

Town of Waldoboro
Planning Board Meeting
May 12, 2021

Roll Call

The virtual Planning Board meeting was called to order by vice chairman Jim Russo at 6:05 p.m. using Zoom. Other Planning Board members present were Barbara Boardman, Jeffrey Erskine, Sara Hotchkiss and Johnny Kosnow. A quorum was present throughout. Planning and Development Director Max Johnstone was present. Applicants and their representatives included Dusty Starr of Gartley & Dorsky Surveying and property owner Richard Hoermann, for pre-application review of a proposed one-lot subdivision on Feylers Corner Road; and Allison Lakin of East Forty Farm, applying for a permit for a seasonal farmers' market. Jan Visser was in the on-line audience for part of the meeting.

1. Adjustments to the Agenda - none
2. Citizen Comments - none
3. Pre-Application, One-Lot Subdivision, Hoermann, Feylers Corner Road

Dusty Starr of Gartley & Dorsky Engineering & Surveying spoke about the proposed one-lot subdivision. Richard and Debra Hoermann bought a ~17-acre lot on Feylers Corner Road (Map R20 Lot 7) a year ago. This was a portion of a 29-acre parcel owned by the estate of Marie Delia Gervais. Hoermann now wants to subdivide the 17-acre lot into a 4.02-acre lot to be sold and a 13-acre lot to be retained, both lots having frontage on Feylers Corner Road. This proposed division would mean creation of three lots within a five-year period, requiring Planning Board review.

Hoermann needs to provide a survey showing the extent and location of wetlands, if any, on the property. He may ask for waiver of certain submission requirements. Notices have not yet been sent to abutters, as this is not required for a pre-application. Boardman asked for a larger-scale map as part of the final application. Johnstone will talk with planning consultant Bill Najpauer about how to handle a one-lot subdivision. Hoermann and Starr left the meeting at 6:15 p.m.

4. New Business: Farmers' Market at East Forty Farm, 2361 Friendship Road (Tax Map R8 Lot 36)

Allison Laikin was in seeking permission to hold a farmers' market one day a week from June through October at East Forty Farm, 2361 Friendship Road, five miles south of Waldoboro Village. She and her husband Neal Foley run the farm. She makes cheese and feeds the whey to pigs. The farm also sells pork, vegetables, and plant seedlings. This is the 10th anniversary of selling Laikin's Gorges cheese. For additional income, they are applying for a permit to operate a farmers' market one day a week during the growing season, from 3 to 6 p.m. On-site parking will be provided for vendors and customers. The Maine Dept. of Transportation is requiring a new driveway entrance, approved for use by 30 cars per hour, south of the existing driveway. Johnstone sent copies of MDOT material to Board members during the meeting. Laikin and Foley will put up 24" temporary signs on the highway north and south of the driveway entrance on market days to warn motorists of turning traffic ahead. They also propose to put up temporary signs on market days at the corner of Finntown Road and Friendship Road, and in the median strip of Friendship Road near the Irving gas station in Waldoboro, advertising the farmers' market and giving hours. Laikin was told that the signs should go up an hour before the market opens, and be removed within an hour after the market closes.

Planning Board members had questions. This is a commercial use of a residential property. Boardman asked Johnstone if the current owners, Laikin and Foley should sell the farm, does the permit for a farmers' market stay with the farm? Johnstone said that approvals have been interpreted both ways: yes, the approval stays with the property; or no, a new application is required when a property changes hands. Boardman suggested that this permit approval would be best if it stayed with the current applicants for this property. Boardman

thinks the permit approval stays with the property, and is good in perpetuity. Johnstone said that if the commercial use is discontinued for over a year, the owners might have to come in for a new permit to resume the use. If the hours and/or days of the farmers' market change under new ownership, the new owners would have to come before the Planning Board to request approval of the proposed changes.

Dusk comes at ~6 p.m. in October. The farmers' market may require artificial lighting at times of year when it gets dark before buyers, vendors and merchandise have left the premises.

The current owner of East Forty Farm is Dirt Capital. Laikin and Foley lease the property from Dirt Capital, and are in the process of buying it. The entire 40 acres, including 900' of tidal water frontage, is protected by an agricultural conservation easement held by Maine Farmland Trust. This is a non-traditional way for farmers to acquire land at an affordable price.

Johnstone said he has had no responses from abutters to whom he sent notices about the proposed new use. He received one public comment about the new driveway entrance, from Bob Butler, a member of the Waldoboro Select Board. Hotchkiss said that her one concern was about road safety and the driveway entrance, and this has been addressed.

Boardman suggested, for flexibility, two minor changes to the wording of the motion, so that the Planning Board would vote to approve a farmers' market at 2361 Friendship Road one day a week, rather than "Monday", for a maximum of 12 vendors rather than 10.

Johnstone agreed that the motion need not specify the day of the week or the hours when the farmers' market would be open, unless Planning Board members think that either one is a major concern. Russo suggested that the closing time should be "at dusk", which is 30 minutes after sunset. If the open hours extend into darkness, artificial lighting would be needed. MDOT came to the property on May 11 and marked the location of the new driveway entrance. Laikin expects to get the final entrance permit from the State next week. Russo said she should not open the farmers' market until the new vehicular entrance has been constructed and is in use. Traffic safety is the main concern of the Planning Board. Johnstone told Laikin that she must have received the final permit from the State before she can open the farmers' market, regardless of what the minutes of tonight's Planning Board meeting state. Russo asked Laikin to provide the Town with a copy of the final MDOT permit and any conditions attached to it, for the office file.

VOTE: On motion of Boardman/Hotchkiss, Planning Board members voted unanimously to approve a permit for Allison Laikin and Neal Foley to operate a farmers' market involving up to 12 vendors at 2361 Friendship Road one day a week, to close 30 minutes after sunset, from June through October annually, subject to having received a final entrance permit from the Maine Dept. of Transportation.

5. Approval of Minutes of April 14, 2021

On motion of Boardman/Erskine, Planning Board members voted 4 - 0 - 1, Kosnow abstaining, to approve the minutes of the April 14 Planning Board meeting as distributed. (Kosnow abstained because he was not present at the April 14 meeting.)

6. Comments from Planning Board Members - none

7. Comments from Planning and Development Director Johnstone

The Planning Board still lacks one member. There are no current applicants. Boardman is the longest-serving member, being in her third two-year term on the Board.

Signatures are needed on applications approved by the Planning Board at virtual meetings in recent months. These include Dancemainea, Delano Seafood, and Crave Nutrition. After discussion, the group agreed that Johnstone will leave applications on Marcus Benner's desk at the Town Office for signature. Planning Board members will come in to the office to sign, rather than having Johnstone drive around to get signatures.

Location and day for future Planning Board meetings is uncertain. Renovation of the conference room did not start as soon as planned. The Planning Board could consider a new location for in-person meetings, or continue to meet virtually on the second Wednesday in the month on Zoom. Johnstone will find out when renovations to the conference room are expected to be complete. If we change meeting days, the preferred options are the first or third Tuesdays in the month, or the second or fourth Thursdays. The group preferred not to meet on Mondays. Meeting regularly on the second Thursday would be the closest to the current schedule. Thursdays would be good also because the two local newspapers come out on Thursday.

8. Next Planning Board Meeting – date TBA

Adjournment: The meeting was adjourned at 7:15 p.m., with thanks to all for participating.

Respectfully submitted,

Susan S. R. Alexander

Action Items

Johnstone

Find out when renovations to the conference room will be complete.

Decide whether to continue meeting virtually, or start meeting in person; if so, when, and where?

Set a new day for regular Planning Board meetings? Second Thursday at 6 p.m.?

Planning Board members

See if you can interest some good people in joining the Planning Board. We need one new regular member; could use one or two alternates willing to serve when a regular member is unavailable.

