

For approval on May 8, 2019

Minutes
Town of Waldoboro
Planning Board Meeting
April 10, 2019

Roll Call

The meeting was called to order by chairman Scott Simpson at 6:00 p.m. in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Sara Hotchkiss, Tara Pelotte and Jim Russo. Planning and Development Director Max Johnstone was present. The audience consisted of Kim Creamer and Josh and Sarah Pike, in for pre-application discussion of expansion of the event barn at Tops'l Farm on Bremen Road.

1. Minutes of March 13, 2019

On motion of Boardman/Hotchkiss, the Board voted 5 – 0 to approve the minutes of March 13 with a change on p. 1 in line 6 under 2. Approval of Change of Use from Retail (Burnham's Bloomers) to Seasonal Restaurant (Ollie's). The sentence about employee parking should read, "Employees will park in front of the two-car garage."

2. Citizen Comments - none

3. Public Discussion of Shoreland Zoning Ordinance Changes - none

No one in the audience had comments on proposed changes to the Shoreland Zoning Ordinance, so no discussion was held. Johnstone said that there was a Lincoln County regional planning meeting yesterday, at which a man from the Maine Dept. of Environmental Protection observed that local towns generally don't care much about shoreland zoning.

4. New Business – Preapplication Review of Addition to Event Barn, Tops'l Farm, 364 Bremen Road (Tax Map R5 Lot 12), Pike

Owners Josh and Sarah Pike were in to describe proposed changes to their event barn on the west side of Bremen Road in order to meet State fire code, and determine whether these changes require Planning Board review and approval. The west or back side of the barn has 12' sliding barn doors, which are unacceptable to the State Fire Marshal as fire exits. The exit doors must be at least 32.5 feet apart for use as fire exits. The doors on the north side of the barn must be changed to swing-out doors. The Pikes propose to add a roofed, screened patio or porch on the west side of the building, with a 24' x 40' roof and auxiliary heat. The barn doors on the west side of the existing building will remain open and will become part of the interior. The State Fire Marshal has approved the proposed addition in terms of fire safety. The newly-created 20' x 40' interior space is an 80% increase in space for dining and public events. The Pikes do not plan an increase in the frequency or number of events. There is no increase in on-site parking, which can accommodate 60 cars. The builder can start work in May, once the addition has been approved.

Johnstone was asked whether the proposed expansion requires Planning Board approval or can be handled by a permit from the Code Enforcement Officer. He cited Land Use Ordinance Article 6 Site Plan and Subdivision Review, p. 6-1, B. Applicability Provisions. Activities requiring site plan review include (1.d) the expansion of an existing nonresidential building or structure, if the expansion increases the total floor area for all floors by more than 500 square feet within a five-year period. The Pikes' proposed expansion is 800 s.f. The barn is approved for occupancy by 140 people. The septic system is sized for 150 people. Josh Pike said that the addition can be used as a greenhouse for their business. The egress issue is forcing their hand. They have good relations with their neighbors, but have not talked with neighbors about the proposed expansion, which is on the back side of the barn, not visible from Bremen Road.

Hotchkiss noted that the barn addition is an expansion of a business use in the Residential Zone, which extends 400' west from the center of Bremen Road at the site. She asked whether there are any restrictions on such expansion. Pike said that their business is approved for 15 mass gatherings per year. They are not asking to increase the number of events or the number of people per event. The reason for the building expansion is so that the Pikes can meet requirements of the State Fire Marshal regarding safe exits in case of emergency. This addition might allow the Pike's to get some event business that they currently lose because the addition will provide additional covered seating, instead of customers having to rent a tent to accommodate their needs. The Pikes contact Johnstone if there are any changes to their application between now and the May Planning Board meeting, at which they hope to get approval for the expansion. They left the meeting at 6:25 p.m.

Discussion:

Simpson wants the Pikes to restate what was approved in the original application. The onus is on them to provide that level of detail. Johnstone asked whether Planning Board members recall the Cornerstone Investment application for a change of use from restaurant to office space at 816 Atlantic Highway, that involved a roof extension (see Feb. 14, 2018 Planning Board minutes). Johnstone will send a notice to the newspapers 10 days in advance of the May Planning Board meeting.

5. Old Business

5.1 Shoreland Zoning and Commercial Zone Boundaries in Waldoboro Village

Simpson raised the issue of possible conflicts between shoreland zoning requirements and activities in the Route One Commercial B District in Waldoboro village, specifically regarding Abden and April Simmons's application for a new structure to house their clam business, A&A Shellfish (see minutes of the June 14, 2017 Planning Board meeting, p. 3 - 4, and the Oct. 11, 2017 meeting, p. 3). There was a question of maximum allowable lot coverage and maximum lot coverage by impermeable material. Architect and former Planning Board chairman Chuck Campbell represented the Simmons in talking with the Planning Board about a possible change in zone boundaries within the Simmons parcels to accommodate the proposed building. Some of the Simmons land within the Shoreland Zone is zoned Limited Commercial, and some is zoned General Development. Land in the General Development District can have more than 20% coverage by non-vegetated impervious material; land in other land use districts has a 20% maximum limit for such coverage. The issue was resolved without requiring adjustment of the district boundaries within the Simmons land. The proposed location of the new building was moved so as not to be too close to a fresh-water wetland.

Johnstone volunteered to contact Campbell to get details of the problem, the discussion, and how it was resolved. Someone thought that Campbell was going to get back to us with recommendations for possible changes to land use district boundaries within the Shoreland Zone in the Village. Simpson prefers that this be resolved prior to an application coming to the Planning Board which might require resolution of a zoning conflict at the same time.

5.2 Site Plan Review: Simplified Application Procedure

Chairman Simpson asked Planning Board members to read through Land Use Ordinance Article 6, Site Plan and Subdivision Review, think about ways to get to a simplified application procedure for most applications, and come to the next meeting with notes and ideas about what could be done to streamline the application process. This discussion might take place at the May meeting or the June meeting, depending on what other items are on the agenda for action. Johnstone gave out copies of a two-page thinkpiece by town planner Bill Najpauer titled "Review Options #1, 8/23/18". It contains outlines of six options, elements of which may be combined. This document was not discussed at tonight's meeting.

Boardman said that the Cornerstone application was for a change in use from restaurant to office space at 816 Atlantic Highway (see Feb. 14, 2018 Planning Board minutes). Fewer people using the building meant

less traffic into and out of the site each day. She felt that this kind of change of use does not need to come before the Planning Board, and could be handled appropriately by the Code Enforcement Officer or Planner.

Hotchkiss asked whether abutters are notified or consulted, when someone comes to CEO Waltz or Town Planner Johnstone seeking a permit for something not requiring Planning Board review. Abutters may be affected by the change, and ought to be able to give input to the decision before permission is given. Johnstone gave as an example, a person on Bremen Road who wanted to install a small wind energy system. If abutters are to be consulted before granting a permit, we ought to require responses within a specified period, say 20 days. If the responses indicate a potential problem, then Planning Board review can be required.

Johnstone said that he personally thinks that the permit for Ollie's food truck on Rt. 1 should not have come before the Planning Board, because a seasonal food truck is a temporary installation rather than a permanent new business. Simpson disagreed, asking what people can do if they don't like the food truck, once it is in business. To whom can they complain, or what can they do to try to get the business removed? If a business like Ollie's has to come before the Planning Board, then abutters will be notified and have a chance to find out about the proposed business, give input, and voice objections. They may think of some valid objection or problem that the Town Planner or Code Enforcement Officer has not considered. Simpson wants transparency, to benefit townspeople. There ought to be an intermediate level of review between getting a building permit from the CEO or Town Planner and coming in for formal review by the Planning Board: something that would involve public notice, or at least advance notice to abutters.

Boardman said that Planning Board members cannot simplify the Planning Board application process until the revision to the Comprehensive Plan has been completed and approved by voters. For one thing, we don't know what new regulations and new land use districts there may be. She is a member of the Comprehensive Plan Committee, and Hotchkiss has just been appointed to it. Johnstone said that Planning Board members could profitably start by reviewing LUO Article 6 Site Plan and Subdivision Review.

Hotchkiss said that most of us live in residential areas of town. When at home, we expect to have a certain quality of life, and not to be disturbed by nearby incompatible commercial development. There needs to be a way for the public to be involved in making decisions about new uses.

Pelotte suggested drafting something and having it placed on the Town web site. Boardman suggested that a simplified route would be an option that Johnstone offers to applicants in lieu of the regular Planning Board review process. Pelotte said that it would be good to get public input.

Russo asked whether Johnstone has discretion to simplify the application checklist, and tell applicants that they can ignore certain requirements. Johnstone confirmed that he does go through the requirements with individual applicants, telling them what they need to do.

Simpson thinks that the Planning Board neglected to ask American Unagi if they have appropriate financing to do the project for which they sought Planning Board approval. This question is listed in Article 6 of the LUO as part of Planning Board review of an application.

6. Comments from Planning Board Members

Simpson asked whether there are any applicants for next month's Planning Board meeting. Johnstone said Tops'l Farm, and some people he has not heard back from. If the agenda for the May 8 meeting is full, we can tentatively plan to put discussion of LUO Article 6 Site Plan and Subdivision Review on the agenda for the June 12 Planning Board meeting. That would give Planning Board members two months to look over Article 6 and think about ways to simplify the application process. Hotchkiss asked whether there is any rule about how many applications to put on the agenda for a meeting. Johnstone said that has not generally been a problem. Simpson said that he will e-mail Planning Board members to be ready to discuss the application process at the June meeting if there are no other applications. Johnstone will tell Simpson if there are applications for review in June.

Boardman said she has the impression that people on the Economic Development Committee are anti-Planning Board. We should ask them for input on how we can improve the Planning Board process to make it more user-friendly. What items could be changed, that they think are not business-friendly? Johnstone said he attends Economic Development Committee meetings every month, and always asks them for input. Hotchkiss said that the Land Use Ordinance protects home-owners from incompatible development.

7. Town Planner's Report: 180-Day Moratorium on Medical Marijuana Dispensaries and Cultivation Facilities

Johnstone reported that at a special town meeting on March 26, Waldoboro residents voted a moratorium on medical marijuana dispensaries and cultivation facilities, to be in effect for 180 days, or until September, after which the Select Board could extend it.

8. Tara Pelotte

Tonight is Tara's last Planning Board meeting. Simpson thanked her for her work for the Town, and everyone wished her good luck and success in future.

Next Planning Board Meetings: Wednesdays May 8 and June 12, 6:00 p.m

Adjournment: The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Susan S. R. Alexander

Action Items

Johnstone

Tell Simpson if there are applications on the agenda for the May and June Planning Board meetings. Contact Chuck Campbell about his suggested changes to land use districts within the Shoreland Zone in Waldoboro village. (This came up in 2017 in discussion of the location of Abden Simmons's proposed new clam building.)

Consult Economic Development Committee about ways to make the Planning Board review process more user-friendly, more business-friendly. Invite EDC members to attend a joint meeting with the Planning Board for a discussion.

Simpson

E-mail Planning Board members telling them whether to be prepared to discuss streamlining the PB application process at the May PB meeting, or in June.

Planning Board members

Re-read Land Use Ordinance Article 6 Site Plan and Subdivision Review; make notes on possible simplification of the approval process, for discussion at the May or June PB meetings.