

TOWN OF DAMARISCOTTA

PLANNING BOARD MEETING AGENDA

When: Monday, November 8, 2021 - 6:00 PM

Where: Town Office

Note - Also available by Zoom

<https://us02web.zoom.us/j/83844456093?pwd=TGI2bWhjOURBNjZ6dWZvL1cybEJSZz09>

Meeting ID: 838 4445 6093

Passcode: 325291

Pledge of Allegiance

REGULAR MONTHLY MEETING for November 8, 2021

MINUTES October 5, 2021 Meeting
October 14, 2021 PB Site Visit

A. OLD BUSINESS

1. Damariscotta 1 Solar – Site Plan Review Application Review and Public Hearing

B. NEW BUSINESS

1. 137 Cottage Point Road – Shoreland Zoning Permit - Dock with Float
2. Amendments to PUD Provisions and Dimensional Requirements to Improve Utilization of Sewer-Accessible Land for Residential Development

C. OTHER

1. Questions from the public
2. Housekeeping
3. Planner's Reports

D. ADJOURN

Memorandum

To: Damariscotta Planning Board

Fm: Bob Faunce

Dt: October 28, 2021

RE: Damariscotta 1 Solar – Site Plan Review and Public Hearing

Weston & Sampson Engineers has submitted a revised Site Plan Review application to develop a 4.95 MW solar farm on the easterly side of Route 1 in Damariscotta and Nobleboro. The Planning Board previously found the buffer along Route 1 inadequate and the applicant revised the plan to increase the buffer as shown on the Limit of Work Change plan dated October 8, 2021. The Board conducted a follow-up site visit on October 14 and members in attendance found the buffer along Route 1 adequate.

Pending the results of the Public Hearing, receipt of an entrance permit from MaineDOT and approval by the Fire Chief, staff believes the project satisfies the requirements of the Site Plan Review Ordinance, Solar Energy Systems Ordinance and a Conditional Use Permit. Attached are approval checklists for Site Plan Review and a Conditional Use Permit. Below are criteria for approval under the Solar Energy Systems Ordinance.

- A. Ground-mounted solar energy systems that exceed 2 acres in panel area shall be further buffered such that they are not visible year round from public roads. Vegetation control shall be by mechanical means only. Chemical vegetation control is prohibited. **Complies.**

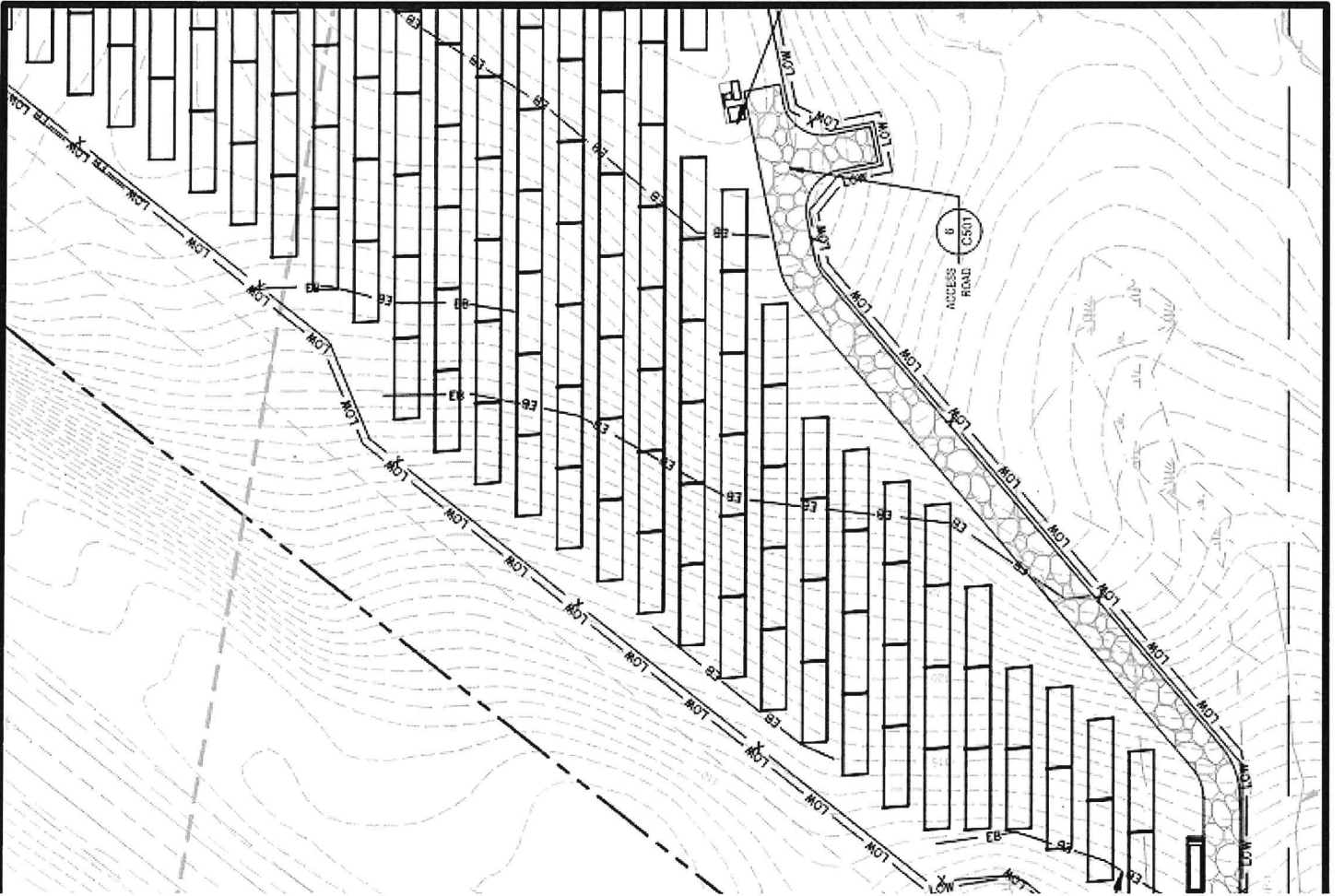
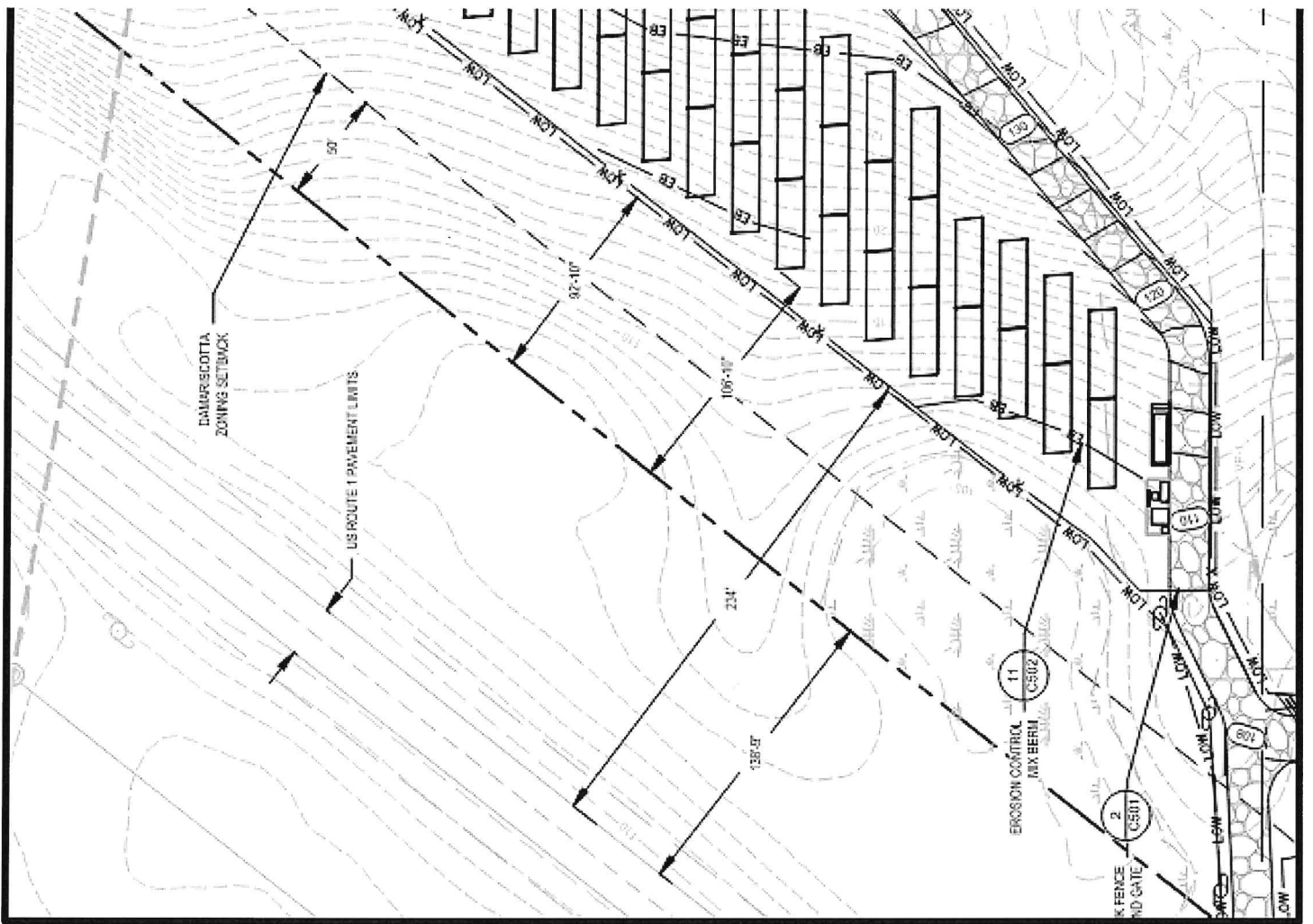
- B. Lots on which Ground Mounted Solar Energy Systems are located shall be protected by a perimeter fence unless the Planning Board determines pursuant to Site Plan Review that such fencing is not necessary to protect the facility or the public. One or more signs shall be affixed to the fencing identifying the owner of the facility and emergency contact information. **Complies.**

- C. For purposes of emergency services, the owner or operator of a ground-mounted solar energy system shall provide a copy of the project summary,

electrical schematic, and site plan to the Damariscotta Fire Chief. Upon request, the owner or operator shall cooperate with the Fire Department in developing an Emergency Response Plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person to the Code Enforcement Officer and the Fire Chief for public inquiries throughout the life of the installation. **Pending receipt of Fire Chief approval.**

- D. The owner or operator of a ground-mounted solar energy system shall maintain the facility in good condition. Maintenance shall include but not be limited to, painting, structural repairs, vegetation control and integrity of security measures. Site access shall be maintained to a level acceptable to the Damariscotta Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s) unless the road(s) is accepted as a public way. **Condition of approval.**
- E. The owner or operator of a ground-mounted solar energy system shall build and maintain it in compliance with all relevant Federal, State and Local Laws, Regulations, and Ordinances. **Condition of approval.**

Performance Guarantee, Decommissioning and Removal Requirements.
Conditions of approval.



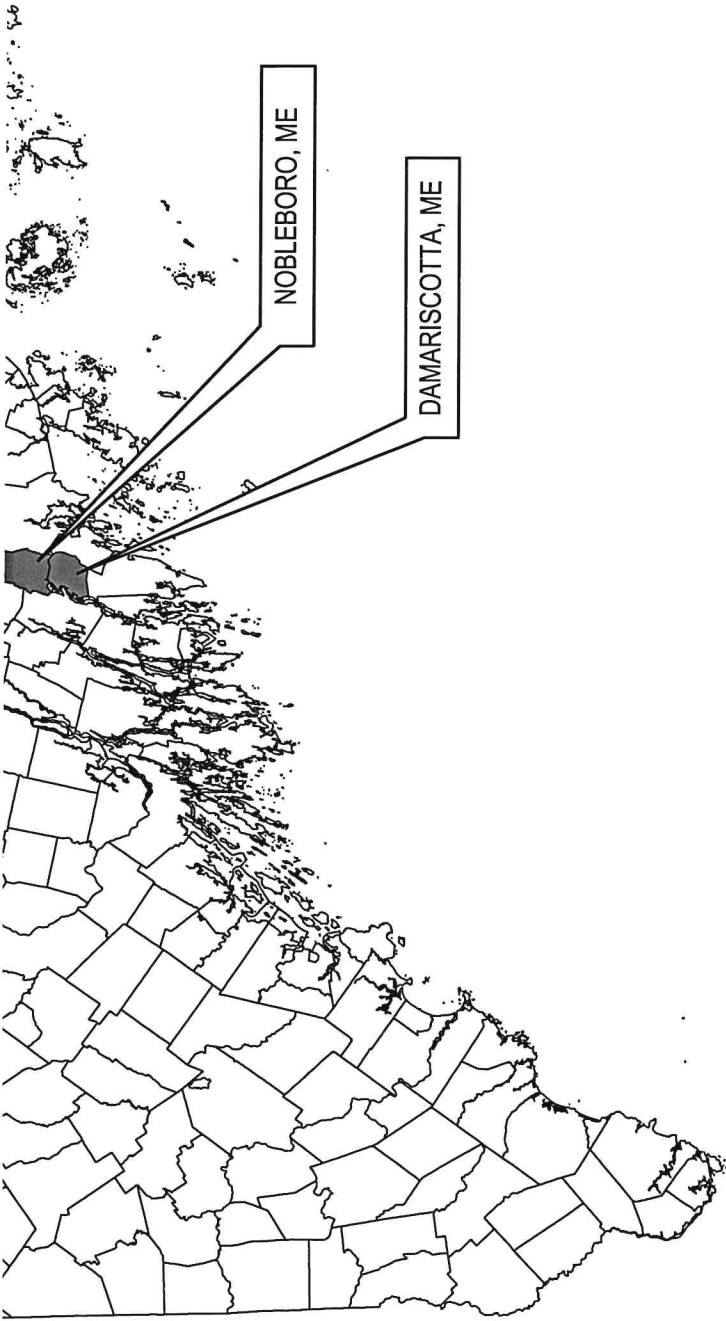
Project Name:		Damariscotta Solar 1
Date:		10/28/2021
Site Plan Review Performance Standards		Findings
A.	Preserve and Enhance the Landscape	<i>A satisfactory buffer is proposed along Route 1. About half the property will be permanently preserved as open space</i>
B.	Relationship to Environment and Neighboring Buildings	<i>No nearby buildings</i>
C.	Air Quality	<i>No impact</i>
D.	Lighting and Glare	<i>No lighting proposed</i>
E.	Noise	<i>No sound-producing project components</i>
F.	Adequacy of Public Road System	<i>No post-construction traffic</i>
G.	Access into the Site	<i>MaineDot entrance permit (if issued)</i>
H.	Parking and Circulation	<i>No parking proposed; internal access</i>
I.	Pedestrian Circulation	<i>No pedestrians</i>
J.	Existing Public Utilities and Services	<i>None required</i>
K.	Water Quality	<i>No impact</i>
L.	Stormwater Management	<i>No off-site runoff</i>
M.	Erosion and Sedimentation Control	<i>Plan submitted</i>
N.	Water Supply	<i>None required</i>
O.	Natural Beauty	<i>Adequate visual buffer</i>
P.	Historic and Archaeological Resources	<i>No impact - letter submitted</i>
Q.	Filling and Excavation	<i>Minimal</i>
R.	Sewage Disposal	<i>None required</i>
S.	Phosphorus Control	<i>Not required</i>

T.	Buffer Areas	<i>Satisfactory</i>
U.	Signs	<i>None proposed</i>
V.	Building Appearance	<i>No buildings proposed</i>
Large Scale Development Performance Standards		<i>Findings</i>
A.	Building Appearance	
B.	Outdoor Sales	
C.	Parking	
D.	Bicycle and Pedestrian Facilities	
E.	Landscaping	
F.	Screening	
G.	Building Reuse	
Additional Standards for Buildings > 20,000 sf		<i>Findings</i>
H-1.	Visibility from roads	
H-2.	Outbuildings	
H-3.	Community Impact Statement	

Conditional Use Criteria

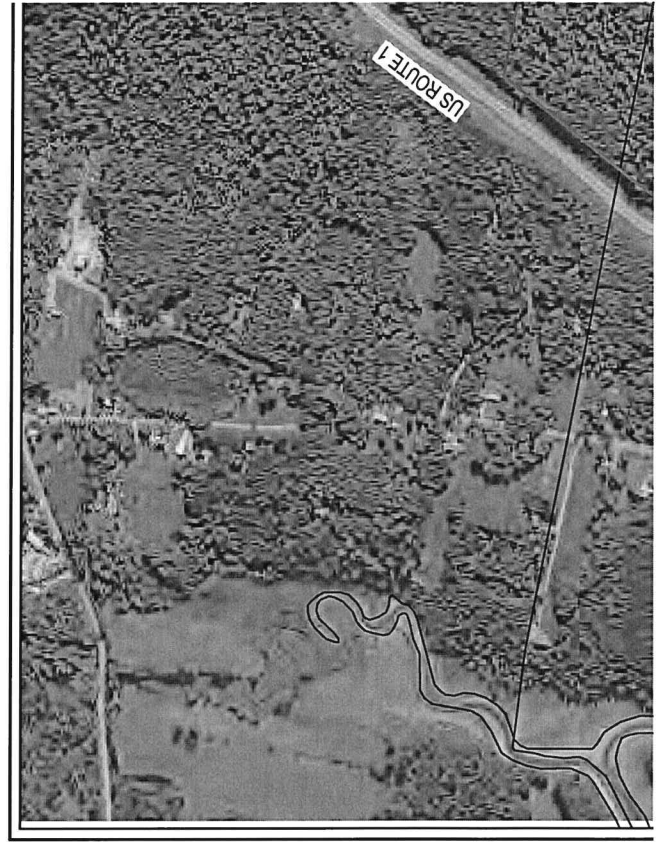
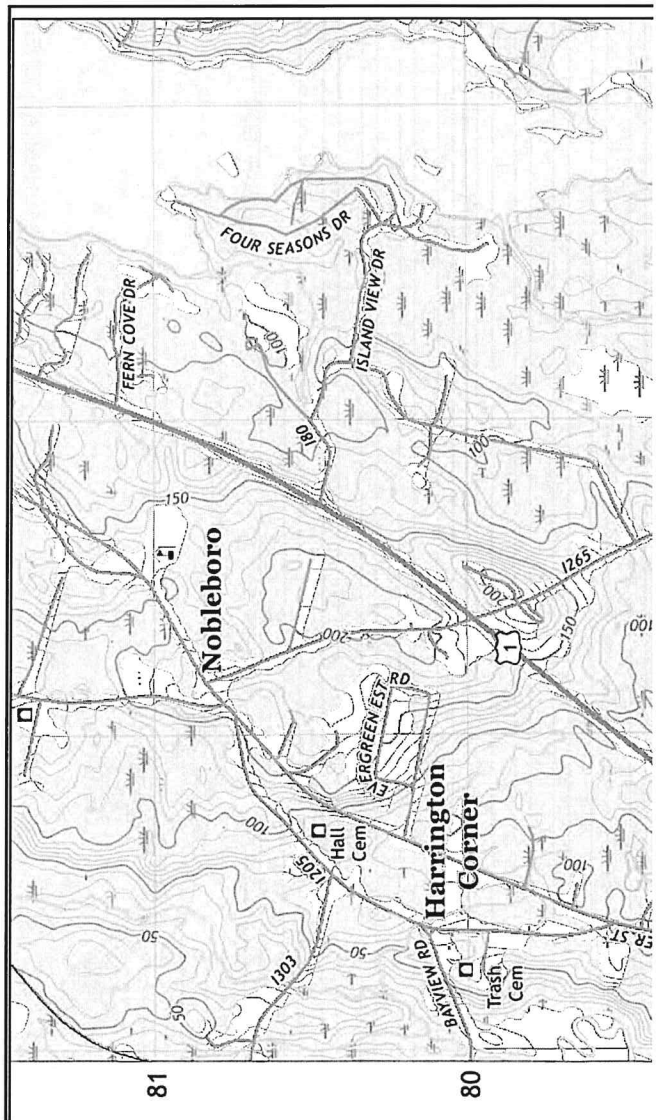
Effect not adverse: That the use requested will not have an adverse effect on the health, safety, or general welfare of the residents of the area or the general public. In making this determination, the Planning Board shall take into consideration the potential effect of the use on the environment from:

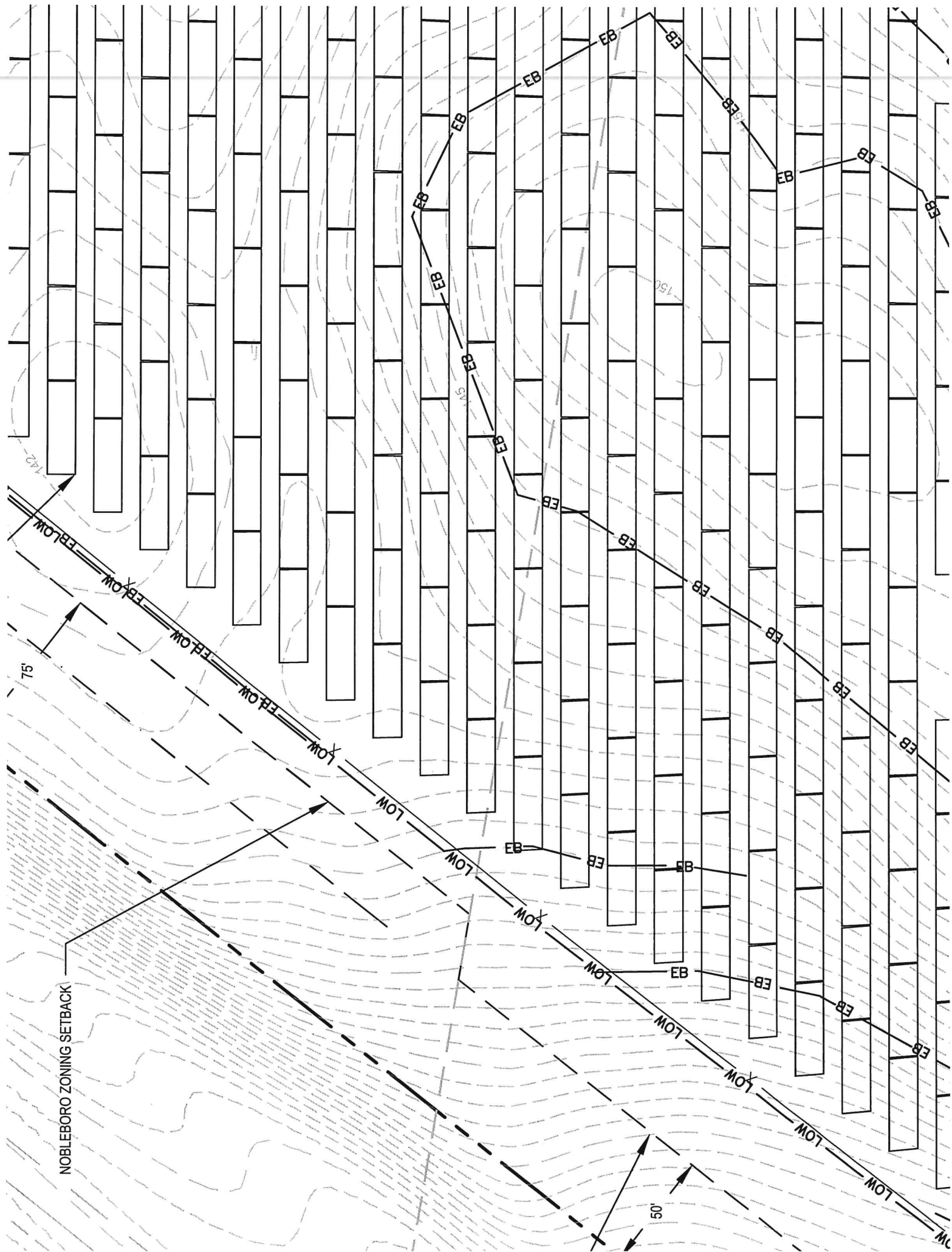
Project Name	Damariscotta 1 Solar
Air Pollution	None
Water Pollution	None
Soil Pollution	None
Noise	None
Traffic	None
Congestion	None
Soil Erosion	Adequate erosion control plan
Sewage Disposal	None
Water Supply	None
Municipal Facilities	None
Municipal Services	None
Public Ways	MaineDOT Entrance Permit (when approved)



MAINE MUNICIPAL MAP

NOT TO SCALE





Damariscotta Planning Board

Site Visit

Damariscotta Solar 1 Follow-up Site Walk – Route 1

October 14, 2021 – 4:00 PM

Members Present: Jonathan Eaton, Neil Genthner, Jenny Begin, Ann Jackson

Staff Present: Bob Faunce

Applicant Representative: Steve Harding

Attendees met at the proposed construction entrance. The purpose of the follow-up site visit was to determine if the increase in setback of the solar panels from the Route 1 property line proposed by the applicant would satisfy the visual buffer requirement of the Solar Energy Systems Ordinance. Based on the site walk, the staff and PB members concluded that the revised visual buffer as presented on Design Plans Revision 3 dated 10/6/21 satisfied the ordinance's visual buffer requirement.

Steve Harding said that the applicant had not yet received an entrance permit from MaineDOT. He was advised that it was important that this issue be resolved prior to the November 8 Public Hearing.

Site visit concluded at 4:30 PM.

Memorandum

To: Damariscotta Planning Board

Fm: Bob Faunce

Date: October 28, 2021

Re: 137 Cottage Point Road – Dock and Float in the Shoreland Zone

Rick Guislin has submitted an application for a shoreland zoning permit to install a permanent 3' wide, 40' long dock with 16' long runway to serve a float at 137 Cottage Point Road. He plans to pin the dock to a ledge outcropping and install a removable stanchion between the dock and runway. The lot is currently vacant with the dock, etc., serving a residence across Cottage Point Road. No other improvements are proposed.

Staff recommends that the Planning Board schedule a site visit.

Shoreland Zone Fee \$75 + \$30 Application Fee +
\$0.30 per sf for Commercial
\$0.25 per sf for New Residential
\$0.15 per sf for Accessory or Residential Additions
+ \$45 Advertising Fee if Public Hearing

For Office Use Only:
Permit # _____
Issue Date: _____
Fee Amount: \$ 209.20

Town of Damariscotta Shoreland Zoning Application Form

General Information

1. Applicant

Rick Guistin

2. Applicant's Address

137 Cottage
Point Road

3. Applicant's Tel # and Email

563 4238
380 0315

4. Property Owner

Robert + Lee
Panson

5. Owner's Address

137
Cottage Pt
Road

6. Owner's Tel # and Email

563 4228

7. Engineer/Consultant/Architect

Guistin

8. E/C/A Address

137 Cottage
Pt Road

9. E/C/A Tel/Email

563 4228

10. Location/Address of Property

Cottage Pt.
Road Damariscotta

11. Tax Map/Lot

12. Zoning District

13. Description of Property Including a Description of all Proposed Construction, (e.g. Land Clearing, Road Building, Septic System, & Wells - Please Note that a Site Sketch is Required on Page 3).

Dock with float

14. Proposed Use of Project

Access water

15. Estimated Cost of Construction

\$ 6,000.00

Shoreland and Property Information

16. Lot Area (sq. ft.)

17. Frontage on Road (ft.)

18. Sq. Ft. of Lot to be covered by Non-Vegetated Surfaces

19. Elevation Above 100-year Flood

20. Frontage on Water Body (ft.)

21. Height of Proposed Structure

22. Existing Use of Property

23. Proposed Use of Property

Note: Question 24 Applies Only to Expansions of Portion of Existing Structures which are Less than the Required Setback

24.A Total Floor Area of Portion of Structure which is Less than the Required Setback as of 1/1/1989

24.B Floor Area of Expansions of Portion of Structure which is Less than the Required Setback from 1/1/1989 to Present

24.C Floor Area of Proposed Expansion of Portion of Structure which is Less than the Required

24.D Percentage (%) Increase of Floor Area of Actual and Proposed Expansions of Portion of Structure which are Less than the Required Setback since 1/1/1989

24.E Percentage (%) increase $+ (B+C)/A \times 100$

Additional Permits, Approvals and/or Reviews Required

Check if Required

_____ Planning Board Review/Approval (e.g. Subdivision, Site Plan Review)

_____ Board of Appeals Review/Approval

Flood Hazard Development Permit

_____ Exterior Plumbing Permit (Approved HHE-200 Application Form)

_____ Interior Plumbing Permit

_____ DEP Permit (Site Location, NRPA)

_____ Army Corps of Engineers (Sec. 404 of Clean Water Act)

*DOES NOT APPLY
NOTHING BELOW HIGH WATER*

Others:

Note: Applicant is Advised to Consult with the Code Enforcement Officer and Appropriate State and Federal Agencies

I Certify	
Applicant's Signature	Date
Agent's Signature (if applicable)	Date

CAMP DAMARI SCOTT RIVER

NOTE - area between high and low water mark was not surveyed

Land of
Terrance C. & Valerie W.
Esley
Book 2603 Page 22

Land of
Edward R. & Wendy
White
Book 1252 Page 254
0.25 acres

Land of
Neil Parsons, Jr.
&
Rebecca Parsons
Book 1035 Page 247

Land of
Ambrose Gaines, III
&
Laurie A. Gaines
Book 2559 Page 335
0.18 acres

Land of
Andrea T. & Bruce R.
Jeffrey
Book 2690 Page 2
0.19 acres

Land of
Neil Parsons, Jr.
&
Rebecca Parsons
Book 1035 Page 247

Boundary Survey
prepared for

Edward R. White
and
Andrea T. & Bruce R.
Jeffrey

Ambrose Gaines, III
&
Laurie A. Gaines
and
Neil L. Parsons, Jr.
&
Rebecca Parsons

Damariscotta Lincoln County ME

PLAN REFERENCES

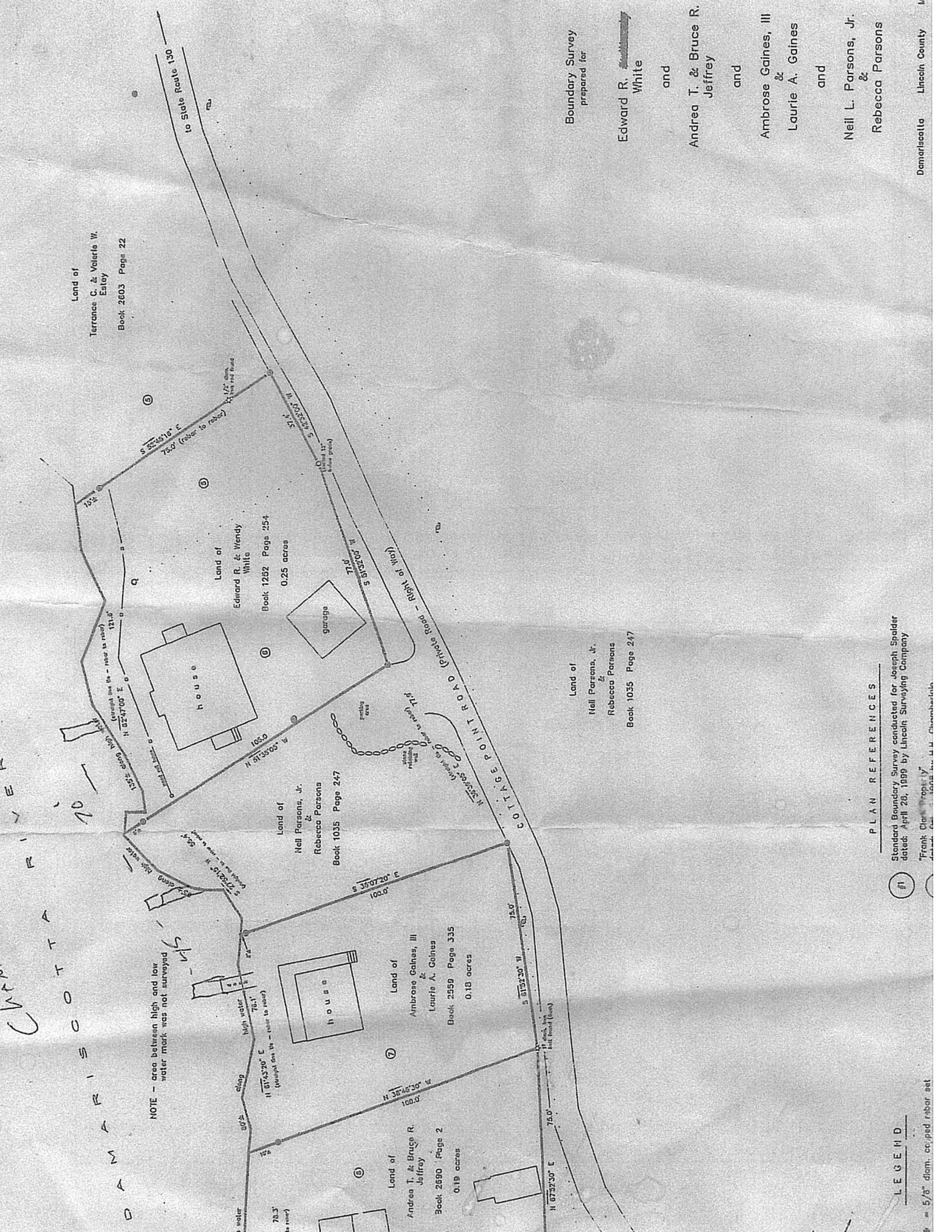
Standard Boundary Survey conducted for Joseph Spalder
dated April 28, 1999 by Lincoln Surveying Company

Frank Clark Property
1000 S. Main St., Damariscotta, ME

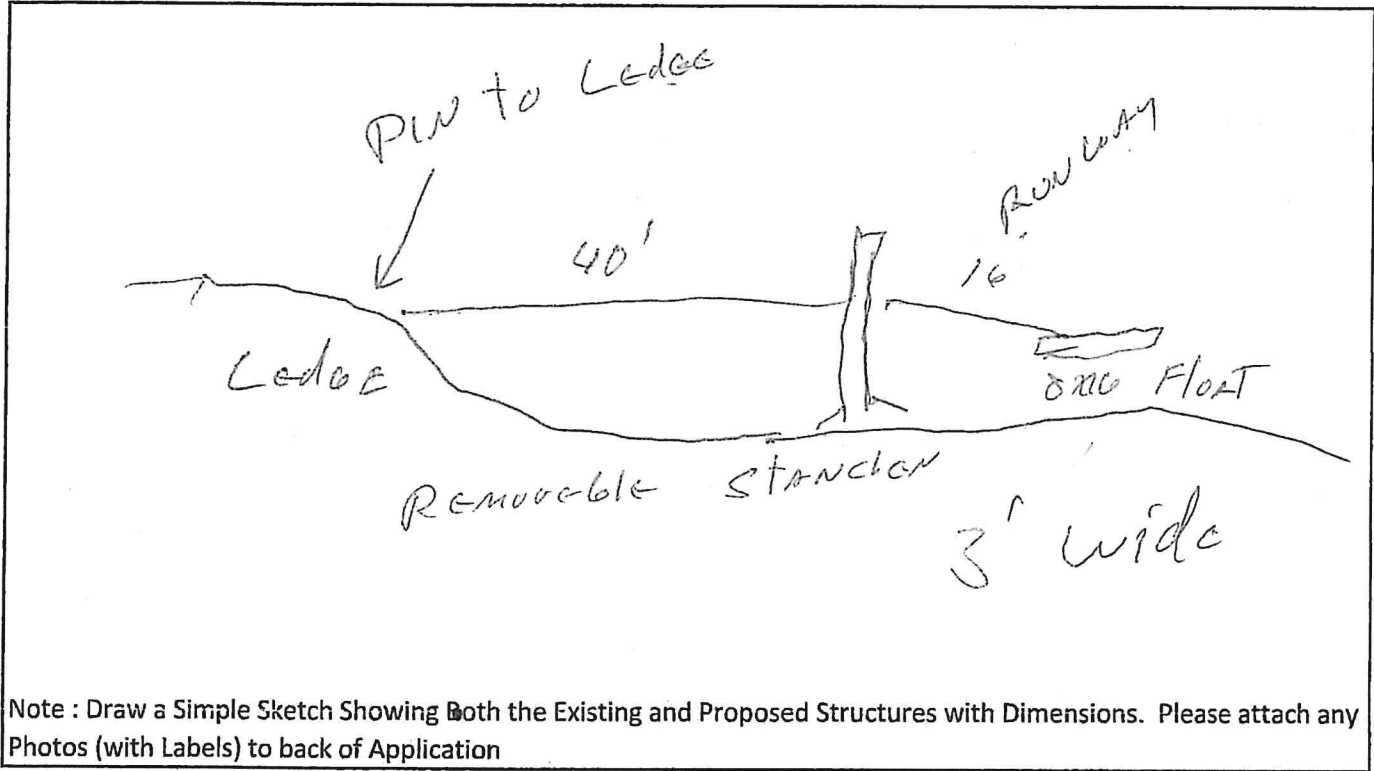
(1)

LEGEND

5/8" diam. copied rabor act



Front or Rear Elevation



Note : Draw a Simple Sketch Showing Both the Existing and Proposed Structures with Dimensions. Please attach any Photos (with Labels) to back of Application

Side Elevation

Ramp	40' x 3' =	120	
Gangway	16' x 3' =	48	
Float	8' x 16' =	128	
TOTAL SQ Footage	296	e. .20 = \$ 49.20	296
			.02
			\$ 5.92
Admin		\$ 30.00	
Flood Hazard		50.0	
Site Plan Review e.02		\$ 50.00 minimum	
TOTAL		\$ 209.20	

Note: Draw a Simple Sketch Showing Both the Existing and Proposed Structures With Dimensions. Please Attach any Photos (with Labels) to Back of Application.

FLOOD HAZARD DEVELOPMENT PERMIT For Minor Development

Damariscotta, Maine
(For Development not considered a Substantial Improvement)

This Flood Hazard Development Permit allows minor development as provided in Article V.F.3. of the Floodplain Management Ordinance of DAMARISCOTTA, Maine, for development in a Special Flood Hazard Area as defined in said ordinance. Development authorized by this permit must be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, be constructed with materials resistant to flood damage and be constructed by methods and practices that minimize flood damage. This permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the Floodplain Management Ordinance.

Tax Map: 012 Lot #: 012

Project Description: Dock - Ramp - Float

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,
- The permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this permit are a true description of the existing property and the proposed development project.

Owner: *Paul Leavelle* Date: 10/21/2021
Signature

or

Authorized Agent: _____ Date: _____
Signature

Issued by: _____ Date: _____

Permit #: _____

Memorandum

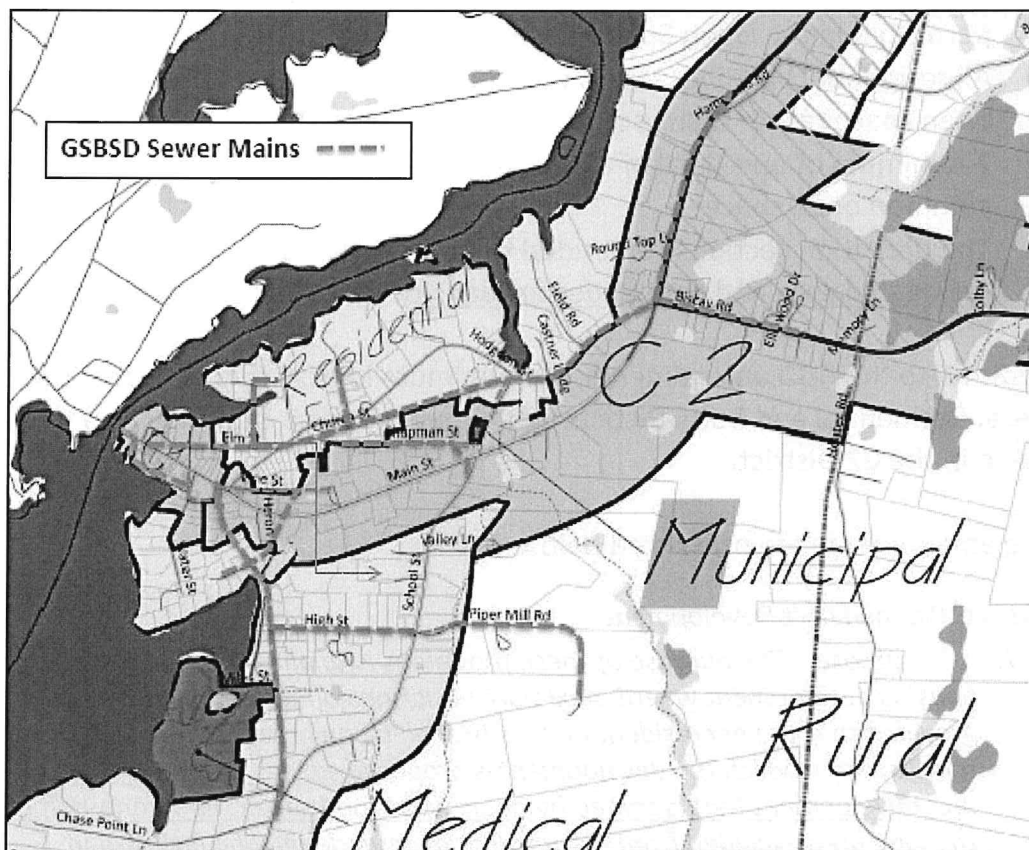
To: Damariscotta Planning Board

Fm: Bob Faunce

Dt: October 4, 2021

RE: Amendments to PUD Provisions to Improve Utilization of Sewer - Accessible Land for Residential Development

Access to public sewer is an important factor influencing the potential for new housing development in a community. As shown on the map below, the amount of undeveloped or underdeveloped land in Damariscotta that is served by the Great Salt Bay Sanitary District is limited. In consideration of this situation, staff



is recommending a variety of amendments to the Planned Unit Development provisions of the Land Use Ordinance that would provide for better utilization of sewered land and hopefully improve the economic climate for new housing development in the community.

The current PUD regulations do not provide much incentive for developers to utilize them in sewerred areas compared to the Open Space Subdivision provisions in the Subdivision Ordinance, which offer a variety of incentives in unsewerred areas. The PUD provisions instead provide mostly a regulatory framework for residential development.

The proposed amendments presented below offer the following incentives to better utilize sewerred land for housing development.

- Up to one-half of the land area excluded from net residential acreage may be included when calculating permitted residential density
- The minimum project area is reduced from 10 acres to 5 acres
- Minimum lot area and road frontage for lots fronting on a private road may be reduced by 50%
- More than one principal building may be located on an individual lot with reduced setbacks (zero lot line development, similar what is now permitted in the Open Space Subdivision provisions)
- All residential buildings are to be sited so they have a relationship to the open space rather than requiring them to physically abut the open space
- A minimum of one-third of the gross acreage of a PUD must be retained as common open space
- The definition section is amended to include the definitions of net residential area and net residential density from the Subdivision Ordinance.

In addition to the PUD amendments, the minimum lot size requirements for the General Residential and Rural Districts would be revised so they are the same as allowed in the C2 District.

These amendments are presented below.

§101.6.G Planned Unit Development

1. *Purpose. The purpose of these provisions is to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the District in which the development is proposed except that for a planned unit development that is served by public water and sewer, up to one-half of the land area excluded from net residential acreage may be included in calculating permitted residential density.*
2. *Basic requirements. Planned unit developments and cluster developments shall meet all of the following criteria:*

- a. All planned unit and cluster developments shall meet all requirements for a residential subdivision.
- b. The minimum area of land in a planned unit development or cluster development shall be 510 acres.
- c. Any lot abutting a public road shall have a frontage and area no less than normally required in the District. On other than public roads, any individual lot's lot area and road frontage may be reduced by not more than 5030% from the requirements of the District in which the proposed development is located provided that:
- i. ~~No building lot shall have an area of less than 10,000 square feet.~~
 - ii. ~~All lots except those abutting a circular turn-around shall have a minimum frontage of 75 feet.~~ The frontage of lots abutting a circular turn-around may be reduced to 50 feet, provided that the minimum lot width at the face of the building shall be 75 feet.
- d. In no case shall shore frontage be reduced below the minimum shore frontage normally required in the District.
- e. Except as provided for in §101.6.G.c, lots in the planned unit development or cluster development shall meet all other dimensional requirements for the District in which they are located.
- ~~f. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the District.~~
- g. If more than one principal building or accessory structure is located on an individual lot, they shall be separated by a minimum of 10 feet at their closest point unless fire protection codes require a greater separation.
- h. The setback from any internal property line shall be 20 feet.
- i. No building shall be located within 50 feet of the overall external perimeter of the planned unit development. This required setback shall be maintained as a vegetated buffer except for road, utility and similar crossings where the development abuts a property in residential use at the time of approval of the development.

- ~~j. All residential dwelling units shall be sited so that each dwelling unit has a relationship to the common open space. Every building lot that is reduced in area below that amount normally required shall abut such common land for a distance of fifty (50) feet.~~
- k. At least one-third of the gross acreage of the planned unit development shall be retained as common open space. All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the building lots, by a trust or association or by the Town which has as its principal purpose the conservation or preservation of land in essentially its natural condition.
- l. Further subdivision of common land or its use for other than non-commercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational conservation uses may be erected on the common land.

Add to §101.4 Definitions

Net Residential Area or Acreage – The area of a parcel, which is suitable for development as determined by the Planning Board, shall be calculated by subtracting the following from the total or gross acreage of a parcel:

1. Total acreage that is used for street and sidewalk rights-of-way.
2. Portions of the parcel containing slopes over thirty-five (35) percent.
3. Portions of the parcel shown to be within the 100-year flood plain and floodway as designated on Federal Emergency Management Agency (FEMA) maps.
4. Portions of the parcel located in the Resource Protection District.
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
 - 5.1. Water table at or near the surface for all or part of the year.
 - 5.2. Unstable soils such as Searsport Mucky Peat.
6. Portions of the parcel covered by surface waterbodies. Where the extent of unsuitability in a specific case requires interpretation, the Planning Board shall be guided by whether or not the potentially unsuitable area could be incorporated and used in parcel if the entire tract were developed as a traditional minimum size subdivision.

Net Residential Density - Net Residential Density shall mean the number of units per net residential acre.

§101.5.D, Dimensional Standards

Dimensional Standard ⁸	District ²					
	GR	C1 ^{7,15}	C2 ^{7,14}	R	WC	M
Minimum land area						
-Sewered	10,000 sf per for <u>the first principal building or DU, 6,000 sf thereafter</u>	10,000 sf	10,000 sf per first principal building or DU, 6,000 sf thereafter	10,000 sf per-first principal building or DU, <u>6,000 sf thereafter</u>	13	10,000 sf per principal building

