

Minutes
Town of Waldoboro
Planning Board Meeting
September 12, 2018

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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 members present were Barbara Boardman, Sara Hotchkiss, Tara Pelotte and Ted Wooster. A quorum was present throughout. Planning and Development Director Max Johnstone and planning consultant Bill Najpauer were present. There was no audience.

1. Minutes of August 8 and August 22, 2018

On motion of Wooster/Pelotte the Board voted 5 - 0 to approve the minutes of August 8 as distributed, and to approve the minutes of August 22 as amended to delete two sentences. On p. 2 in the middle of the page, the next-to-last sentence under p. 7-10 Section 3 j. was deleted: "Pelotte said this section has little applicability to Waldoboro, as we don't have old mill buildings on the river."

On p. 3 under Article 16 Definitions, the second sentence was deleted: "The group at tonight's meeting did not discuss these additions and changes."

2. Approval of Additions to T-Mobile Communications Tower, 640 Atlantic Hwy. (Tax Map R4 Lot 23)

American Tower Investments LLC owns the communications tower at 640 Atlantic Highway. They want to add antennas to the existing tower and place a diesel generator on a concrete pad inside the fenced tower site. On motion of Wooster/Pelotte, Planning Board members voted 5 - 0 to approve the application.

3. Discussion of Setback for Manure Storage, Tilling and Grazing in the Shoreland Zone

At the Select Board's August 28 meeting, Select Board members discussed the Planning Board's proposed revision to Land Use Ordinance Article 7, Shoreland Zoning. The Select Board tabled the proposed revisions to LUO Articles 7 Shoreland Zoning, Article 10 Non-Conforming Uses, and Definitions. These will not be on the warrant for Town vote in November, 2018. Town Manager Keizer recommended doing more research on manure storage, setback distances from water bodies, and manure containment systems, in order to determine whether the current 100' shoreland setback should be increased in order to better safeguard water quality.

On August 31 Chairman Simpson contacted Matthew Randall, Agriculture Compliance Supervisor at what used to be called the Maine Dept. of Agriculture, to discuss the appropriate setbacks for

manure storage, tilling and grazing in the Shoreland Zone. Simpson wrote a one-page summary of Randall's input, which he sent to Randall for review to be sure that it represented Randall's views correctly. Simpson read the memo aloud at tonight's meeting. Randall believes that the current 100' setback from the water is adequate. He said that increasing the minimum setback to more than 100' might have to be looked at by the State's legal department for possible effect on the Right to Farm Act (Title 7 Chapter 6).

Boardman commented that Randall is pro-agriculture. We are going to experience more intense storm events in future, with global warming. Pelotte said that shoreline setback regulations will be ineffective if people do not know about them. She suggested having a pamphlet available as a handout at hardware stores and feed stores. Boardman said we have been talking about a brochure "How to Do Business in Waldoboro" for five years, without results. Wooster agreed that new landowners should be made aware of local regulations governing land use. Simpson asked what it would cost to do a direct mailing to every homeowner in Waldoboro. Najpauer estimated the cost at \$800 - \$900. We could send a welcome letter to new landowners. Assessors' Agent Darryl McKenney has records of new owners with contact information.

Najpauer said that the minimum shoreland setback at one time was 50'. It was increased to 100' to be conservative. Pelotte, who was present at the Aug. 28 Select Board meeting, said that Select Board Chairman Bob Butler made the point that tilling should be required to be done parallel to the shoreline. Najpauer said that contractors now have to receive certification before they can do work in the Shoreland Zone.

Johnstone passed out copies of a two-sided sheet "Set Back Options, Draft for Discussion" dated 9/12/18. It sets forth four options for setbacks of activities from the water: based on slope (Option 1); based on the width of an existing forested buffer along the water body (Option 2); requiring a minimum setback of 250' from water bodies and 75' from stream protection districts (Option 3); and requiring a minimum 100-foot setback from water bodies, subject to use of Best Management Practices (Option 4). This option could apply not only to agriculture but also to large impervious areas, junkyards, and industrial activities. Simpson liked the idea of imposing a setback of between 100' and 250' from water bodies based on Best Management Practices. He said this could avoid legal issues. Najpauer said that the setback distance for manure storage could be reduced for people who have a state-of-the-art leakproof manure storage facility.

At the August 28 Select Board meeting at which the Planning Board's proposed revisions to the Shoreland Zoning ordinance were discussed, Simpson asked how many properties in Waldoboro have agriculture, tilling and livestock grazing. Johnstone has investigated land use with the Town's property records and found 55 farms in Waldoboro that have land in the Shoreland Zone. At tonight's meeting he gave out copies of a parcel map of Waldoboro showing the locations of farms in the Shoreland Zone. Most are located on freshwater streams and wetlands, not directly on the Medomak estuary. With this information, we could work with individual farmers seeking their cooperation in not polluting waterways. Hotchkiss suggested giving them material from Maine Farmland Trust about ways to minimize pollution.

Simpson said that he is comforted that there is rationality behind the 100' shoreland setback. He does not want to increase the minimum required setback. We should add material about Best Management Practices, and work on awareness issues. He asked Planning Board members to think about specific actions we can take to increase public awareness of the conflict between agriculture and shellfish harvesting. How can we educate the public about pollution mitigation and the importance of preserving water quality on the clam flats? It might be worth \$800 to do a direct

mailing to property owners. Could this material be sent out in the same envelope as the tax bills?
All Waldoboro residents need to take ownership of protecting the clam industry.

Next Steps: The proposed revisions to Land Use Ordinance Article 7 Shoreland Zoning, Article 10 Non-Conforming Uses, and Definitions will not be on the warrant for Town vote this November. In order for the ordinance changes to be voted on in June 2019, we will need to submit revised language to the Select Board and hold public meetings early in 2019, four or five months ahead of the June vote. It was suggested to have material about Best Management Practices online on the Town web site so people can research BMPs ahead of time.

4. Options for Review of Planning Board Applications; New Ways of Doing Things

Copies were handed out to form the basis for a discussion of options for handling Planning Board applications. It can take 60 days for an applicant to get on the agenda for a Planning Board meeting for an item that needs only 10 minutes of discussion. How can the process be streamlined? Najpauer suggests having a higher level of review when needed, for major applications, but streamlining the process for simple applications. We should be able to act quickly on applications for a minor change of use, e.g. changing a residential use to a bed & breakfast.

Najpauer suggested getting Planning Board alternates: people who can be called on short notice to attend a Planning Board meeting when one or more of the regular Planning Board members cannot attend. He suggested that Planning Board members reach out to friends and neighbors encouraging them to consider joining the Planning Board. We need two more regular members.

Najpauer suggested having one meeting a year involving all Town committees meeting together for an hour.

Simpson suggested that if Planning Board members come up with an idea we like, we should be able to write it up quickly and distribute it to other Town committees. We could write up something on water quality relatively easily.

The Economic Development Committee wants to create a pamphlet to attract new businesses to town. Pelotte and Wooster serve on the EDC. Johnstone has drafted a text "Welcome to Waldoboro". He was asked to send this to Planning Board members for input. It would address issues in the proposed "How to Do Business in Waldoboro" pamphlet that Boardman has been advocating.

Adjournment: The meeting was adjourned at 7:37 p.m.

Respectfully submitted,
Susan S. R. Alexander

Action Items

Johnstone

Send your "Welcome to Waldoboro" draft to PB members

Planning Board members

Contact friends and neighbors about joining the PB, or serving as alternates

Send Johnstone ideas for discussion topics for next PB meeting, on what to do first