

Note: Items from previous documents are present for record keeping. Anything new is underlined.

Purpose: The intent for this document is outlining several items in the new 2020 Land Use Ordinance that became issues that require to be addressed and codified due to events in 2021. These items are pointed out by Max Johnstone and are suggestions that should not be considered the final language. Each suggested area includes a preamble to explain why the amendments are being brought up. Planning Board members and residents are welcome to make their own suggestions for improving the Land Use Ordinance as long as it complies with State statutes.

Amend the following Sections on Page 3-2

Note: These suggestions are made because of issues that have come up this past year relating to private agreements with property owners and occasions where State agencies did not grant approval to businesses that chose to operate/ make purchases without permits.

Section 3.3.5 Permit Issued After Municipal Review:

If approved, or approved with conditions, the Code Enforcement Officer shall issue a permit for the proposed activity. Municipal approval does not exempt the applicant from other regulatory bodies or private agreements.

Amend the following Section on Page 3-3

Note: There were some instances where private roads were used for access to project sites. While notices were sent to abutters, others in the subdivision believe they should receive a notice as well since they pay for maintenance/ upkeep.

Section 3.4 Public Hearing Requirements (this is before the second to last paragraph before Section 3.5):

For applications that require using private roads, a notice must be sent out to the relevant Road Association. If there is no Road Association, then a letter must be sent to each property owner/ resident that benefits from the private road.

The second to last paragraph before Section 3.5:

Failure an abutter/ resident to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.

Make correction on Page 7-8

Numbering starting at 7.10.3.3.10 needs to be corrected since 7.10.3.3.10 should be 7.10.3.3.9.1

Add the following on Page 7-12

Note: Chief Smeltzer asked for clarity this past year if all items were required or if he could grant a waiver. This language is being recommended for future Fire Chiefs.

Section 7.12 Emergency Services:

All applicants will speak with the Waldoboro Fire Chief for the following items. The Waldoboro Fire Chief will make recommendations for each item under this Section at their discretion, which the Municipal Authority may choose to accept or deny.

Amend the following on page 9-8

Note: This came up due to a dispute over the construction standards for a private road. Residents seemed troubled about the lack of requirements for Major Private Street standards while there are minimal standards in place for Intermediate Private Street standards.

Section 9.2.14.9 Design Standards:

The "N/A" standards under Major Private Street standards will adopt the minimum standards under Intermediate Private Street standards (Minimum Tangent between curves of reverse alignment will be 60', Roadway Crown will be ¼" per foot, and the Minimum curb radii at intersections will be 15'). This will make Major Private Street standards consistent with the remaining private road standards.

Add the following on page 10-29

Note: The issue of repurposed shipping containers came up during a Planning Board meeting. To avoid confusion about repurposing shipping containers, this item will be included:

Section 10.23.2.4 Shipping containers that are significantly repurposed to change the primary function from storage to a commercial or residential use shall be exempt from the restrictions of this Section. This exemption does not apply if the shipping container is used primarily for storage.

Amend the following starting on Page 10-29 for Section 10.24

Note: These are amendments proposed due to housing concerns that arose this past year. The change to the title will also be made in the Table of Contents and Land Use Matrix

Section 10.24.5 Travel Trailers:

A travel trailer shall in no case be used as a manufactured home or tiny home, and any travel trailer in use as a temporary dwelling (i.e. not more than three (3) months) shall have adequate health and sanitation facilities provided.

Section 10.36 Tiny Homes (or alternative Section number determined by the Planning Board):

Note: These passages are reworded entries either from LD 1981 (An act regarding the regulation of tiny homes) or from LD 1530 (An Act To Allow People To Live in Tiny Homes as a Primary or Accessory Dwelling). The latter of the two has language that only allows municipalities to have less restrictive measures.

Definition of Tiny Home will be found under Definitions.

10.36.1 Safety Standards Tiny Homes must comply with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety, and construction or the National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles.

10.36.2 Municipal Inspection A tiny home may be placed on a property for up to one hundred and eighty (180) days without an inspection if it is not being used for a permanent residence. If the structure becomes a permanent dwelling unit, a building permit and site inspection will be required to verify the following:

10.36.2.1 The structure will not be placed in a location violating setback restrictions or natural environmental habitats/ wetlands;

10.36.2.2 The tiny home is placed on a stable surface, ground, or footing;

10.36.2.3 All wastewater rules and requirements are met;

10.36.2.4 The home is not connected to, or near, a device or structure that would warrant a fire hazard;

10.36.2.5 Any siding or other exterior features shall be residential in appearance;

10.36.3 Limit No more than one (1) tiny home may be placed on a lot unless the combined square footage of multiple tiny homes does not exceed four hundred (400) square feet.

10.36.3 Location A tiny home shall be permitted to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure. (Note: This is from the State LD 1530).

Add the following on Page 10-44

Note: This is just a specific standard suggested for renewable projects. Waldoboro has approved two commercial solar projects that went to the Planning Board and has seen an uptick in home-based solar projects. The focus for these are commercially sized projects.

Section 10.35 Renewable Energy Structures (Commercial):

Note: Since proposing the Decommissioning Plan Ordinance Standards, the State of Maine has approved and implemented LD 802 (An Act to Ensure Decommissioning of Solar Energy Developments). This act requires Solar Companies to submit Decommissioning Plans to the State for any new developments for commercial solar farms occurred after October 1, 2021. As such, Max is making the following recommendations based on this new language.

10.35.1 Decommissioning Plan A solar farm used for commercial purposes shall submit a Decommissioning Plan to the Maine Department of Environmental Protection as required by MRSA 35A Sections 3494, Decommissioning Plan, and 3495, Standards. A copy of the Decommissioning Plan along with the Maine Department of Environmental Protection's signed approval shall be submitted to the Town Office prior to a building permit being issued.

For all non-solar structures, a plan shall be submitted to the Town of Waldoboro for when the area will either ceased to generate power or abandoned by the owner. The plan shall entail:

10.35.1.1 The parties responsible for the physical removal of the installation;

10.35.1.2 The timeline for removing the installation no more than six (6) months after the reported date of discontinued use. This timeline should include a notification to the Town of Waldoboro and abutters that provides details of the deconstruction and contact information for the project manager for emergencies or coordination. At least one (1) notice should be sent to the listed parties a minimum of fourteen (14) days prior to the start of deconstruction;

10.35.1.3 The proposed location for the disposal of all solid and hazardous materials. The applicant must also comply with all government regulations regarding waste disposal;

10.35.1.4 Remediation plans for the site to restore natural vegetation or vernal pools that were potentially impacted by the site. The removal must include equipment and materials up to twenty-four (24) inches below surface level;

10.35.1.5 A budget outlining the cost for removing the structures and restoring the area to pre-project conditions. This amount must demonstrate the applicant accounted for inflation at the earliest period this project is expected to end. This budget must be updated at least once every ten (10) years.

10.35.2 Performance Guarantee The applicant will submit a performance bond in the amount of 150% of the applicant's budgetary item as outlined in Section 10.35.1.5. This assurance will either be released to the applicant or property owner upon the removal of the renewable energy system.

10.35.2.1 In the event the applicant or property owner is unable to satisfy the requirements of the Performance Bond and/or Decommissioning Plan, the Town of Waldoboro will have the right to retain the funding for the purposes of removing the renewable energy structure, which includes—but is not limited to—legal fees and rehabilitation of the site.

10.35.2.2 If the financial assurance is inadequate based on the update as outlined in Section 10.35.1.5, the applicant shall supplement the amount within one (1) year of the update to address the difference.

10.35.3 Construction The applicants will submit a timeline for their construction and maintenance phases, which includes vehicle traffic and expected inconveniences for abutters. The applicant will be responsible with providing notifications to the Town of Waldoboro and abutters that includes details of when construction is estimated to start and contact information for the project manager to voice concerns. At least one (1) notice should be sent to the listed parties a minimum of fourteen (14) days prior to the start of construction.

Amend Definitions

Note: This is just including any definitions that were not included in the previous round. This will likely just be items being added from the previous recommendations.

Tiny Home (Based on LD 1981): A living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

1. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
2. Does not exceed four hundred (400) square feet in size;
3. Does not exceed any dimension allowed for operation on a public way under this Title; and
4. Is a vehicle without motive power
5. Is not a trailer, semitrailer, camp trailer, recreational vehicle or manufactured house.

Campgrounds, Large: A large campground shall have a minimum of at least ten (10) acres of land. All camping sites or structures shall be located at least fifty (50) feet from any property line and one hundred (100) feet from any residence on abutting property and have a maximum limit of one hundred (100) units or sites.

Campgrounds, Small: A small campground shall have a minimum of two (2) acres of land. All campsites or structures shall be located at least fifty (50) feet from any property line and one hundred (100) feet from any residence on abutting property and have a maximum limit of ten (10) units or sites.

Shoreland Zoning:

Note: This requirement was added since Chapter 1000 was adopted by the State in 2015 and the Town in 2018. The wording is based on the language found in 38 MRS Section 439-A(10).

11.7.7.1 Photographic Record An applicant must provide the municipal permitting authority preconstruction photographs and, no later than 20 days after completion of the development, postconstruction photographs of the shoreline vegetation and development site.

Schedule of Dimensions Requirements:

Note: The suggestion is to lessen the setbacks and minimum lot sizes to be more synchronized and allow dense development where circumstances are eligible. For example: Route 1A requires 2 acres (80,000 square feet) regardless of their connection to Town utilities; whereas Route 1B can be as small as 5,000 square feet if connected to sewer and water. There is also water that runs along the entirety of Depot Street (Rural until it gets to the train tracks) but this area also requires 80,000 square feet. Another example is Route 1A requiring 100 feet setback from the road while Route 1B requires 25 feet. Route 1A has territory that is on the right side of the Route 1 hill heading to Nobleboro, but Route 1B is on the left side. There is no amended table proposed at this time, but something for the Board to consider. These Standards have not been amended since they were initially adopted in 2005.

The proposed changes in the chart below are based on Dimensional Standards in Warren, Damariscotta, Rockland, Bremen, Friendship, Rockport, and Newcastle. The focus for the changes below is to encourage more development and to have standards more synchronized with the region without sacrificing requirements for septic systems. This involves the setbacks and lot sizes being cut nearly in half in many areas, and Historic Village being similar to Downtown Business for full exemption on setbacks and lot sizes since the structures predate the Ordinance and are on sewer and water. There is also a suggestion to remove "Business" from "Rural Village Business" because these areas are not necessarily being used as commercial areas. "Commercial" was also removed from the Route 1 Districts since residential uses are allowed and to simplify the names.

The original Requirements (Section 6.8) had roughly 2 acre minimums in four Districts of the community regardless of their sewer status. Many communities in the region have a minimum lot size of 40,000 square feet (roughly 1 acre). Two exemptions I found were both Rural Districts (regardless of hookup to sewer and water), one in Rockland (2 acres), and one in Rockport (130,000 square feet/ 3 acres).

At the time of writing, there is only public water or sewer in Rural (Water only on Depot Street), Village (Both), Historic Village (Both), Downtown Business (Both), Route 1 A (Both), Route 1 B (Both), and Industrial (Sylvania has both and Atlantic Labs is close to Water). For the Lot Size reductions, the lot/ structures must be attached to the utilities. Every lot on Depot Street would not automatically be allowed to be 20,000 square feet until it is attached to the Public Water system. Because there is no public water or sewer system that will reach Residential Districts, the only change to the lot size is reducing it to 1 acre to be consistent for the rest of the community.

| | <u>Rural</u> | <u>Residential</u> | <u>Rural Village Business</u> | <u>Village</u> | <u>Historic Village</u> | <u>Downtown Business</u> | <u>Route 1 Commercial A</u> | <u>Route 1 Commercial B</u> | <u>Industrial ***</u> |
|---|---------------|--------------------|-----------------------------------|----------------|-----------------------------|------------------------------|-------------------------------------|-------------------------------------|---------------------------|
| <u>Minimum Lot Size (square feet):</u> | | <u>40,000</u> | | | <u>None</u> | <u>None</u> | | | |
| <u>Public Water & Sewer</u> | <u>5,000</u> | | <u>5,000</u> | <u>5,000</u> | | | <u>5,000</u> | <u>5,000</u> | <u>5,000</u> |
| <u>Public Sewer Only</u> | <u>10,000</u> | | <u>10,000</u> | <u>10,000</u> | | | <u>10,000</u> | <u>10,000</u> | <u>10,000</u> |
| <u>Public Water Only</u> | <u>20,000</u> | | <u>20,000</u> | <u>20,000</u> | | | <u>20,000</u> | <u>20,000</u> | <u>20,000</u> |
| <u>No Public Water or Sewer</u> | <u>40,000</u> | | <u>40,000</u> | <u>40,000</u> | | | <u>40,000</u> | <u>40,000</u> | <u>40,000</u> |
| <u>Road Frontage (feet):</u> | <u>200</u> | <u>200</u> | | | <u>50</u> | <u>None</u> | | | |
| <u>Public Water & Sewer</u> | | | <u>50</u> | <u>50</u> | | | <u>50</u> | <u>50</u> | |
| <u>Public Sewer Only</u> | | | <u>75</u> | <u>75</u> | | | <u>100</u> | <u>75</u> | |
| <u>Public Water Only</u> | | | <u>100</u> | <u>100</u> | | | <u>200</u> | <u>100</u> | |
| <u>No Public Water or Sewer</u> | | | <u>150</u> | <u>150</u> | | | <u>400</u> | <u>150</u> | |
| <u>Shore Frontage (feet):*</u> | <u>200</u> | <u>200</u> | <u>200</u> | <u>200</u> | <u>200</u> | <u>200</u> | <u>200</u> | <u>200</u> | <u>200</u> |
| <u>Road Setback (feet):</u> | <u>30</u> | <u>30</u> | <u>25</u> | <u>25</u> | <u>25</u> | <u>None</u> | <u>50</u> | <u>25</u> | <u>75</u> |
| <u>Side, Rear Setback (feet):</u> | <u>15</u> | <u>15</u> | <u>15</u> | <u>15</u> | <u>None ****</u> | <u>None</u> | <u>15**</u> | <u>15</u> | <u>15**</u> |
| <u>Max Lot Coverage:</u> | <u>40%</u> | <u>40%</u> | <u>50%</u> | <u>50%</u> | <u>60%</u> | <u>100%</u> | <u>70%</u> | <u>70%</u> | <u>80%</u> |
| <u>Max Building Height (feet):*</u> | <u>42</u> | <u>42</u> | <u>42</u> | <u>42</u> | <u>42</u> | <u>42</u> | <u>42</u> | <u>42</u> | <u>42</u> |

*Because these items are consistent throughout the Districts, these could be removed from the Table and placed under Section 6.9 for "Other Dimensional Requirements".

**Rockland has close side setbacks for commercial, but if there is an existing residential lot abutting the commercial lot, then it would be twice as far away. So, a traditionally 15 foot setback would be 30 feet if the abutting lot was built for residential as a primary use. This would be a rule the Planning Board would have to create, amend to focus on just the residential buildings, or leave as suggested to 15 feet.

***Industrial is focusing on the Industrial Park (privately owned), Atlantic Labs, and Sylvania (this can be moved into a different District if the Town would approve it).

****A "None" setback still means that the owner must build on their lot and not the neighbors' lot.

Section 6.9.4

Note: This item requires the Dimensional Standards to be applicable for each use. This means that two separate dwellings in the Rural District would require 80,000 square feet under these changes. Towns like Warren provide a reduced lot size requirement such as 40,000 square feet for the first residential dwelling unit, and 10,000 square feet for each additional unit. I would say the square footage would be 10% of the minimum lot size for each additional unit, which would be 500 square feet if this is on sewer and water but 4,000 square feet if it is on independent systems. Accessory Dwelling Units could also have the first one exempted from this Standard if it is for a family member similar to what is done for subdivisions. This would only be if the septic can handle the amount of work, which the CEO examines. State also requires the structures to be a minimum of 5,000 square feet but Accessory Dwelling Units (apartments) are not applicable to the dimensional minimum.

No proposal until the Planning Board provides a directive.

Mass Gatherings:

Note: Now that “Event Centers” are a category, this item should either be combined into “Event Centers” for events that are singular as opposed to recurring, or should be amended to acknowledge the distinction.

Allowed Uses:

Note: I received an email from Peggy Davis, who owns the Medomak House (124 Friendship Road). Peggy has expressed interest in having the Medomak House provide overnight accommodations for 8-10 people (5 rooms total). In the current Ordinance, an Inn (which this use closely resembles) would not be allowed in the Historic Village. Peggy indicated that this use would only be on weekends and can wait until June if the Planning Board will consider the change. Does the Planning Board want to consider amending the Ordinance to allow this use (Hotel, Motel, Inn) in the Historic Village?