

Minutes
Town of Waldoboro
Planning Board Meeting
January 8, 2020

Roll Call

The meeting was called to order by chairman Scott Simpson at 6:06 p.m. in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Sara Hotchkiss, Johnny Kosnow, Jim Russo and Ted Wooster. Planning and Development Director Max Johnstone, planning consultant Bill Najpauer, Code Enforcement Officer Stan Waltz and Police Chief John Lash were present. The audience included Bob Butler, Charles Campbell, Ann Estabrook, Mike Estabrook, Dave Fitts, Kevin Genthner, Brian Glenn, Jimi Hunt, Peter Lee, Duane Makie, Jann Minzy, Arvin Roen, Karen Roen, Nancy Stewart and Katie Winchenbach.

1. Change to the Agenda

On motion of Wooster/Hotchkiss, Planning Board members voted unanimously to change the order of New Business items on tonight's agenda so that Douglas Fitts could make his presentation about Ice Pond Subdivision first, as he is traveling out-of-state to get home after the meeting.

2. Minutes of November 13, 2019

On motion of Russo/Boardman, Planning Board members voted 5 - 0 - 1, Wooster abstaining, to approve the minutes of November 13, 2019 as distributed.

3. Citizen Comments – none

There were no citizen comments on matters other than those pertaining to items on tonight's agenda.

4. New Business

4.1 Amendment to Ice Pond Subdivision, 91 Ice Pond Rd. off Back Cove Rd. (Map R9 Lot 16-2)

Developer Douglas Fitts was in to present his request to amend the existing subdivision plan for his Ice Pond subdivision in order to divide Lot 16-2 (8.18 ac.) into three parcels, thus creating two additional lots in the subdivision. Each of the three lots will have a minimum of 80,000 s.f. and will have at least the required minimum 200' of shore frontage. Structures on each lot can be set back the minimum 100' from the water. Each lot will have its own well and septic system. Fitts plans to put in the wells and septic systems this coming spring. Each lot already has an approved test pit. Vehicular access will be over a proposed new right-of-way ending in a cul-de-sac. Fitts will provide the new access road, which will be a private road with a gravel surface. Each new lot will have at least the minimum required 65' of frontage on the cul-de-sac.

Currently, nine of the 15 lots in the subdivision have houses on them. Fitts said he has notified all lot owners in the Ice Pond subdivision of his intention to subdivide Lot 16-2. Arvin Roen, treasurer of the Ice Pond homeowners' association, spoke in support of Fitts's application. He said that Fitts is a highly reputable developer and will do what he says he will do. There were no other audience questions or comments.

VOTE: On motion of Kosnow/Boardman, Planning Board members voted unanimously to approve Fitts's request to amend the Ice Pond subdivision to subdivide Lot 16-2 to create two additional lots.

4.2 East Ridge Adult Mobile Home Park, 170 Lady Slipper Lane, Bess (Tax Map R6 Lot 8E): Denial of Request to Amend Site Plan to Remove Age Restriction

Fred Bess, owner of East Ridge Mobile Home Park at the end of Lady Slipper Lane, requests Planning Board approval to change the status of the 40-unit mobile home park from one with a primarily "adult" clientele (55 years old and over) to one open to tenants of all ages. The age restriction, placed on the original application

in 2001, requires that at least 80% of the dwellings must be occupied by at least one person 55 years of age or older. Bess owns the lots and rents them to tenants who bring their own mobile homes onto the lots. The existing septic systems are designed to serve 40 two-bedroom homes @ 180 gpd capacity, according to the original subsurface wastewater disposal system application in 2001.

Bess said that when he originally applied for a permit for the mobile home park, he thought that there would be a market for a park catering mainly to older adults. Nowadays he is getting many more applications from younger people, so he would like to get rid of the age restriction. He said that he can change any of the park rules, except this one, by giving his tenants 30 days' notice. He said that it is illegal to ask people how old they are, so he really has no accurate idea how old his tenants and prospective tenants are. Currently he has reached his limit of 20% of tenants under 55, so he is supposed to turn prospective tenants away if they appear to be much under 55.

There are written regulations that apply to tenants of the East Ridge mobile home park, and a separate set of rules about dogs, which must be on leashes or confined when out of doors, so that they do not roam freely. Bess gives the two sets of rules to tenants, but does not make them sign anything.

At 6:51 p.m. chairman Simpson opened the meeting to questions and comments from the audience.

Audience Input

Duane Makie said that he was made to put a vinyl skirt on his mobile home. He has no complaint with how Bess runs the mobile home park.

Charles Campbell is an abutter to the park. He is a former Planning Board member, but was not on the Board when the mobile home park was approved in 2001. He said that Bess told him that the property was going to be an adult mobile home park. He expressed concern about a buffer area between the park and his property. The buffer was supposed to remain wooded, but tenants have cleared parts of it and put in graveled parking areas, barbecue pits, etc. Garbage from the park gets onto his land. He is concerned that there will be more problems if more families with children move into the park and the children use the Campbell property as a recreation area. He requests that Bess be required to install a stockade fence to keep tenants out of the buffer area.

Ann Estabrook lives on Union Road at the corner of Lady Slipper Lane. When she bought her property in 2002, Bess told her that his mobile home park would be for people 55 and older, and that it would be "picturesque and well-maintained". She has called the police many times to report squealing tires, gun shots, cars parked on Lady Slipper Lane at 3 and 4 a.m., and trash discarded along the road. She thinks the park is unsafe and that Bess is not following code regulations. She urges the Planning Board not to allow him to remove the age restrictions.

Jimi Hunt lives on the corner of Union Road and Lady Slipper Lane. She said Lady Slipper Lane is known as "Heroin Highway". She questioned the 80%-20% ratio of park residents, especially since Bess admits he does not ask people their ages before renting to them. She said there are people living in campers in the park. The property is not being maintained. Bess is doing his tenants a disservice.

Peter Lee lives at Lot 43 in the East Ridge mobile home park. He said Bess should "get rid of the riff-raff".

A woman who lives across from the mobile home park driveway said that there are cars going in and out of the park all night long. The place looks terrible. There is no landscaping.

Police Chief John Lash reported that in the two-year period 2016 - 2017 there were 38 calls to the local police involving East Ridge mobile home park. This has increased to 227 calls in the two years 2018 - 2019, mostly at five or six specific locations, and mostly involving domestic violence and drugs.

Katie Winchenbach asked how many of the 40 lots in the park are currently occupied, and by what kind of unit. Bess said there are 25 mobile homes and three campers. Winchenbach said she has heard there are

more than that number. She asked how come people are living in campers in a mobile home park. Her advice was to “shut them down and get them out of there”.

Bess said that it is not easy to evict tenants. They have legal rights. He has had more problems with older tenants than with those under 55.

Bob Butler said that the mobile home park should be in compliance with current rules and regulations before Bess can properly ask to be allowed to make a change to the rules.

Code Enforcement Officer Stan Waltz said that if someone has an issue with how Fred Bess is running the mobile home park, they have to take him to court. Simpson disagreed, saying that if Bess is in violation of Waldoboro’s building code or the Land Use Ordinance, that may be an issue for the Code Enforcement Officer. Waltz agreed.

Planning Board Discussion

Russo asked whose responsibility it is to evict people who are living in campers in the park. Chief Lash said it is not the responsibility of the local Police Department. Russo said he sees two separate issues with the Bess agenda item: a) the age distribution of residents of the East Ridge mobile home park, and b) the overall administration and management of the park. Planning Board chairman Simpson said that the Planning Board is not an enforcement agency. The Planning Board can judge whether an application meets Town ordinances. Many of the issues and concerns raised tonight by people in the audience are serious, and we do not take them lightly, but it is not the Planning Board’s job to deal with them. Kosnow said that if Bess eliminates the age requirement for residents of the mobile home park, doing so may make the problems worse. Chief Lash said that the problems involving the police are mostly with people under the age of 55.

CEO Waltz said that if the Planning Board agrees to let Bess lower the age of park residents, the existing septic systems should be inspected and re-engineered if necessary. They were originally designed for two-bedroom mobile homes. If the age restriction is removed and younger people with families become the norm, many of the mobile homes will likely be three-bedroom units. Planning consultant Najpauer agreed.

Acting Code Enforcement Officer William Butler sent Bess a letter dated Sept. 3, 2019, regarding a schedule of compliance required as a result of Butler’s inspections of East Ridge mobile home park in June of 2019. Bess was asked to provide a signed compliance agreement by Sept. 9, 2019, but failed to do so.

Planner Bob Faunce wrote a memo based on a 3/4/2002 meeting with Bess and then- CEO John Black, saying that the nitrate plume from the mobile home park is predicted to exceed Waldoboro’s standard and to extend onto the adjacent Campbell property (see red area shown on 2001 Mathieson site plan for East Ridge mobile home park). No nitrate testing was required for the original mobile home park application in 2001 because it was assumed that this was an adult mobile home park with one- and two-bedroom units. Bess has told Planning and Development Director Max Johnstone that he does not have to do nitrate testing. Perhaps if the septic systems are redesigned for three-bedroom mobile homes, a nitrate study will need to be required.

Regarding use of travel trailers and campers as residences, Johnstone said that a notice was sent to Bess dated March 15, 2017, telling him that it is illegal for him to let his park tenants live in travel trailers. Waltz said that he spoke with a person living in a camper who said that he had been told he could live in the camper for only 120 days.

Chairman Simpson summarized that the request before the Planning Board tonight is to change the East Ridge Mobile Home Park from an adult park to one with no age restrictions. There are also a number of existing compliance issues. Johnstone said he has a list of the compliance issues.

Winchenbach asked how bad the septic systems are. That would be a health issue that should trump everything else that has been said tonight. Simpson said that malfunctioning septic systems are a code enforcement issue, not a Planning Board issue.

Hotchkiss said the East Ridge Mobile Home Park is a problem for the people who live in it, for abutters, and for the Town.

Planner Najpauer summarized that the primary issue is whether Bess's adult mobile home park can be converted to a park for people of all ages. Will the existing septic systems meet the requirements for a regular mobile home park? If not, can they be made to do so? The second issue is enforcement. The third item is code issues.

VOTE: On motion of Russo/Kosnow, the Board voted unanimously to deny Bess's request to change the East Ridge Mobile Home Park from an adult mobile home park to one that accepts tenants without age restrictions. The stated reasons for the denial are 1) that there are a number of questions about compliance with the existing age restriction; 2) there have been a number of complaints about the park from neighbors and abutters; and 3) there is a question about the capability of the existing septic systems to accommodate mobile homes with more bedrooms, since the systems were designed for 40 two-bedroom mobile homes.

4.3 Minor Correction to Original Subdivision Plan for East Ridge Mobile Home Park, 170 Lady Slipper Lane (Tax Map R6 Lot 8E)

Bess said that when his mobile home park was approved in 2001, by mistake the wrong subdivision plan was used for signature and recording. The correct plan creates Lot 6 and removes Lot 30. The revised mobile home park plan still has 40 units. Bess will bring in a corrected plan for signature. Planning Board members will vote on it when they see the revised plan.

5. Next Meeting: Wednesday, February 12: 6:00 p.m., Planning Board; 7:00 p.m., Public Hearing on Marijuana Ordinance

Johnstone currently has no applications for the next Planning Board meeting. A public hearing is needed on proposed changes to the marijuana ordinance. Johnstone proposes to schedule the public hearing for 7 p.m. on February 12, preceded by Planning Board business, if any, at 6 p.m.

Adjournment: The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Susan S. R. Alexander

Action Items – None