 - 1. Letter from Valmar Thompson re: Miles Road
 - 2. Thank you Letter from Healthy Kids
- VII. Town Manager Items**
 - 1. New Public Works Truck (on display in Town Hall parking lot)
 - 2. Annual Town Reports
 - 3. Land and Water Conservation Funding
 - 4. Schedule for Review of Prospective Board and Committee Members
 - 5. Reminder on Annual Town Meeting
 - 6. Update on Restroom Project
 - 7. MMA Legislative Policy Council Appointment
- VIII. Official Action Items**
 - 1. Cemetery Deed and Perpetual Care Agreement with David Page
- IX. Selectmen's Discussion Items**
- X. Adjournment**

BOARD OF ASSESSORS' MEETING TO FOLLOW

Town Manager Notes

June 6, 2018 Board of Selectmen's Meeting

Presentations

Stepping Stone- As the Board is aware, in February, the Town's Board of Appeals heard an appeal of a Planning Board decision to approve redevelopment of the Blue Haven site by Stepping Stone. The Appeals Board decision in favor of the appellants put an end to the non-profit's plans to replace the existing mobile homes on the site with new homes. There has been some confusion about the decision, i.e., the Board may not have realized that their decision would result in an end to the redevelopment plans and some of the neighbors assumed that the decision would result in the demolition of existing structures even though the Board had no authority to require demolition.

The action by Appeals Board combined with the clarification provided by the Town's legal counsel (see attached) has left a situation where basically none of the interested parties are pleased. The area residents still must contend with a blighted neighborhood, some of which is created by the old structures on the Blue Haven property and the Stepping Stone organization has been thwarted in their plan to upgrade the living conditions of their clients.

I have asked Code Enforcement Officer (CEO) Stan Waltz to provide the Board with a brief history of CEO and Planning Board actions related to this development. I also asked Pastor Marilee Harris, the manager for Stepping Stone, to provide an update on the organization's plans to improve the site. Amy Lalime who represents some of the residents in the area had previously asked that the group be given the opportunity to address the Board on Wednesday. However, since her attorney is not available next week, this third presentation will be postponed until your June 27 meeting.

Citizen Communications-

1. **Letter from Valmar Thompson re: Miles Road** – The letter is attached. I apologize for not forwarding this letter to the Board sooner.
2. **Thank you Letter from Healthy Kids** (attached)

Town Manager Items

I will provide verbal reports on each of these topics.

Official Action Items

1. **Cemetery Deed and Perpetual Care Agreement with David Page-** The agreement is attached for the Board's review. **Recommended Action: Approve the cemetery deed and perpetual care agreement with David Page.**

March 23, 2018

Sent via

Matthew Lutkus, Town Manager
Town of Damariscotta
21 School Street
Damariscotta, ME 04543

RE: Stepping Stones Housing Inc., Board of Appeals Decision

Dear Matt:

You've asked me whether the recent decision of the Zoning Board of Appeals requires the Town to require Stepping Stones Housing Inc. to stop performing work in conformance with previously granted building permits. The short answer is that it does not.

On April 3, 2017, Stepping Stones Housing Inc. received a site plan approval from the Planning Board for a proposed six-unit redevelopment. That site plan approval was timely appealed to the Zoning Board of Appeals, which on February 8, 2018 overturned that approval. The Zoning Board reasoned that, even assuming that more than three-units were grandfathered on the property (an issue that it did not reach in its decision), "the proposed plan to demolish and replace, and in some instances relocate, the claimed six nonconforming dwelling units" would be subject to ordinance requirements which would limit the number of units to three.

I understand that Stepping Stones Housing Inc. separately applied for and received buildings permits from the Code Enforcement Officer for work on certain individual buildings prior to its site plan application to the Planning Board. Those other building permits were never appealed and have now become final. Under Article 10.F.2.e., those permits remain valid for three years provided that construction is completed within that time.

Because the Zoning Board's jurisdiction was limited to a review the Planning Board's site plan approval, it did not (and could not) review the validity of any of those other building permits. Nor can the Zoning Board's decision serve as a basis for the Town to now revisit those other permitting decisions. Moreover, nothing in the Zoning Board's decision purports to be a determination that the current use of the property violates some ordinance provision. Nor would the Zoning Board have had authority to make such a determination.

If Stepping Stones Housing Inc. wishes to use the property in a manner that would require additional permits from the Town, it will need to apply for such permits. If and when it does so, the relevant reviewing authority will need to review the permit application against the relevant

March 23, 2018

Page 2

ordinance provisions at that time. Depending on the specifics of the permit application, the reviewing authority might also need to review facts involving any potential grandfathering issue.

I trust this letter is responsive to your question. Please let me know if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David M. Kallin". The signature is fluid and cursive, with a long horizontal stroke at the end.

David M. Kallin

DMK/tzl

Cc:

April 16, 2018

Selectmen
Damariscotta, Maine

Dear Selectmen:


Miles Street poses a danger to those travelling to Miles Memorial Hospital. A copy of the letter I wrote to the hospital is enclosed and explains my concern in detail.

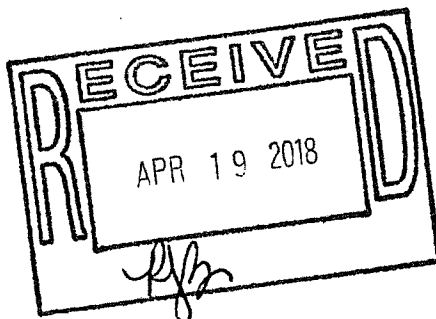
Their reply to my letter was defensive and did not respond to my concerns. And they shifted the responsibility, rightly, to you for any remedy.

I cannot think of any other place in Damariscotta that has such an unprotected roadway adjacent to deep water.

Miles Street is hazardous. The fix is simple and straightforward. I hope you can address the problem.

Sincerely,


Valmar Thompson
Edgecomb, Maine



January 8,

James Donovan
Miles Memorial Hospital
Damariscotta, ME

Dear Mr. Donovan:

I am writing to acquaint you with a dangerous condition that exists on the road leading to Miles Memorial Hospital. It makes for an accident ready to happen, with perhaps fatal consequences.

Specifically, Miles Street—the road from the Bristol Road leading to Miles—is, in part, a causeway that spans the upper reaches of an estuarial inlet. At high tide there is deep water on either side of this causeway. At other stages of the tide the depth of water is less but the embankments are higher. But no matter what the tide stage, or the season of the year the causeway offers no protection to a vehicle out of control.

Just imagine a sick, injured, or distraught person approaching Miles. A little carelessness or distraction and the vehicle is over the causeway embankment, nose down, or worse, upside down, in water or mud. Leaving Miles the very same danger exists on both sides of the causeway. Ice and snow, of course, makes the situation worse.

The fact that an accident hasn't happened is no excuse for assuring that it will not happen.

The solution are barriers on either side of the roadway on the causeway. There are dozens of barrier designs which would serve. All affordable, many attractive.

I look forward to hearing from you on this matter.

Sincerely

Valmar Thompson
166 Spring Hill Farm Rd.
Edgecomb, Maine
Tel. 882-7637



May 21, 2018

Board of Directors

Town of Damariscotta
21 School Street
Damariscotta, ME. 04543

Alicia Hunter, LSW
President

Debbie Anderson
Treasurer

Doug Straus
Secretary

Sandy Guibord

Larry Holmes

Bridget Miller, MA

Staff

Leslie Livingston, MS
Executive Director

Mindy Correll, MS
Educator

Barbara Dakin
Office Assistant

Dear Selectmen,

Thank you so much for \$2,200 appropriation for fiscal year 2018. With your generous donation, we are able to continue our work serving our community through education, networking groups and support groups that give parents information and the tools they need to help them with the wonderful, yet difficult job of being a parent. Additionally, we provide professionals with the most up-to-date information on the prevention and reporting of child maltreatment



We currently provide over 3,000 units of service in Lincoln County to support both parents and professionals through our Home Visiting Program, parent groups held in Damariscotta, Waldoboro and Boothbay Harbor, Supervised Visitation Program, school programs, an educational program for inmates at Two Bridges Regional Jail, and educational training for professionals who work with children. We are very excited to have recently started a new parent support group this fall, focusing on the support and education of parents of the toddler to preschool age group.

Our mission is to provide professionals, parents and other caregivers with the support and education they need to help children grow up to reach their greatest potential and to prevent any form of child maltreatment.

We so appreciate your support of Healthy Kids, believing we make a difference in the lives of the children and families in our community!

Sincerely,

Leslie Livingston, M.S.
Executive Director

Cemetery Deed

KNOW ALL MEN BY THESE PRESENTS that the Town of Damariscotta, in the County of Lincoln and the State of Maine, a municipal corporation organized and existing under the laws of the said State, in consideration of the sum of nine hundred dollars (\$900.00) paid by **David H. Page**, in the state of Maine, does hereby transfer and convey unto the said **David H. Page** and his/her assigns, a certain lot of land in **Hillside Cemetery** in said Town of Damariscotta, said lot(s) being numbered **#1018, 1019, and 1020 (Annex 2)** as shown on the plan of the cemetery on file with the Trustees of said cemetery.

TO HAVE AND TO HOLD the same unto the grantee(s) and assigns forever:

ON CONDITION that the same shall be used and improved only as and for a burial lot for the human dead; that no permanent markers shall be erected above the surface of the ground (this does not apply to monuments); no shrubbery or trees shall be planted on the lot; the lot shall not be mounted or terraced, grade to be maintained on level with the rest of area; that it shall not be sold or transferred without leave had and obtained in writing from the trustees of said cemetery; that the owners and possessors thereof shall always be subject to such regulations and orders as are or shall be made for the use and improvement of said cemetery.

And the said Town of Damariscotta covenants to and with the **David H. Page** and his/her assigns that it is lawfully seized in fee of the aforesaid premises, that the granted premises are free from all encumbrances, that it has good right to sell and convey the same to the said **David H. Page** and his/her assigns forever.

IN TESTIMONY WHEREOF, the Town of Damariscotta has caused these present to be signed and sealed by its Selectmen, thereunto duly authorized this **6th day of June, 2018**.

The Town of Damariscotta

Roberta Mayer

Ronn Orenstein

Louis F Abbotoni

Mark Hagar

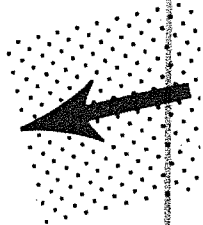
Amy Leshure

State of Maine

County of Lincoln

Then personally appeared the above named Selectmen of the Town of Damariscotta and acknowledge the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said Town on June 6, 2018.

Before me, _____
Notary Public



Cemetery Perpetual Care & Maintenance

THE TOWN OF DAMARISCOTTA, in the County of Lincoln and State of Maine, has received from **David H. Page**, in the State of Maine the sum of six hundred dollars (\$600.00.), and said sum has been accepted by said town, to be held in trust, the income thereof to be used for the perpetual care and maintenance of cemetery lot number(s) **1018, 1019, and 1020 (Annex 2)** in the **Hillside Cemetery**; provided however, that should any part of said income remain unexpended, after the reasonable and proper care of said lot, it shall be used for the general care and maintenance of **Hillside Cemetery**.

Dated at Damariscotta, Maine this **6th** day of **June, 2018**.

Roberta Mayer

Ronn Orenstein

Louis F Abbotoni

Mark Hagar

Amy Leshure

The Town of Damariscotta

State of Maine

County of Lincoln

Then personally appeared the above named Selectmen of the Town of Damariscotta and acknowledge the foregoing instrument to be their free act and deed in their said capacity and the free act and deed of said Town on June 6, 2018.

Before me, _____
Notary Public

