

**SPECIAL BOARD MEETING MINUTES
PUBLIC HEARINGS of the PLANNING BOARD
TOWN of DAMARISCOTTA
April 5, 2021 6:00 P.M.**

MEMBERS: Jonathan Eaton, Chairperson; Jenny Begin, Neil Genthner, Wilder Hunt and Ann Jackson

ALTERNATES: Dan Day, Gary Rosenthal, and B. Batchelder

ABSENTEES: A. Jackson, G. Rosenthal and B. Batchelder

STAFF PRESENT: Robert Faunce, Interim Town Planner; Lynda Letteney, Recording Secretary (from cloud recording of meeting)

PUBLIC PRESENT: Via Zoom: Susan Murphy; and Evan Houk, Lincoln County News

Prior to the start of the meeting, Bob took an informal poll of the members present. He asked if they had a preference having meetings in person (IP) or via Zoom (VZ) or No Preference (NP)
Neil Genthner-IP; Wilder Hunt- Likes the flexibility of Zoom; Dan Day – IP; Robert Faunce – Zoom is easier for the public access.

I. CALL TO ORDER

The meeting was called to order at 6:03 p.m. by **Chairperson Eaton**. Pledge was dispensed with as meeting was via Zoom and no flag was present.

On motion (Hunt/Begin) to allow Alternate Dan Day to take Ann Jackson’s place on the Board tonight in her absence. Vote: 4-0-0

II. MINUTES

On motion (Hunt/Day) to approve the minutes of 3-1-2021 as presented Vote: 5-0-0

On motion (Genthner/Hunt) to approve the minutes of 3-8-2021 as presented. Vote: 5-0-0

III. BUSINESS MEETING

A. OLD BUSINESS

1. Amendments to Land Use Ordinance-Change of Definitions

Jonathan Eaton began discussion saying, “This is all for the good. Nothing stands out in my mind.”

Warehousing – storage of goods in a warehouse. Is there a size limit? **Robert Faunce** gave an example of a lumber store, which has off-site storage, there is no minimum size. For garage rental for storage, there needs to be a site plan review. It increases in complexity as it gets bigger. A lot of businesses use this; where there is home occupancy; it is permitted as long as it does not affect residential appearance. It must follow the standards for home occupancy. #7 on list protects the neighborhood. Example would be the business gets too big and is no longer compatible with residential living.

Robert Faunce went on to describe non-owner occupied short term rentals – “air B & B’s are a concern.”

1. Without someone living there, there is no control over the rules.
2. Residential use becomes commercial use.

3. A residential property converted to a B & B can lose population with B&B non-owner occupation. It becomes a summer vs. winter situation. This is becoming a trend in coastal areas. He described a B&B as a non-owner occupied sleeping facility (breakfast need not be served) with 3-10 sleeping rooms. For owner-occupied B&B, it is usually 2-3 rooms.

Ordinance describes 3 different types.

A.) Non-owner occupied residential building with one or rooms for rent, for less than a week. (Air B&B). Permitted in C-1 and C-2 districts.

B.) Non-owner occupied rental in whole, weekly or for a season (summer cottage) Permitted in all districts

C.) Non-owner occupied residential building with more than 1 room rented on a monthly or more basis. Permitted in C2 district.

D.) Rooming house/boarding house – currently none

E.) Short term rental (Air B&B) permitted in C-2, but could be C-1.

F.) Summer cottage with weekly or longer duration, permitted in all districts.

Susan Murphy asked about no “short-term” in historic district. **Robert Faunce** said no limits now. **Wilder Hunt** commented that he didn’t know about motels. It is an attractive area to visit; visitors frequent downtown. He doesn’t want to limit Air B&B’s –should be allowed all over town. There are a tremendous amount of people on the peninsula and he doesn’t want limits – local businesses benefit. **Jenny Begin** said that while that’s a good point, you really don’t want to see “the hollowing out” of residential buildings, and eventually of the town. **Robert** restated that the ordinance had no effect on someone living there; this is strictly non-owner occupied short term rentals (**NOOSTR**) Even with a motel, someone is on site. This only affects buildings where no one is on-site. **Wilder** said the owner can post rules/regulations. **Jenny** said she likes policies that encourage residential use of dwellings in residential areas. **Wilder** replied that this area is popular and “if we get into splitting hairs, it’ll become a kettle of worms if you own property.” **Neil Genthner** asked about property on the lake-does this affect me? **Robert** said no affect whatsoever as it is considered “county tradition.”

What needs to be addressed is long weekends such as Memorial Day, 4th of July, Labor Day, Columbus Day and Pumpkinfest. **Robert** said of these would fall into type B- allowed all over town (weekly or longer). Off-season and long weekends can be added. We don’t want to prevent that. **Wilder** felt he would have his hands full sorting that out (less than a week’s rental) especially with Bristol and Biscay so near. **Robert** said he’d talk with Stan Waltz. He’s already had calls from folks from away who have purchased and want to rent out; a lot of these are in-town. That turns into short-term rental which decreases property value.

Jenny said at this point she was really confused. She asked, “In essence what does this do?” **Robert** said it prevents **NOOSTR** in downtown. **Jenny** asked if it included Church St. **Robert** said Church St. is C-2. **Susan Murphy** said she owns a building in the Historic District. Part of it is a B&B with rentals on a long-weekend and/or weekly basis. She uses it for people visiting residents at Miles who need a place to stay. She asked, “Are you saying with this ordinance I can’t do that. Jonathan asked if she lived there. Susan replied, “No, I live in Newcastle.” “I have 2 apartments that are full-term rentals and one apartment for short-term rentals.” She wanted to know what the Town was trying to achieve by this. **Jonathan** responded that they are trying to restrict short-term rentals, and preserve long-term living

space. A lot of people do short-term rental- Air B&B style. Who enforces the ordinance? You need some control. Who knows they are there? **Robert Faunce** said Stan Waltz was in charge of that. This is anything above a duplex, but it is not monitored; only inspection is for safety. **Jenny** said “Look at car dealerships.” Putting it as conditional C-2 use, they are excluded by LUAC regulations. **Jonathan Eaton** said he wasn’t sure we would be able to do it

Robert Faunce said the Ordinance specifies general uses. Some things are listed; some things are grandfathered. For example, service station versus gasoline sales. LUAC spent a lot of time making specific provisions. Ultimately, this is a proposal; you can change it. She is not a fan of saying. “You can’t do that”- we’ve had that before- however you do need some control.” **Wilder** agrees with Jenny, especially with Damariscotta being a hub for Lincoln County. **Susan** asked “where C-2 is?” **Jenny** responded from the Baptist Church north on Rte. 1. **Susan** asked if there were any criteria. **Jenny** said that any common regulations are in place. If not included, we can’t do anything.

Robert Faunce said he would post for a public hearing and see what the public has to say. He will include changes for time limits on Air B&B’s. **Dan Day** said he was in favor of that. **Jenny** felt it still needed work and make sure it’s not too restrictive. **Robert** said this was a staff proposal. **Jenny** was in favor of a public hearing before it was sent to the Board of Selectmen. She also wanted to know if it could be done in person instead of by Zoom. **Robert** wasn’t sure, but will check. She felt Zoom didn’t lend itself to large groups and would prefer an open forum. She is in favor of tabling until we can have a public hearing in person. **Robert** said he would schedule the public hearing for the next meeting and see how it goes (via Zoom). **Susan Murphy** felt more work had to be done on this prior to bringing it to public hearing. **Wilder** felt they should table public hearing issues until after initial public hearing; revisit in a couple months. Consensus was all agreed.

2. Formula Businesses

The definition of a formula business is a retail sales establishment (store, tavern, restaurant, etc.) that has 20 or more of the same chain. Two or more of the following apply: 1.) standardized menu, array of standardized merchandise, 50% of stock and merchandized is franchised from the distributor. 2.) They have a trade mark or service mark; standardized color, interior design and décor, and/or uniform roofing. These distinguish it from other facilities. 3.) 20 or establishments. This would be limited to C2. Downtown is limited as a unique and protected area. **Rationale:** Chain establishments will change the look of the Town. **Jenny** felt it was not at all restrictive; it restricts downtown only. **Wilder** asked where the #20 came from? Is Reny’s grandfathered in? **Robert** said there are only 17 Reny’s now; but yes, they would be grandfathered.

Susan Murphy asked what the difference between a formula business and what is local? Is it legal to have a section of Town that is grandfathered? **Robert** said that it is against the law to limit to local only. Check off can’t be done in the negative. **Susan** asked about Starbucks or McDonald’s like they did in Freeport. **Robert** said Freeport was not a good example because of so many chain discount stores. Think of Reny’s as our own L.L.Bean. A Starbuck downtown might be attractive; as it is now, owners could rent to Starbucks without an ordinance. **Jenny** asked if there were any towns that prohibit formula establishments throughout the Town. **Robert** didn’t know, but he took a lot of provisions from the “Main Street America” document. **Jenny** felt the sign ordinance helps keep formula businesses out. **Susan Murphy** said business owners are in a serious financial climate. Real Estate is going up, but people are

hurting. She feels it is important to keep context in mind. **Wilder Hunt** said that he believes that if we have a scenic area, the Town should embrace it. We have to handle traffic patterns and still function on an open market. Why shouldn't we allow an open market-sink or swim. **Jonathan Eaton** reminded him that it is not holy restrictive, outside C-1 is fine. **Wilder** reminded the Board they had just adopted a Historic District with lots of rules in order to comply. **Jonathan** said he saw one item for public hearing before the next meeting. **Jenny** asked "if it was a workshop or a hearing?" **Jonathan** responded that the hearing will be on the 5 criteria; there is no need for a workshop before the public hearing. Personally, Jonathan is not in favor of an Applebee's downtown, but he is in favor of growth and diversity. **Dan Day** is concerned about a parking nightmare. **Jonathan** reminded everyone that they lost a few spaces for parking with the reconfiguration and bathroom in the back lot.

On motion (Genthner/Begin) to have a public hearing before the next meeting on the proposed Formula Business amendment. Vote: 5-0-0

C. OTHER

- 1. Questions from the Public - None**
- 2. Housekeeping - None**
- 3. Planner's Report- none**

D. Adjournment:

On motion (consensus) to adjourn at 7:20 p.m.

No formal vote

Respectfully submitted,

Lynda Letteney
Recording Secretary

We the undersigned approve the minutes for the Planning Board Meeting of

Jonathan Eaton, Chairperson

Jenny Begin

Neil Genthner

Minutes of the Planning Board (April 5, 2021) cont'd:

Wilder Hunt

Absent
Ann Jackson

Daniel Day (alternate)

Minutes for (4-5-21) signed _____
Date

