

Approved on February 14th, 2018.

Minutes
Town of Waldoboro
Planning Board Meeting
January 10, 2018

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Roll Call

The meeting was called to order by chairman Scott Simpson at 6:03 p.m. in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Sara Hotchkiss, Tara Pelotte, Marcia Smolin and Ted Wooster. A quorum was present throughout. Planning and Development Director Max Johnstone and planning consultant Bill Najpauer were present. Lincoln County News reporter Alex Violo was the only audience member.

1. Minutes of December 13, 2017 – approved as revised

On motion of Wooster/Boardman the Board voted 4 - 0 - 2 , Pelotte and Smolin abstaining, to approve the December 13 minutes as amended to correct the first sentence of Item 8 on p. 4 . The sentence should read, “Boardman will speak with a consultant in Augusta about meeting with the Planning Board about water quality.”

2. Citizen Comments – none

3. New Business

3.1 Moose Crossing Garden Center, 3033 Atlantic Hwy. (Tax Map R13 Lots 42B, 46A) – Conditional Approval of Stormwater Management System

Engineer Andrew Hedrich of Gartley & Dorsky Engineering and Surveying and owners Jeremy and Tyler Lupien were in for site plan review of a proposed expansion at Moose Crossing involving a new stormwater management system and four new greenhouses. Hedrich said that at tonight’s meeting his clients seek approval only for the stormwater treatment system, not the new greenhouses. He offered to put a note on the plan making it clear what is being approved at tonight’s meeting. He was later told that the note would not be necessary.

A waiver is requested for lot coverage. The proposed expansion plus existing features total 74.6% lot coverage, where the maximum permitted under the Land Use Ordinance is 70%. Wooster asked whether the owners have considered buying adjacent land. Hedrich said much of the abutting land is wetland.

The proposed stormwater management system has been submitted to the Maine Dept. of Environmental Protection (DEP) for permit approval. Approval has not yet been received. The stormwater management system will not increase run-off onto adjacent properties. The stormwater management system is shown on Sheet C3, Underdrained Soil Filter Plan & Details. An engineer will inspect the system during construction. The owners will inspect the system thereafter. Once the system is in place, it must be inspected every five years to check whether it is working correctly, and re-

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certified. The greenhouses use some 300,000 gallons of water per year, which will drain into the man-made ponds. 94 - 95% of the water leaving the site will pass through the filtration system. An on-site well is the water source. Phosphorus and sediment are DEP's main concerns. They have inspected the fertilizer used in the greenhouses and are not concerned about any adverse impacts on groundwater.

There will be 45 parking spaces on-site, marked initially with spray-painted stripes. There is no change to the curb cuts for vehicle entrances onto the property from Route 1.

Johnstone's application summary dated Jan. 3, 2018, states that greenhouses in the Route One Commercial A and B land use districts usually require only approval by the Code Enforcement Officer. However, the proposed expansion at Moose Crossing requires Planning Board review because the expansion increases the total area within a five-year period by more than 500 square feet.

Chairman Simpson summarized that the application can be approved conditional upon DEP approval of the stormwater management system and with a waiver to allow total lot coverage of 74.5%, rather than the Ordinance maximum of 70%. Approval of the site plan C1 for four new greenhouses will require review and vote by the Planning Board at a future meeting.

VOTE: On motion of Wooster/Smolin, Planning Board members voted unanimously to approve the proposed stormwater management plan for Moose Crossing Garden, Inc., conditional upon approval of the stormwater management plan by the Maine Dept. of Environmental Protection, and with a waiver to allow maximum lot coverage of 74.5%, rather than the Ordinance maximum of 70% lot coverage. Board members signed engineering sheet C3.

3. 2 Change of Use from Restaurant to Office Space. Allan Beck/Cornerstone Investment Properties LLC. 816 Atlantic Hwy. (Tax Map R4 Lot 17) - Tabled

Andrew Williams was present representing owner Allan Beck of Cornerstone Investment Properties LLC, who was unable to attend tonight's meeting. Submission materials include a floor plan of the first floor of the building; a building permit issued Oct. 4, 2017 to move interior walls and add a covered porch on the south and east sides of the building; a quit-claim deed from Damariscotta Bank & Trust Co. to Cornerstone; the seller's property disclosure form; a subsurface wastewater disposal system application dated 1988 (the building is on Town water and an on-site septic system); and a purchase and sale agreement between Cornerstone and Damariscotta Bank & Trust. The application does not include a complete plan of the lot, with a title block and signature block. There is no landscaping plan. Beck requests waiver of requirements for a boundary survey, site plan, contour lines, parking plan, soil erosion plan, stormwater plan, utility plan, landscaping plan, and evidence of technical and financial capability. He will apply for a sign permit from the Code Enforcement Officer.

There are two curb cuts from Route One. It was suggested that one could be designated Entrance, the other Exit. Beck will come before the Planning Board in future seeking a permit for outside rental storage units. Boardman suggested that a parking plan will be needed for the application regarding the storage units. Future plans include repairing and remodeling the existing duplex unit on the same property, not requiring Planning Board approval.

Johnstone read a letter from a neighbor, Carl Erickson, who owns 868 Atlantic Highway, tax map R4 lot 15, 79.41 acres containing a building, separated from the Beck property by a narrow strip of land owned by the Town of Waldoboro. Erickson claims that Beck does not know the location of his eastern property line, and is having snow plowed onto Erickson's land. He suggests that Beck have his property surveyed, so that he will know where his boundaries are. He requests that Beck's driveway and parking area be re-graded so that water will not flow onto Erickson's land, and that snow not be plowed onto Erickson's land.

Discussion

Boardman would like to see a plan showing existing landscaping and any planned landscaping. Najpauer said the Planning Board cannot require Beck to reduce access from Route 1 to one entrance, where now there are two curb cuts.

It was suggested to table the application tonight, pending receipt of a site plan showing the location of driveway entrances, landscaping, and the direction of surface water drainage. Simpson questioned whether Beck can be required to change the direction of water drainage when he is not altering anything about the exterior of the property. Najpauer said that Beck is responsible for the water draining off his property, even if he has done nothing to alter the existing drainage. Boardman suggested that Beck might not need a full survey of the property. He could hire someone to locate the survey pins marking the front property boundaries with the adjacent properties to the east and west. Wooster

suggested that Beck should talk with someone from the Maine Dept. of Transportation. VOTE: On motion of Wooster/Boardman, Planning Board members voted unanimously to table the Beck/Cornerstone application to the next Planning Board meeting, or the next meeting at which a site plan is available showing the desired information.

3.3 Pre-Application for Dog Boarding, Melissa Mushrall, Melissa's Dog Grooming, 459 Bremen Rd. (Tax Map R5 Lot 18)

Melissa Mushrall was in to describe her plans to expand her business to include boarding for up to 10 dogs. She has operated the grooming business at the site since 2005. She has four outdoor-indoor dog pens now. She wants to add six more outdoor-indoor pens. The front part of her property is in the Residential land use district, but the back part, which would contain the new pens, is in the Rural District. The property is 300' wide and includes 25 acres extending west from Bremen Road. She will need a State license in order to board dogs overnight. She wants to know whether the Waldoboro Planning Board will approve her application, before going to the trouble of applying for the State license. Each pen will be approximately 4.5 feet wide by 16' long, with chain-link fencing and a heated enclosure. The pens will be located about 400 feet west of Bremen Road, behind her house. There are woods between her land and the neighbors' houses. Her neighbor on one side uses the property only in summer. The neighbor on the other side says she does not hear dogs barking at Melissa's property. Boardman suggested that Mushrall get letters from the neighbors addressing noise.

Najpauer said the State has requirements for dog boarding facilities that include maintaining sanitary conditions and providing access to heated space, but no limit on the number of dogs being boarded. The Waldoboro Land Use Ordinance does not have any specific regulations regarding dog boarding, other than a minimum setback from neighboring properties.

Mushrall will need a site plan as part of her application. Johnstone and Najpauer offered to help her with the site plan, possibly using an image from Google Earth. She does not want to start building new pens until spring, when weather is warm enough to pour cement. Simpson suggested that she contact her neighbors before doing much more with the application.

4. Old Business

4.1 Signing Site Plan for Campground and Event Center, Pike, Tops'l Farm, Bremen Rd. (approved Nov. 8, 2017)

At the November 8, 2017 Planning Board meeting, Boardman and Hotchkiss voted against approval of Joshua and Sarah Pike's application to operate an agriculture-focused campground and event center at Tops'l Farm, 365 Bremen Road (tax map R5 Lot 12). There was discussion of whether dissenting Planning Board members are required to sign a site plan approved by a majority of the Board. Hotchkiss has spoken with Becky Seele, staff attorney at Maine Municipal Association, about this question. Seele believes that not every Planning Board member's signature is required on an approved site plan. Seele said that the more important document is the meeting minutes, which should summarize the complete discussion.

Najpauer believes that all the Planning Board members who attended the meeting should sign the approved site plan or subdivision plan. Seele suggested that dissenting Planning Board members could put "No" by their signature if they disagree with the approval. Planning Board members did not favor this suggestion.

At tonight's meeting, all Planning Board members who were present at the Nov. 8, 2017 Planning Board meeting signed the Pikes' approved site plan for a campground and event center at Tops'l Farm, using today's date.

4.2 Revisions to Land Use Ordinance Article 6 Site Plan and Subdivision Approval, Article 7 Shoreland Zoning, and Article 10 Non-conforming Uses

Chairman Simpson suggests an addition to Land Use Ordinance Article 6 Site Plan and Subdivision Review, Section B Applicability Provisions, subsection 4 Waivers. A sheet titled Revised Waiver Provisions was part of meeting materials for tonight's meeting, but was not discussed. The proposed new text allows waiver of "one or more of the performance standards in cases where the State requirements have been modified since the last approved change to the Waldoboro LUO. At its discretion the Planning Board may require adherence to the Waldoboro LUO if it is more restrictive."

Text of the revised draft LUO Article 7 Shoreland Zoning has been sent to Abden Simmons, chair of the Shellfish Conservation Committee, for review. He has not yet responded.

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Secretary Alexander has sent suggestions for editorial changes to Land Use Ordinance Articles 7 and 10 to Johnstone and Simpson as marked-up copies showing suggested changes in color, for consideration by the Planning Board. Johnstone will send electronic copies of Alexander's editorial suggestions to Planning Board members for their review.

A special Planning Board meeting is planned for Wednesday, February 7 at 6 p.m., to review and revise Land Use Ordinance Articles 6, 7 and 10.

5. Town Planner's Report

Maine Municipal Association is holding a workshop for new Planning Board members in Augusta the afternoon of January 23. Pelotte wants to attend. The schedule of MMA workshops for 2018 is available on the MMA web site.

Tonight's meeting is the first at which Johnstone provided a written application summary for each site plan on the agenda, as part of meeting materials distributed in advance of the meeting. He plans to do this regularly in future.

The February 14 Planning Board meeting will include pre-application discussion of a request for a change of use from residential to business at a location in the Village District.

6. Planning Board Chairman's Comments

Simpson said there is no standard form for applications for mass gathering permits. Najpauer said there used to be such a form. Applicants need a permit from the Code Enforcement Officer, but there is no form being used now. Simpson suggests that we consider having a standard form created and require its use by the CEO. He thinks the Code Enforcement Officer and the Fire Chief are the ones who should be involved with mass gathering permits. Najpauer suggested deleting Mass Gatherings from the Land Use Ordinance.

Simpson said that the Land Use Ordinance should be revised after the revised Waldoboro Comprehensive Plan has been approved by Town vote. The draft Comprehensive Plan revision will be available on the Town web site.

7. Next Meetings: Wednesday February 7, Wednesday February 14

Wednesday, February 7, 6:00 p.m.: Special meeting to review and revise Land Use Ordinance Article 6 Site Plan and Subdivision Review, p. 6-2; Article 7 Shoreland Zoning Ordinance; and Article 10 Non-conforming Uses

Wednesday, February 14, 6:00 p.m.: next regular Planning Board meeting

Adjournment: The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Susan S. R. Alexander

Action Items

Johnstone

Send Planning Board members a table clarifying Ordinance requirements.

Forward Alexander's editorial suggestions for LUO Articles 7 and 10 to Planning Board members electronically, for their consideration in advance of the Feb. 7 special Planning Board meeting on Ordinance revision.

Alexander

Send corrected final versions of the November and December Planning Board minutes to Johnstone for the office file.

Planning Board members

Review suggested changes to LUO Articles 6, 7 and 10 before Feb. 7 special meeting.