

Town of Waldoboro, Maine
Planning Board Meeting
July 8, 2021

Roll Call

The virtual Planning Board meeting was called to order by chairman Scott Simpson via Zoom at 6:04 p.m. Other Planning Board members present were Jeff Erskine and Johnny Kosnow (both present in person) and Jim Russo, via Zoom. A quorum was present throughout. Planning and Development Director Max Johnstone was present in person. Michael Atkinson was present representing Syncarpha/Waldoboro Solar I. Victoria Austen, Paige Bossow, Tyler Lupien and Michael Blachet attended remotely.

1. Adjustments to the Agenda - none
2. Citizen Comments unrelated to tonight's agenda - none
3. Pre-Applications - none
4. Site Plan Review – none
5. Minutes of June 9, 2021 – Approval Deferred to August Planning Board Meeting

Simpson asked for the motion in 4.3 on p. 2 of the June 9 minutes to be reworded to read (new text in boldface type), “On motion of Erskine/Boardman, Planning Board members voted unanimously to approve the proposed 30’ x 30’ addition to Maine Coast Gymnastics, contingent upon a legally binding **easement** agreement between owner Janice Cormier-Hay and abutters Richard and Linda Vannah, **including installation** of a 6’ high stockade fence between the two properties along the site of the proposed addition, to be erected at Cormier-Hay’s expense, within one month following completion of the addition, subject to confirmation by the Town attorney or Maine Municipal Association’s legal department in consultation with Town Planner Johnstone, **or a transfer of sufficient property**”.

Johnstone said that he has obtained legal advice that the new stockade fence needs to be located on land owned by Cormier-Hay. The property owners have agreed to a land transfer so that the fence can be built on land of Cormier-Hay. On motion of Simpson/Russo, Planning Board members voted unanimously to defer approval of the June 9 minutes to the next Planning Board meeting.

6. Old Business

6.1 Interpretation of Conditions for Renewable Energy Structures at Controversy Lane - Syncarpha/Waldoboro Solar I

In a letter dated June 29, 2021, project manager Michael Atkinson of Syncarpha Solar requests clarification of what road repairs are required by the Planning Board to which road or roads near the proposed solar installation at 481 Controversy Lane and 230 Stagecoach Road. Atkinson asks whether only Controversy Lane, the road to be used by construction equipment, needs to be repaired to major private road standards prior to the solar project receiving approval from the Planning Board so that Syncarpha can obtain a building permit.

Materials for tonight’s meeting include a two-page report on a May 11, 2021 site visit to the solar project site by Planning Director Max Johnstone, Code Enforcement Officer Stan Waltz, and Public Works Director John Daigle. The memo clarifies that only the road that will be used by construction vehicles to access the site needs to be repaired to meet Town standards for a major private street. The repairs required apply only to Controversy Lane, and not to other nearby private ways (Sunset Ridge, Stagecoach Road and Turkey Lane). Waltz and Daigle recommend the following to bring Controversy Lane into compliance:

1. Controversy Lane needs to be power-raked and a minimum ¼-inch crown installed at the center of the road, from the connection to North Nobleboro Road to the intersection with Sunset Ridge.
2. Replace three culverts that cross Controversy Lane and one culvert that crosses Sunset Ridge at the intersection with Controversy Lane.

3. All potholes need to be cut and resurfaced.

The May 11 site visit report recommends that Buddy Brown and his contractor John York submit to the Town a proposed plan for construction/remediation of Controversy Lane. (Brown owns the land being transferred to Syncarpha.) Syncarpha should submit an affidavit that Controversy Lane is the only access road that will be used by its construction vehicles. Any other repairs to nearby private ways should be handled by the newly-formed private road association. Syncarpha is involved in creating a local road association of which they will be a member and share the cost of repairs. Sunset Lane is the only other nearby road that is deemed currently unsafe. Russo recommended that the road association have another meeting, in order to get a better understanding of what road work is going to be done and who is responsible for paying for it.

Atkinson said he can submit a logistics plan in the next two weeks. Johnstone said that if he gets the Syncarpha plan by July 26, that will give him enough time to distribute materials to Planning Board members in advance of the next Planning Board meeting, Thursday August 12. Lupien said that the local road association plans to meet on August 12, but could reschedule their meeting to Aug. 19. Road association members would like to be able to attend the August 12 Planning Board meeting for the agenda item on Controversy Lane and Syncarpha.

6.2 Land Use Ordinance Amendments

Simpson explained the procedure for amending the local Land Use Ordinance. Planning Board members approve proposed changes and forward them to the Select Board. The Select Board holds a public hearing, and places the proposed changes on the warrant for town vote.

Notifications about changes affecting a private road: An abutter is one whose property physically abuts the subject property. The group agreed that Johnstone should send notices not only to abutters, but also to neighbors: anyone who uses the road regularly and helps to maintain it, such as members of a local road association.

Pine Street Public Landing/Dutch Neck Marine Park: The Planning Board removed industrial uses from these two areas, but allows commercial uses. Johnstone said he is not sure what change the Planning Board intended in one area. Land-based aquaculture is not currently allowed at the Dutch Neck Marine Park or the Pine Street public landing. There was no discussion, and no change was made at tonight's meeting.

Notes from Discussion of Johnstone's five-page memo "Land Use Ordinance Amendment Suggestions", distributed in advance of the July 8 Planning Board meeting for discussion at that meeting.

Page 1:

p. 3-2

Section 3.3.4 Conditions of Approval

Simpson asked whether the expression "outside the scope of the proposal" is clear enough. Johnstone said he will re-word that to clarify it.

p. 3-3

Amend the following section on p. 3-3:

Section 3.4 Public Hearing Requirements: For applications that require using private roads, a notice must be sent out to the relevant road association. If there is no road association, then a letter must be sent to each property owner (resident) that benefits from the private road.

Second from last paragraph before Section 3.5:

Failure of an abutter or a resident to receive a notice shall not invalidate the public hearing, nor shall it require the Board to schedule a new public hearing.

Page 2:

Section on p. 6-19 of the LUO as amended on Nov. 3, 2020

6.9.8. All residential structures that are built on parcels that use a private road shall have their measured setback based on the standards of the side/rear setbacks as opposed to the road setbacks. The measurement shall be made by the edge of the traveled way.

This change was tabled at the 7/8 Planning Board meeting, after discussion. Russo favored using the same setback requirements for structures on private roads as for those on public roads. Simpson is unsure that the private road setback needs to be as generous as the public road setback. Johnstone said there is no State-required minimum setback of structures from a private road. He will ask CEO Waltz for input.

Make correction on p. 7-8 to use bold-face type for the title: **Section 7.10.3.3.14.**

Add the following on p. 7-12:

Section 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.

Amend the following on page 9-8:

Section 9.2.14.9 Design Standards:

The “N/A” standards under Major Private Street standards will adopt the minimum standards under Intermediate Private Street standards (minimum tangent between curves of reverse alignment will be 60’, roadway crown will be ¼” per foot, and the minimum curb radii at intersections will be 15’.) This will make Major Private Street standards consistent with the remaining private road standards.

Page 3

Add the following on page 10-29:

Section 10.23.2.4 Shipping containers that are significantly repurposed to change the primary function from storage to a commercial or residential use shall be exempt from the restrictions of this Section. This exemption does not apply if the shipping container is used primarily for storage.

Pages 3 - 4

Discussion of Tiny Homes (Section 10.24.7)

Ralph’s Homes on Route 1 in Waldoboro sells a mobile home of 600 s.f. The State of Maine defines “tiny homes” as containing a maximum of 400 s.f. There was discussion of whether Waldoboro’s Land Use Ordinance should specify a minimum size for a residence. Simpson said that he has seen a tiny home that fits on the back of a pickup truck. He said that size is not an arbiter of quality of living space; rather, it is a lifestyle issue. Russo asked what minimum standards there are for home size in other neighboring towns. According to CEO Stan Waltz, there is no minimum square footage for a residence in the other towns he works for. Members present agreed to defer discussion of “tiny homes”. Johnstone will talk further with Ralph’s Homes.

Section 10.35 Renewable Energy Structures (Commercial): Decommissioning Plan (p. 4 - 5)

This item was tabled at tonight’s meeting, for lack of time to discuss, it being close to 8 p.m.

7. Comments from Planning Board Members - none

8. Next Meeting: Thursday August 12, 6:00 p.m. (via Zoom)

Adjournment: The meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Susan S. R. Alexander

(See Action Items, next page)

Action Items

Johnstone

1. Reword Section 3.3.4 Conditions of Approval to clarify meaning of “outside the scope of the proposal”.
2. Use bold face type for heading **7.10.3.3.14**.
3. Amend section 3.4 Public Hearing Requirements.
4. Make text changes detailed on p. 2 and 3 of these minutes.
5. Talk further with Ralph’s Homes.
6. Add approval of June 8 minutes (as well as July 8 minutes) to agenda for August 10 Planning Board meeting.
7. Ask Stan Waltz for input on setbacks of structures from a private road.
8. Review Susan Alexander’s editorial suggestions for changes to text of your “Changes to Land Use Ordinance”; make changes as you see fit.

longer be held on the second Wednesday in the month at 6 p.m. Members present agreed to meet on the second Thursday in the month at 6 p.m.

6b. Land Use Ordinance Amendments

7. Comments from Planning and Development Director Johnstone

8. Next Planning Board Meeting – Thursday, July 8, 6:00 p.m.

Adjournment: The meeting was adjourned at 7:36 p.m., with thanks to all for participating.

Respectfully submitted,
Susan S. R. Alexander

Action Items
Johnstone

Planning Board members

