

Town of Waldoboro, Maine
Planning Board Meeting
March 10, 2022

Roll Call

The Planning Board meeting was called to order by chairman Scott Simpson (attending remotely via Zoom) at 6:04 p.m. Other Planning Board members present were Johnny Kosnow and Jeffrey Erskine, in person at the Town Office, and Barbara Boardman, Sarah Rich, and Jim Russo, attending remotely via Zoom. A quorum was present throughout. Planning and Development Director Max Johnstone was present in person. Others present in person included architect Chuck Campbell representing applicant Kevin Secotte; nearby property owner Tyler Lupien and abutting landowner Jen Merritt, in for the Secotte agenda item; and reporter Nate Poole from the Lincoln County News.

1. Adjustments to the Agenda - none
2. Citizen Comments unrelated to tonight's agenda - none
3. Site Plan Review: Trucking Terminal/Maintenance Garage, Kevin Secotte, 3425 Atlantic Hwy. (Tax Map R13 Lot 10F) – tabled after discussion

Architect Chuck Campbell was present representing applicant Kevin Secotte, to describe plans for a new use at 3425 Atlantic Highway, for construction of a 100' x 102' pre-engineered steel building for use as a truck maintenance garage, and approval for an associated 300' x 130' impervious parking/access area for trucks and trailers (which is already in use). Town Planner Johnstone's application summary states that Secotte received an entrance permit from the Maine Dept. of Transportation in the summer of 2021, which later became invalid because Secotte did not comply with certain requirements. The lot is already in use as a truck terminal, requiring after-the-fact approval by the Planning Board. Secotte was sent a Notice of Violation from Waldoboro's Code Enforcement Officer dated January 26, 2021, for operating an illegal parking lot and truck terminal, both of which require prior review and approval by the local Planning Board.

Discussion

The application being reviewed tonight does not include a landscaping plan, which is a requirement under the Land Use Ordinance. Boardman asked Campbell for more detail about grade changes and slopes. She was told that the grading extends to the trees on the applicant's property. She questioned the ditch or pond located between the entrance and exit driveways. She was told that MDOT required this pit to be dug out. She asked whether the ditch can be filled with stone or gravel, for safety. Campbell said that MDOT will not allow the ditch to be filled. The driveway entrance and exit will be individually marked with IN and OUT signs. Boardman called for a 15' vegetated buffer along Route One, between the parking area and the highway. She was told that the application includes a waiver request for 7.1.2.3, the Route One buffer, in order to comply with MDOT standards. Boardman asked whether MDOT has yet come onto the site for inspection. Campbell said that MDOT has visited the property. He was not present during the visit.

Russo said that a stormwater permit is required, and asked Campbell to provide this. Town Planner Johnstone's application summary states that Secotte is exempt from this requirement, as the total proposed developed area is 42,644 sq. ft., which is less than the minimum 43,560 s.f. for which a stormwater permit is required. Maine DEP will be contacted to confirm whether a stormwater permit is required. Russo said that the disturbed area will almost certainly be over one acre. He thinks a stormwater management plan should be required. No further tree cutting is planned on the site.

Fire Chief Paul Meltzer has listed two requirements: that no vehicles should back onto the property from Route One, and that a lockbox be installed.

The proposed location of the potable drinking water supply is on the west side of the building. The area is wet. Finding a suitable site for in-ground septic disposal may be a problem. Russo asked for a survey showing grade and slope from the currently-proposed building site down to the existing soil surface at regional grade down by the trees.

Russo suggested a guard rail barrier between the two culverts, to help prevent accidents. Simpson suggested a guard rail on the north side of the north driveway and on the south side of the south driveway, parallel to Route One.

Input from abutters

a) Jennifer Merritt

Jennifer Merritt owns and lives on abutting property at 3393 Atlantic Highway (tax map R19 Lot 10B, 11.29 ac). She submitted a two-page written memo dated March 3, 2022 with questions and comments about the proposed trucking terminal. Her concerns include noise, fumes, disruption of Route 1 traffic, exterior lighting, stormwater management, refuse disposal, and actual hours of operation, including when trucks will be entering and leaving the facility after parking there overnight. If trucks will be parked with idling engines for long periods, that would create a problem with noise and exhaust fumes, especially in summer.

She is concerned about glare from exterior lighting, as existing trees do not provide adequate screening. Will exterior security lights be on at night, when the business is closed? Campbell said that the two exterior pole lights will be aimed toward Route 1. Boardman said that the local Land Use Ordinance requires that exterior lighting be shielded, and aimed straight down, not out sidewise. Simpson called for adding a requirement that exterior security lighting not adversely affect neighboring homes.

Merritt asked if the trucking business will be open at night after regular working hours, stated as 7 a.m. to 5 p.m. Campbell replied that company trucks may not always be able to return to the site between 7 a.m. and 5 p.m. The drivers will park their company vehicles and go home. They do not live in their trucks. Campbell thinks the intent is that the company trucks will be parked inside the building. Russo noted that the parking plan shows exterior parking for cars, not trucks used in the business.

Merritt asked about stormwater runoff. There is an existing seasonal stream that runs behind RZR/Ace Hardware and the backs of adjacent properties. It is full in the winter and spring, dries up in June. She is afraid that adding fill may disturb this drainage. How will the new fill affect stormwater runoff onto adjacent properties?

Merritt asked about disposal of waste engine oil. She and her neighbors get their drinking water from wells. Campbell said waste oil will be securely contained, picked up regularly for disposal off-site, and not allowed to enter the groundwater. There are no plans for oil storage tanks on-site, which would require Planning Board approval and permits. Merritt also asked about how the planned floor drains in the building will keep engine oil and other automotive fluids from entering and polluting groundwater. The applicant should explain how the planned sand/oil separator works, as part of the floor drain system.

b) Tyler Lupien

Members of the Lupien family jointly own 3460 Atlantic Highway, 95 acres on the north side of Route One across from the Secotte property. Tyler Lupien has concerns about entrance/exit problems that might potentially affect the Lupien property adversely in future. He asked whether Secotte has a valid entrance permit currently. The answer was No. Lupien said that the proposed entrance location for the trucking terminal has poor sight lines.

Materials given out in advance of tonight's meeting include an MDOT driveway entrance permit granted on 6/2/2121 to Kevin Secotte for vehicular access to the subject property via one-way flow over an entrance

driveway and a separate exit driveway to the property at Tax Map R13 Lot 10F "for the sole purpose of commercial truck parking". Secotte did not comply with certain provisions of the permit, which has become invalid.

On motion of Boardman/ Russo, Board members voted unanimously to table action on the Secotte application at tonight's meeting, and to ask Johnstone to schedule a site visit to the property, preferably attended by Secotte. Johnstone should try to arrange for a representative from Maine DOT to be present at the site visit, and should invite neighbors and abutters such as Jen Merritt and Tyler Lupien to attend. Boardman said that the site visit should include information about how many trees will be retained along the edges of the property.

Johnstone was asked to get input from MDOT, Police Chief Smeltzer, and Planning Board members about whether or not to require guard rails. Simpson said that he is comfortable with not requiring guard rails, if others agree that they are not needed for safety. Johnstone was asked to try to have Chief Smeltzer attend the next Planning Board meeting at which the Secotte application is discussed.

Campbell was asked to provide further information, including the following: Provide a landscaping plan. Show on the site plan the extent of the filled area on the sides and rear of the property; show the location of truck parking outside the building; give the maximum planned number of trucks to be parked outside; show location of in-ground septic system; give details about exterior lighting, pole lighting, and exterior lighting at doors. Address potential traffic issues.

Campbell left the meeting at 7:35 p.m.

4. Approval of Minutes of November 15, 2021

On motion of Erskine/Kosnow, Board members voted unanimously to approve the November 15, 2021 Planning Board minutes as distributed.

5. Old Business: Land Use Ordinance Amendments

Planner Johnstone had previously distributed 10 pages of material containing proposed changes to the current Waldoboro Land Use Ordinance, which was adopted by town meeting vote on November 3, 2020. The proposed changes are as follows (new wording underlined).

Article 3 Application Review: 3.3.5 Permit Issued After Municipal Review. Add a third sentence: Municipal approval does not exempt the applicant from other regulatory bodies or private agreements.

3.4. Public Hearing Requirements: Add new second paragraph: For applications that require using a private road, a notice must be sent out to the relevant Road Association. If there is no established Road Association, then a letter must be sent to each property owner/resident that benefits from the private road.

Add the word "resident" to the third paragraph of 3.4, immediately following the new second paragraph above. The revised paragraph reads, "The owners of property shall be considered those against whom taxes are assessed. Failure of 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."

Article 7 General Performance Standards 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.

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Article 9 Roads, Parking, Driveways and Traffic Access, p. 9-8, 9.2.14.9 Design Standards table: Change two entries in the vertical column “Major Private Street”, as follows. Minimum tangent between curves of reverse alignment: delete N/A, insert 60'; Roadway Crown: delete N/A, insert 1/4”/ft.

Article 10. Specific Performance Standards. In subsection 10.24.5. Travel Trailers, the first sentence is revised to read (new text underlined) “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.”

Add two new sections: 10.35 Renewable Energy Structures (Commercial), and 10.36 Tiny Homes. (New text is given below.)

10.35 Renewable Energy Structures (Commercial):

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 Section 3494, Decommissioning Plan, and Section 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 cease to generate power or become 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. The 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 in the event of an emergency. At least one (1) notice must be sent out 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 and/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 cease. 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 items 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 Bond upon the closure of the site, 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 for providing notifications to the Town of Waldoboro and abutters that include details of when construction is estimated to start and contact information for the project manager to voice concerns. At least one (1) notice must be sent to the listed parties a minimum of fourteen (14) days prior to the start of construction.

10.36 Tiny Homes

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 requirements in the Waldoboro Land Use Ordinance for Single-Family Dwellings or as an Accessory Structure.

Article 11

Add new subsection 11.7.4.7 Photographic Record.

11.7.4.7 Photographic Record Regardless of the use, all applicants receiving approval in the Shoreland Zone must provide the municipal permitting authority with pre-construction photographs and, no later than twenty (20) days after completion of the development, post-construction photographs of the shoreline vegetation and development site.

Article 15. Add three new entries.

Campground, Large: Any area or tract of land intended to accommodate more than ten (10) people in temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters.

Campground, Small: Any area or tract of land intended to accommodate a maximum of ten (10) people in temporary living quarters, including, but not limited to, tents, recreational vehicles, or other shelters.

Tiny Home: 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 the National Fire Protection Association standard

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1) 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;

4) is a vehicle without motive power; and 5) is not a trailer, semi-trailer, camp trailer, recreational vehicle, nor a manufactured house.

VOTE: On motion of Russo/Kosnow, Board members voted unanimously to recommend the above changes to the Waldoboro Land Use Ordinance version adopted on November 3, 2020. The recommended changes must be approved by vote of townspeople in order to go into effect.

Next regularly scheduled Planning Board meeting: Thursday, April 14, 6:00 p.m.

(Note: The next meeting was rescheduled to April 20, 2022 at 6:00 p.m.).

Adjournment: The meeting was adjourned at 8:00 p.m.

After the meeting, Simpson announced that he is resigning from the Planning Board due to a family health issue. A new chairperson is needed.

Respectfully submitted,

Susan S. R. Alexander

Action Items

Johnstone

1. Contact MDEP, verify whether a stormwater permit is required for the Secotte garage. Can the local Planning Board require a stormwater permit even if the State does not?
2. Ask Secotte and Campbell to provide further site information, listed on p. 3 of these minutes.
3. Schedule a site visit to the Secotte property for Planning Board members. Ask Secotte and Campbell to be present. Notify abutters and neighbors, including Jen Merritt and Tyler Lupien, of the date and time of the site visit and invite them to attend.
4. Get input from MDOT, Chief Smeltzer, and Planning Board members about whether to require guard rails at the Secotte property.
5. Invite Chief Smeltzer to attend the next Planning Board meeting at which the Secotte application is to be discussed.
6. Find a new Planning Board member, needed following Simpson's resignation. Arrange for election of new chairperson.