

Town of Waldoboro, Maine
Planning Board Meeting
July 28, 2022

Roll Call

The Planning Board meeting was called to order at 6:03 p.m. by acting chairman Jim Russo, who attended remotely. Other Planning Board members present were Barbara Boardman, remotely, and Jeff Erskine, Johnny Kosnow and Sarah Rich in person at the Town Office. A quorum was present throughout. Planning and Development Director Max Johnstone was present in person. Applicants Shane McGarvey and Matthew Moody participated in person. Scott Moody participated remotely. Consultant Marshall Cole of Gartley & Dorsky participated remotely for review of the Muscongus Bay Storage application. Janice Cormier-Hay was present in person, along with abutters Richard and Linda Vannah, for review of a request for a 6' high stockade fence at 30 Manktown Road along the boundary between the Cormier-Hay and Vannah properties.

1. Adjustments to the Agenda - none
2. Citizen Comments unrelated to tonight's agenda – none
3. Change of Use to Shellfish Buying Station, Moody's Seafood, 1540 Atlantic Hwy. - Scott Moody (Tax Map U9 Lot 15)

Moody seeks approval for a change of use of the property just west of Subway on the north side of Route 1, to operate a commercial shellfish buying station on the first floor of the building, have an employee live in an apartment on the first floor, and have a rental apartment on the second floor. He already operates seafood buying stations in other Maine locations, including Machias. The shellfish are trucked to Cundy's Harbor. There will be a removable 14' x 16' refrigerated cooler set on a 3' pier next to the front wall of the building, wired to the electrical system. The site will have separate, marked, striped entrance and exit off Atlantic Highway. The present vehicle access from the adjacent Subway property to the east will be blocked, perhaps using half-barrels filled with flowers or evergreens in season. Tenants will enter the building using a side door facing Subway. There will be dedicated parking for tenants. Moody has an approved permit for a sign "Moody's Seafood, Buying Daily", with a phone number. He will lease the building with an option to purchase it in four years.

Russo asked Johnstone for clarification about the reported Maine Dept. of Transportation prohibition on tractor-trailers using the property. It would be unreasonable to try to keep local shellfish harvesters from coming onto the site towing boat trailers. These rigs are shorter than the 53' tractor-trailers that MDOT wants to prohibit. Johnstone was asked to get confirmation from MDOT that it considers boat trailers in a separate category from tractor-trailers. (See Action Item, p. 4.)

The main concern of the Police Department, Fire Department, EMS, and Planning Board was how to minimize traffic congestion on Route One, if shellfish harvesters have to wait in line in the traveled way for access to the property to deliver product. Such traffic back-ups might make it hard for emergency vehicles to get out of the Town Office lot onto the highway. Moody does not think that traffic congestion on Atlantic Highway will be a problem. He expects only about 10 or 12 diggers per tide, taking about 10 minutes each to unload. They do not all come at the same time or at the same stage of tide. Russo suggested putting up a large sign "No Blocking Route 1 Traffic", or "No Queuing on Route One" and making this a condition on approval of the change of use.

The Fire Department requests that a lock box be installed serving the first-floor business use, to allow emergency access.

Moody said that he does not object to any of the requirements suggested at tonight's meeting. These include the lock box on the business entrance, signage on the cooler, striping the entrance and exit, and blocking access from the adjacent Subway lot. Johnstone said that the site plan needs to be revised to include items

discussed at tonight's meeting, including the location of dedicated parking for apartment tenants. Formal approval can be given at the next Planning Board meeting, Thursday August 11. Moody will coordinate with Johnstone and will try to have all required materials ready for the August 11 meeting.

4. Muscongus Bay Storage - New Storage Building and Ten Self-Storage Units at 2818 Atlantic Highway - Matthew Moody (Tax Map U9 Lot 15)

Johnstone said that there are no significant changes from the preliminary plan described at the May 12, 2022 Planning Board meeting. The owner proposes to build a second 60' x 120' storage building for boats and recreational vehicles, and install 10 self-storage units. Location of the new structures has been shifted a little to the west in order to decrease the impervious area and improve drainage. The Fire Chief has reviewed the application. He had no issues, other than to request that a lock box be installed. There is no running water on site, so firefighters will have to provide water in order to fight a fire.

Boardman noted that on-site lighting as shown shines out sideways as well as down. She asked Moody to use fixtures compliant with dark-sky standards. Johnstone read the standards aloud. Boardman asked about a stormwater analysis. She was told that new development on over an acre of land requires a stormwater management plan, but that the proposed new development at Muscongus Bay Storage is under an acre, so Moody is not required to provide such a plan. A stormwater permit-by-rule is sufficient, according to the State.

Rich asked about evidence that the soils onsite are suitable for the intended uses. This is a requirement under the local Land Use Ordinance, to verify whether soils on site are suitable for development.

VOTE: On motion of Boardman/Kosnow, Planning Board members voted unanimously to approve the proposed new storage building and self-storage units at Muscongus Bay Storage, subject to two conditions: 1) installation of a lock box, as requested by the Fire Chief; and 2) use of on-site lighting fixtures that are compliant with dark-sky standards.

5. Request by Janice Cormier-Hay to Amend the Site Plan for 30 Manktown Road (Map R13 Lot 9) to Substitute a Line of Trees for a Stockade Fence along the Property Line with Richard and Linda Vannah, 46 Manktown Road (Tax Map R13 Lot 9C) – request withdrawn

Janice Cormier-Hay runs Maine Coast Gymnastics out of her home at 30 Manktown Road. In June 2021 the Planning Board approved a planned addition to her building, very close to the property line with the Vannah property, on condition that Cormier-Hay install a stockade fence along the boundary to give the Vannahs visual privacy. The new construction includes an access road along the property line to serve a new rear parking lot for vehicles. This access road was a later addition, approved by Code Enforcement Officer Stan Waltz, not part of the original application approved by the Planning Board.

Cormier-Hay came before the Planning Board tonight to ask permission to substitute a row of evergreen trees for the stockade fence. The proposed addition has not yet been completed. She had to move the proposed location to 30' from the property line. Her budget is tight. She thinks that a line of trees along the property line would be less expensive than a six-foot-high stockade fence and would serve the same purpose. Johnstone said that either a row of trees along the common property line with Vannah or a stockade fence was required as part of the original site plan approval. The Vannahs request an opaque fence rather than trees.

Boardman asked how long the proposed fence would be. Cormier-Hay said it would be about 100' long. Russo, looking at the site map, said the fence would likely have to be 150' to 175' long. Rich said she could not make a determination on whether a row of trees would be a sufficient barrier without getting input from the abutters, Richard and Linda Vannah. Richard Vannah said that when the addition was approved, they were promised a privacy fence or trees; they have gotten neither. The new rear parking lot and associated driveway create dust, noise, and light pollution. He and his wife want a six-foot-high opaque privacy fence installed along the common boundary, at Cormier-Hay's expense. A row of trees will not meet their needs.

Trees or an opaque fence along the property line with Vannah was required as part of the original permit approval. The Vannahs requested a fence rather than trees. Their main concern is that when the first expansion was approved, a stockade fence was part of the approved plan, but it has never been installed. They are concerned that this may happen again, and asked what assurances they have that Cormier-Hay will follow through on its' installation this time.

The new rear parking lot was approved later by the local Code Enforcement Officer, Stan Waltz, and did not come before the Planning Board. Boardman noted that the driveway now goes entirely around the building. She thinks it is dangerous to have such a driveway around a building full of children. She also thinks automobile headlights will be annoying to the neighbors. She does not think it would be cheaper to plant trees rather than installing a stockade fence along the property line with Vannah.

Johnstone offered to check with Code Enforcement Officer Waltz and with Maine Municipal Association about whether the original application needs to be amended to include the new driveway and parking lot. The new rear parking lot served by the new driveway was approved by the Code Enforcement Officer after the original application for a recreation facility was approved by the Planning Board.

The Vannahs stated that the approved plans for the first expansion at the facility included a stockade fence on the property line that has never been built. They asked what assurances they have now that the fence included in the current plan will actually be built.

Russo said that a certificate of occupancy must be issued for the building when the addition is completed. He asked whether issuing the certificate of occupancy could be held off until the fence has been installed. The Vannahs said that the condition on approval should say that the fence must be built within 30 days of completion of building the addition. Will Waltz consider the whole project before approving the building? The certificate must be issued within three months of completion of the project.

Cormier-Hay withdrew her request to be allowed to substitute a row of trees for a six-foot-high stockade fence along the property line with the abutting Vannah property at 46 Manktown Road.

6. Pre-Application Presentation: Seasonal Event Center and Tent Campground, 122 Atlantic Highway (Tax Map R4 Lot 40) - McGarvey

Shane McGarvey described his plans for a new entrance and new uses of land at 122 Atlantic Highway owned by his mother, Gail Montgomery. The property formerly housed the Well-Tempered Kitchen, a high-end kitchen supplies store. It includes 91 acres with frontage on the western shore of Kalers Pond. McGarvey is a chef, and runs a catering business, Applecroft Catering, formerly Harvest Moon, on the property. He is considering using part of the land as a seasonal wedding venue with tents, and having a primitive campground with ten tent sites spaced over 10 acres further back on the property. Portable toilets and potable water will be available. He plans to move the existing Route 1 entrance further east and add a big grass parking lot near the existing buildings. The present entrance driveway could still be used by emergency vehicles.

McGarvey seeks site plan approval for the event center as soon as possible, so that he can start to book wedding parties for 2023. Johnstone will send copies of the site plan to Planning Board members for review ahead of the August 11 Planning Board meeting. Johnstone said that he and Code Enforcement Officer Waltz have authority to approve a 10-site campground without Planning Board review, unless the Planning Board wants to treat both the campground and the event center as a single application. Russo said that the Planning Board will focus on the application for the event center.

7. Approval of Minutes of May 12, 2022

On motion of Boardman, Planning Board members voted 4 - 0 - 1 (Erskine abstaining because he did not attend the meeting) to approve the minutes of the May 12 Planning Board meeting as distributed.

8. No Planning Board Action Required on Demolition of Former A.D. Gray School

At Johnstone's request, Russo wrote a letter as Planning Board chair to Town Manager Julie Keizer on July 14 regarding building demolition and site remediation at the former A.D. Gray School site at 56 School St., Waldoboro. The Town has received a CDBG Housing Assistance Grant to help with costs of demolition. Russo noted that no Planning Board action is needed regarding the demolition. The plan is to use the site for new affordable senior housing units. Design and construction of the new units will require Planning Board review.

Adjournment: The meeting was adjourned at 7:30 p.m.

Next regularly-scheduled Planning Board meeting: Thursday, August 11, 6:00 p.m.

Respectfully submitted,

Susan S. R. Alexander
Recording Secretary

Action Items– Johnstone

Check alleged MDOT prohibition on tractor-trailers using the Moody's Seafood property. Will Moody transport shellfish to Cundy's Harbor using tractor-trailers? Verify that this prohibition does not apply to fishermen towing boats on trailers as they deliver shellfish to Moody's Seafood.

Check with MMA about whether further action is needed for 30 Manktown Road since Cormier-Hay is changing her access driveway. Find out whether approval of the new driveway is within the jurisdiction of the Code Enforcement Officer, or whether Planning Board review and approval is required.