

Approved on September 12, 2018

Minutes  
Town of Waldoboro  
Planning Board Meeting  
Review of Proposed Changes to Land Use Ordinance  
Articles 7 Shoreland Zoning and Article 10 Non-Conforming Uses  
August 22, 2018

Roll Call

The meeting was called to order by Chairman Scott Simpson at 6:00 p.m. in the meeting room at the Municipal Building. Other Planning Board members present were Barbara Boardman, Sara Hotchkiss, and Tara Pelotte. A quorum was present throughout. Planning and Development Director Max Johnstone and planning consultant Bill Najpauer were present. The audience consisted of Dan Broeckelman, Krista Lisajus, John Lawrence, Freeman Zausner, and reporter Alex Violo from the Lincoln County News.

Copies of the proposed revisions to Land Use Ordinance Articles 7 and 10 have been available to the public at the Town Office and Library. The revisions will be presented to the Select Board at its August 28 meeting, and will be on the warrant for town vote in November, along with some changes to the Definitions section, Article 16. Some of the proposed changes are the result of changes to the State's model ordinance. Town ordinances can be more strict than the State model, but not less strict.

Najpauer briefly summarized the main proposed changes to the ordinances.

Article 7 Shoreland Zoning: For regulations about timber harvesting in the Shoreland Zone, the State gives municipalities three options: to let the State regulate timber harvesting; to have a mix of State and Town regulations; or to have the Town regulate timber harvesting. Waldoboro has chosen to have the State administer timber harvesting. This change requires deletion of most of the existing text of Section 16 Timber Harvesting on pp. 7-18 through 7-20, shown by ~~strike-throughs~~. Three new sections are proposed, on pp. 7-23 through 7-28: Section 18 Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal; Section 19 Exemptions to Clearing and Vegetation Removal Requirements; and Section 20 Revegetation Requirements. These new sections are shown by underlines. The State's timber harvesting regulations are available online.

New regulations for tilling and grazing in the Shoreland Zone have been added to Section 15 Agriculture.

Article 10 Non-conforming Uses: A non-conforming structure or use refers to a structure or use that does not meet current ordinance requirements, for example an old house that was built closer to the water than the current minimum setback. The biggest changes to Article 10 involve allowable changes to structures built close to the water. This has resulted in a lot of deleted text on pp. 10-2 through 10-6, shown by ~~strike-throughs~~, and proposed new text on pp. 10-7 through 10-10, shown by underlines. The amount of permissible expansion of a non-conforming structure in the Shoreland Zone varies, depending on the setback distance from the water.

Chairman Simpson then opened the meeting to audience input and discussion.

Dan Broeckelman said that he and Krista Lisajus live on Cross Street, with frontage on the Medomak River. He wants to learn more about shoreland zoning in Waldoboro. Simpson recommended that they read the revised text of Article 10 Non-conforming Uses, which contains a lot of new material in Section D Shoreland Area Expansions.

Freeman Zausner asked whether the Planning Board has made any changes to the Land Use Ordinance that are more strict than State requirements. Chairman Simpson said no, not to his knowledge. Most of the Board's recommended changes are to make the language clearer and easier to understand. Pelotte said that there will be a Select Board meeting at which the proposed ordinance revisions will be reviewed. Interested citizens are welcome to attend.

### Article 7 Shoreland Zoning

John Lawrence asked for a general overview of Article 7 Section C. Applicability, on p. 7-1. It states that shoreland zoning regulations apply to all land areas within 250 feet of the normal high-water lines of certain named ponds, the Medomak River, and salt water; within 250 feet of the upland edge of a coastal or freshwater non-forested wetland; and within 75 feet of the normal high-water line of a stream. There are wetlands in North Waldoboro that are created by beaver dams, and come and go depending on beaver activity. Najpauer said that such ephemeral wetlands are generally not subject to shoreland zoning regulations. Pelotte showed a map that is available online that shows the shoreland zone around ponds in Waldoboro. Najpauer said that the developer of a new subdivision has to identify all wetlands in the proposed subdivision, regardless of size.

Najpauer said that if a private landowner wants to do cutting in the shoreland zone on his/her property, it is a good idea to ask the Code Enforcement Officer to come onto the property and discuss the restrictions.

Simpson went through the draft revision of the Shoreland Zoning Ordinance, pointing out significant changes. There have been no changes to the Table of Land Uses on p. 7-2 and 7-3, other than removing some reference numbers at the bottom of the page that did not refer to anything, for clarity.

The first significant change is on p. 7-7 where new text about non-vegetated surfaces has been added in subsections c and d under 2. Principal and accessory structures.

On p. 7-8, in subsection 7 a) regarding the vegetated buffer area, Pelotte asked for a definition of “herbaceous vegetation”. The ordinance text should state whether lawn grass qualifies as “herbaceous vegetation”. She thinks it does not, or should not. She suggested adding a definition of “herbaceous vegetation” in Article 16 Definitions.

On p. 7-9, new text in 3. a. allows a second dock on a lot if the lot contains at least twice the minimum shore frontage.

On p. 7-10, Section 3. j is new text that permits removal of vegetation in excess of normal standards if necessary in order to stabilize an eroding shoreline. Section 3. k. exempts a deck over a river from shoreland setback requirements if the area is part of a downtown revitalization project. Simpson said this section might apply to the Button Factory, and suggested keeping the language.

p. 7-11 5. Individual Private Campsites: 5 b. is proposed new text. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum dimensional requirements for both uses, separately. 5 d. adds a requirement that only one recreational vehicle is allowed on each individual campsite.

p. 7-14 Section 8. c. contains new language prohibiting new permanent roads within the shoreland zone along significant river segments except to provide access to structures or facilities within the shoreland zone, or if no reasonable alternative route is possible outside the shoreland zone.

p. 7-17: Section 15 Agriculture, a. Manure Guidelines, deletes the words “or disposal”, so that the text now refers only to spreading of manure, not to disposal of manure within the shoreland zone.

p. 7-18 through 7-20: The text of the former section 16 Timber Harvesting has been deleted and replaced with a single sentence stating that timber harvesting must follow the Bureau of Forestry Option 1 guidelines.

p. 7-20: A new first paragraph has been added to Section 17 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

p. 7-23 through 7-28: New sections have been added with all new text: 18 Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal (p. 7-23 through 7-25); 19 Exemptions to Clearing and Vegetation Removal Requirements (p. 7-25 through 7-26); and 20 Revegetation Requirements (p. 7-26 through 7-28).

On p. 7-31 in section 3 Application Fees, a wording change was approved at tonight’s meeting. The sentence now reads, “All applications shall be accompanied by an application fee paid to the Town of Waldoboro.” (The words “paid in cash or by check made payable by check” are deleted.)

### Article 10 Non-Conforming Uses

This article has been extensively revised. Starting on p. 10-2, only the first two sections of 3. Expansion

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(a and b) are retained. The rest of p. 10-2 is deleted, along with all of pp. 10-3, 10-4, 10-5, and 10-6. New text for Section D Shoreland Area Expansions starts at the top of p. 10-7 and continues through to near the bottom of p. 10-10. Subsections 8 and 9 on p. 10-7 should be re-numbered 3 and 4. A new table at the bottom of p. 10-8 summarizes the Section 4 requirements for maximum allowable height of structures at specified setback distances from a water body or wetland.

Krista Lisajus asked how to measure the height of a building that has a walk-out basement.

Najpauer said that the Town must adopt a Floodplain Management Ordinance in order for residents to qualify to have flood insurance on their properties.

### Article 16 Definitions

A three-page handout lists proposed additions and changes to definitions in Article 16.

### Next Steps

The procedure is for the Planning Board to present its recommended revisions to the Select Board. This will be done at the next Select Board meeting, August 28. The Select Board will review the revision, make any desired changes or approve the draft as presented. The revised draft will be on the warrant for Town vote in November. The document will then be submitted to the Maine Dept. of Environmental Protection for review. This review can take 30 to 90 days. The DEP can approve the revised text or approve it with conditions. In case of conditional approval, DEP will tell us what needs to be changed.

There was no further audience input. Chairman Simpson thanked members of the audience for attending.

Adjournment: The meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Susan S. R. Alexander

Action Items (before transmitting draft ordinance revision to Select Board for review on 8/28)

### Max Johnstone:

#### Article 7 Shoreland Zoning

p. 7-31, Section 3 Application Fees: Change sentence to read, "All applications shall be accompanied by an application fee paid to the Town of Waldoboro."

#### Article 10 Non-Conforming Uses

On p. 10-7, the sections now bearing the numbers 8 and 9 should be re-numbered 3 and 4.