

Town of Waldoboro, Maine
Planning Board Meeting
February 9, 2023

Roll Call

The Planning Board meeting was called to order at 6:05 p.m. by chairman Brendan McGuirl. Planning Board members Barbara Boardman, Johnny Kosnow, Brendan McGuirl and Mark Stults were present in person at the Town Office. A quorum was present throughout. Planning and Development Director Max Johnstone was present in person. Applicants Michael and Carrie Johnson attended in person. Audience members attending in person included Chuck Campbell, Douglas Ewart, John Guarnaccia, Mark Hallowell, Erica Moody, Nathan Reiner, Alexa Stark, Elizabeth Walztoni (reporter from the Lincoln County News), and Willy Wong, along with several others who did not sign the attendance sheet. Persons attending remotely included Cynthia Coner, Daniela Lombardi and two others.

1. Adjustments to the Agenda - none
2. Citizen Comments – none
3. Site Plan Review, Single-Family Dwelling, Brown, 370 Hendrickson Lane (Tax Map R11 Lot 31-5) – Request for Special Exception to Build in Resource Protection District

Landowners Michael and Carrie Brown are applying for a special exception to enable them to build a three-season cabin on their property at 370 Hendrickson Lane for use by them and their five children, and not to be rented to others. No Planning Board member had a conflict of interest. On motion of McGuirl/Stults, Planning Board members voted unanimously that the applicants have standing. They seek a special exception to build a residential structure in a Resource Protection District, on grounds that there is no other location on the property where a cabin can be built. The building site cannot be located further back from Havener Pond because of the location of a wetland.

The Browns claim that the lot is undeveloped. Neighbors dispute this, claiming that the site has been developed for commercial use, and has been rented out on the past. Town Planner Johnstone said that the Planning Board could make it a condition of approval, that the proposed dwelling unit never be rented to others. A man in the audience commented that a house built for use by the owners' family is not a commercial use.

The proposed structure will be elevated 2' above ground level on screw piles. John Guarnaccia, a neighbor, suggested that in future, with climate change/global warming and possible increases in annual rainfall, the water level in Havener Pond and in nearby wetlands may rise, changing the boundaries of the floodplain. Johnstone said that the Planning Board must go with current conditions and what FEMA says today. There was discussion of the minimum required setback of the structure from the pond and the edge of the wetland. Guarnaccia, and several neighbors that wrote letters to the Planning Board, noted that there were two applications that tried building on the lot in the past but failed to be 100 feet from the highwater line and setback. The neighbors said the proposed site plan does not include the setback distance from the wetlands. Johnstone offered to discuss this with the Beginning with Habitat people. McGuirl said that setback is the only issue.

McGuirl led the Planning Board through consideration of a 12-page summary of the application, prepared by Town Planner Johnstone and given out to Planning Board members in advance of tonight's meeting. The handout addresses requirements in Articles 3,7, 8, 9, and 12 of the Waldoboro Land Use Ordinance adopted November 3, 2020.

3.5.1.4 The property at 370 Hendrickson Lane is 2.7 ac, located in the Rural District and in the Resource Protection Shoreline Zone of Havener Pond.

3.5.2.8 The applicants request a waiver from the requirement to provide a site map prepared and sealed by a professional engineer or architect. Brown states that a very accurate site plan can be achieved by overlaying the property tax map, FEMA map and Habitat for Humanity map, in conjunction with satellite imagery. He will provide satellite imagery. Boardman asked for more information, especially regarding setbacks from the wetland.

3.5.1.11.9 and 10: Water: There are no existing or proposed wells. The Browns propose to draw water from the pond for domestic use, including drinking water. The pond can be used as a water source for fire-fighting. Sanitary wastes will be handled by an Enviro Lo waterless sanitation system. Solids will be incinerated. No wastewater will go into the pond. Boardman asked for a better map with more information about treatment of "gray water" (kitchen wash water, shower/bath water).

There were no comments or questions about Article 7 General Performance Standards.

Article 8 General Performance Standards: McGuirl said that provisions for spill prevention and clean-up are the most important part of the application. There will be a lot of soil disturbance. There will need to be a lot of spill clean-up materials on site.

Article 9 Roads, Parking, Driveways and Traffic Access: No changes are proposed. Waldoboro Emergency Management Services will have the applicants sign a document stating that they understand that emergency vehicles such as a fire truck or ambulance cannot get to the site as fast as normal.

Article 11 Shoreland Zoning. No one raised any issues.

VOTE: On motion of McGuirl/Boardman, Planning Board members voted 4 - 0 to table site plan review of the application by Michael and Carrie Brown for a single-family dwelling at 370 Hendrickson Lane.

4. Pre-Application, Waldoboro Inn Bed & Breakfast, 926 Main St, Stark (Tax Map U4 lot 126)

Nathan Reimer made a presentation about plans to operate a bed-and-breakfast and wine bar at 926 Main St., located at the corner of School St., next to the Waldo Theatre. The original house was built in 1880, with an addition in 1934. From 1934 until the late 1960s the property was operated as an inn, Stahl's Tavern. The building is in the Historic Village District, but is not on the Historic Registry.

Waldoboro Inn LLC is owned by four equal partners: Danielle Lombardi, Nathan Reimer, Alexa Stark and Eric Stark. They want to open this summer with three bedrooms, and expand to eight bedrooms and a wine bar by the summer of 2024. There is a maximum limit of five bedrooms for B&Bs in Waldoboro according to the definition. The owners requested the Planning Board considering amending the definition to allow eight bedrooms as the Land Use Ordinance is going through the amendment process. Reimer said that if five bedrooms is the maximum number

allowable under the current Land Use Ordinance, that is what the owners will request. The wine bar will be located on the first floor of the restored carriage house, and will be open to the public. Eleven on-site parking spaces will be provided on the east and north sides of the .31-acre site. Outdoor seating will be provided in the garden.

Discussion: Boardman spoke about parking requirements. If the Inn is allowed to have eight bedrooms, at one car per bedroom, that would require eight parking spaces, plus parking for staff. A 1,000 s.f. restaurant requires nine parking spaces. Boardman is not sure whether on-site parking would be required for the wine bar. The owners are reluctant to have to cut down existing fruit trees on the back part of the property, which are part of its charm. Boardman asked about parking on School Street during a snow emergency. She suggested that the owners consider approaching neighbors about allowing on-site parking for their customers on adjacent properties.

Mark Hallowell, a neighbor who lives at 68 School St., said that his only concern is parking, and adequacy of off-street parking for the B&B and wine bar. School Street is narrow. Could on-street parking be restricted to only one side of the street? The planned redevelopment of the former A.D. Gray School site as an apartment complex by VOANNE may increase local parking pressure.

Johnstone said that he will check with Maine Municipal Association about the five-bedroom limit on B&Bs in Waldoboro's Historic Village District. During the later discussion of Land Use Ordinance Amendments (Item 6 below), Stults said he would have no problem with increasing the maximum number of bedrooms for a B&B in the Historic Village District to eight. He does not see a big difference between a B&B with five bedrooms and one with eight. Boardman preferred to keep a maximum of five bedrooms for a B&B in the Historic Village District, while allowing up to eight bedrooms in B&Bs in other districts. She noted that tonight's applicants could request a variance to allow extra bedrooms at 926 Main St. McGuirl said he has no objection to a B&B having eight bedrooms. Johnstone said that he will make that change in the revision to the Land Use Ordinance on the warrant for town vote in June.

5. Minutes of January 12 and January 26, 2023 Planning Board Meetings

No action was taken on the minutes of the January 12, 2023 Planning Board meeting.

On motion of Boardman/McGuirl, Planning Board members voted unanimously to approve the minutes of January 26, 2023, as amended to correct the spelling of the surname Marqus on pages 1 and 2, to delete the "e".

6. Old Business: Land Use Ordinance Amendments

Johnstone had previously distributed copies of a 50-page summary of proposed changes to the local Land Use Ordinance, with proposed new text shown in red type and proposed deletions indicated by strike-throughs. He said that the red text shows changes and corrections he has made to the LUO based on input from previous Planning Board meetings. The proposed revised Land Use Ordinance would be the subject of a public hearing, and would then be placed on the warrant for vote by townspeople at the next municipal election.

Boardman asked about the difference between an inn and a bed-and-breakfast. Johnstone said that the owner of a B&B must live on the property. An inn has no such requirement. There is no limit to the number of B&Bs that can be located on the same street.

A Board member asked about the ownership of the parking lot behind Community Pharmacy. Johnstone that that this is currently in negotiation. (Tax Map U4 Lot 17, 877 Main St., is listed in the 2020 real estate commitment book under Wooster Waldoboro LLC.)

Johnstone said that the main change to LUO Article 3 has to do with the requirement of sending notice of upcoming Planning Board agenda items to municipal emergency services (Fire, Police, and Ambulance) as well as to property abutters, 14 days ahead of the proposed public hearing, by first-class mail, to allow time for input by interested parties.

In the Matrix 6.7.5, p. 6-7, under Residential Uses, Johnstone asked whether the required approval for a bed-and-breakfast should come from the Planning Board (PB) rather than from the Code Enforcement Officer and Planner (CP) in all land use districts. As currently written, the ordinance requires Planning Board review for B&Bs only in the Village, Historic Village, and Downtown districts.

Under Commercial Uses, Boardman suggested that the Planning Board should review applications for new breweries, distilleries and vineyards/wineries in all land use districts, including Residential and Historic Village, the two districts in which Planning Board review is not currently required according to the table (p. 6-8). She suggested that review of parking for distilleries and vineyards be on a case-by-case basis.

It was noted that the heading “cafes/delis” is included in the matrix in 6.7.5 under Commercial Uses at the bottom of p. 6-8, but is not included in the subsection giving parking requirements. Johnstone said he will add “cafes/delis” as a new category under Parking. It was suggested to include cafes/delis under the category “restaurant/bar”.

There was group discussion of minimum lot size requirements. It was suggested that for parcels not on municipal water or sewer, the minimum lot size should be increased to 20,000 s.f. Johnstone said that for now, he is fine with making changes to dimensional requirements only in the Route 1 and Industrial districts. He wants to get the recommended changes onto the warrant for vote at town meeting this June.

Johnstone said he has not suggested many changes to the Noise Ordinance. He needs more time to work on this. He also has not sent the Planning Board proposed suggestions for changes to the wastewater ordinance. He will insert provisions from the new State law.

Regarding Article 10 Specific Performance Standards (p. 10-1 of handout), Johnstone said that the wording of the new red text in 10.1.14 does not say that the applicant must provide results of a water test in order to prove compliance. Any new local ordinance language must be word-for-word the same as the State language.

7. Old Business: Comments on Architectural Design of Proposed VOANNE Apartment Building, 56 School St. (Tax Map U4 Lot 63)

McGuirl spoke about some of the issues raised in his 2/8/23 email to other Board members and Johnstone regarding the design of the proposed affordable housing structure planned to be built on the former A.D. Gray School property on School St. He suggests that the Planning Board try to provide VOANNE with specific design suggestions that would help make the proposed building fit better with the surrounding architecture and ambiance of Waldoboro’s Historic Village District. He criticized specific design features of the Sproul Block apartment building at 123 Main St. (the

southeast corner of the intersection of Main St. and Friendship Rd.) that he hopes the VOANNE building can improve upon. The Planning Board wants the building to look “19th century”, but the building must comply with current Waldoboro building codes.

Boardman said that she and McGuirl have already talked about this. The local ordinance contains ambiguities. The Planning Board can deny VOANNE a building permit if it finds that the architectural design of the building’s exterior does not conform to the 19th-century appearance of the neighborhood. Kosnow said that the Planning Board needs to agree on what “19th-century appearance” means. Boardman advised letting the architects do their job. The Planning Board should avoid being too specific about what constitutes “19th-century” design. Whatever we say better be good, because we will be held to it for future proposed buildings in the Historic District. McGuirl said that part of the weakness of the Historic District guidelines in the LUO is that there is no mechanism for the Planning Board to get involved with specifics regarding construction materials and specifications. The dimensions of the bricks used for the Sproul Block do not match those of the bricks used in the historic structures on the other side of the street. Kosnow suggested requiring that the VOANNE architects bring in a model that shows construction details of the proposed building. Stults said that probably each person who lives or works in the Historic District has a different idea of what constitutes “19th-century ambiance”. Seth Hall said that the Town of Waldoboro needs to set standards, in the LUO, so that the Planning Board can enforce those standards and require applicants to comply with them. McGuirl said that he can refuse to sign off on a building design for a proposed structure in the Historic Village District that does not meet standards of compatibility with the 19th-century ambiance of the neighborhood. Boardman countered that the Planning Board can make suggestions, but she does not think that it can make these a condition on approval of a project. The applicants will say, “Don’t tell me what I can do with my building.” Stults said that he is not an architect. He will be guided by what the neighbors to the proposed project think. If people who live on or near School Street are OK with the proposed design of the apartment building, he will be satisfied.

Town Planner Johnstone said that the VOANNE people thought that local residents wanted a building that looked like the A.D. Gray building. They had originally planned to remodel the school building into apartments, without changing the exterior appearance, but the building turned out to be in such poor condition that it will have to be torn down. He asked for Planning Board members to give him any further input by next week via email.

Adjournment: The meeting was adjourned at 8:27 p.m.

Next regularly-scheduled Planning Board meeting: Thursday, March 9, 6:00 p.m.

Respectfully submitted,

Susan S. R. Alexander
Recording Secretary