

Town of Waldoboro, Maine
Planning Board Meeting
September 9, 2022

Roll Call

The Planning Board meeting was called to order at 6:01 p.m. by chairman Jim Russo, who attended remotely. Planning Board members attending in person at the Town Office were Barbara Boardman, Jeff Erskine, Johnny Kosnow, Brendan McGuirl, and new member Mark Stultz. A quorum was present throughout. Planning and Development Director Max Johnstone was present in person. Applicants Fred Bess and Carey Knause were present in person. Jessica Pooley of William Raveis Real Estate spoke about her client Penny Dostie's request for Planning Board approval to open a branch of Cornhole Connections in Waldoboro. A person named Tabitha attended remotely for part of the meeting.

1. Adjustments to the Agenda - none
2. Citizen Comments unrelated to Tonight's Agenda – none
3. Preapplication Discussion of Subdivision Amendment, East Ridge Mobile Home Park - Fred Bess

A two-page memo dated August 22, 2022 by Code Enforcement Officer Stan Waltz summarizes results of an inspection of East Ridge Mobile Home Park made on August 15, 2022, by Waltz and Town Planner Johnstone to evaluate the current status of the park regarding code violations previously noted in 2019 and later. The violations included a malfunctioning septic disposal field. A later inspection by Wayne Ludwig on May 5, 2020 listed recommendation for monitoring and making improvements to the west and east septic systems in the park.

In 2019, the exterior decks and stairways for eight homes were found to be unsafe and not in compliance with the 2015 IRC building code. The 2022 inspection finds that lots 14, 29 and 41 have not been addressed, while Lots 18, 20, and 27 are still not in compliance.

In 2019 Lot 42 contained a recreational vehicle being used as a residence, and another RV on Lot 20. By August 2022 all RV units have been removed from the park.

In 2019 Lot 32 contained a 12-foot-wide mobile home. Only 14-foot-wide mobile homes are allowed in a manufactured home park. By 2022 the 12-foot-wide unit had been abandoned and demolished.

In 2019 a significant amount of junk and debris was observed on and adjacent to Lot 29. By 2022 this area had been cleaned up. The individual formerly living on Lot 29 no longer lives at the mobile home park.

In 2019 a dilapidated trailer full of bagged trash was parked at the entrance to the mobile home park. Animals were ripping apart the bags and attracting rodents. This site has now been cleaned up.

The 2022 site inspection recommends that a Maine-licensed site evaluator should inspect the septic system problems and provide a written report. Any remaining building code violations should also be addressed.

At one point Bess tried to limit the mobile home park to residents aged 55 and older. This age restriction is not being observed. He now wants to remove it, because it is difficult to enforce. If a couple with children move into the park, and the parents later die, their children, who are under 55, may remain in the unit, and would then be in violation. Bess says that he never advertised the park as having a 55+ age limit, but did tell people that orally. State law says that he can change the 55+ restriction if he gives tenants 30 days' notice. Planner Johnstone said that removing the age restriction might require a public hearing before the Planning Board can approve the change.

Chairman Russo told Bess that at the Planning Board meeting in January 2020 Bess was urged to bring parking into compliance. There have been many complaints about parking violations, from both park residents and abutters to the mobile home park.

Bess said that through an error, the wrong site plan for the mobile home park was recorded. Lot 4 should be split into two lots, numbered 4 and 6. Lot 40 should be deleted. There is no difference in the total number of lots, just different lot numbers on a couple of the lots.

Kosnow asked about the problem with the leach field. The Planning Board has no report about the current condition. Bess said that the leach field is working fine currently. Previously there was a problem with distribution of water to the leach field. A box distributor is supposed to distribute water to all four quarters of the leach field, but for a while all the water was going to one part of the leach field. This has been corrected. Chairman Russo asked Johnstone to get Code

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Enforcement Officer Stan Waltz to verify that appropriate upgrades have been made to the leach field, and to seek confirmation that the park's sanitary waste disposal system is now working satisfactorily.

Russo asked Johnstone to obtain a legal opinion about how to amend the alleged 55+ age requirement for park residents. Is it true that Bess can remove this requirement after giving park residents 30 days' notice of the change? Johnstone said he will double-check this with an attorney. Kosnow suggested that it is unfair to residents of the Bess mobile home park to eliminate the age restriction now, after people have moved in believing that the park is limited primarily to people over 55. Bess said that it is primarily abutters and neighbors to the mobile home park who are speaking to him about the 55+ age limit. Bess suggested giving Johnstone time to get input from Maine Municipal Association about removing the age guidelines. He said that he does not expect to own the mobile home park much longer.

Boardman asked Bess what percentage of his tenants have lived in the mobile home park for over 20 years. Bess said the park has been open for 14 years. None of his tenants have lived there longer than that.

Chairman Russo told Bess that if Maine Municipal Association tells Johnstone that Bess is within his rights to change the age requirements for people in the mobile home park, Bess will not have to come back before the Planning Board about that, he can simply change the age requirement. Bess left the meeting at 6:47 p.m.

4. Change of Use to Woodworking Shop, 17 Friendship Rd. (Tax Map U4 Lot 11) – Carey Knause, CDK Cabinetmakers

Carey Knause was present in person to discuss his proposed new use of the ground floor and basement of 17 Friendship Road for his woodworking business, which is currently located in the Thompson Community Center in Union. The existing apartment on the top floor of the building is not involved in the new use. The owner of the building is Elizabeth Roosevelt, who lives in the apartment, and has given permission for the proposed use. No exterior changes to the building are involved other than a new sign. A copy of the proposed lease agreement between Knause and Roosevelt is included in the application materials. Town Planner Johnstone made a site visit on August 29. Abutters to the property have been notified of the proposed new use.

Fire Chief Paul Smeltzer has reviewed the application. He recommends that a lock box be installed. He would like to be invited for a site visit once the woodworking operation is running, in order to try to identify any potential hazards.

Knause described his business as a one-man operation, building custom furniture and fine cabinetry. He does five to seven kitchens per year, with other work in between. There will be no walk-in traffic. Customers come by appointment. The business will share a common wall with the Narrows Tavern next door. The owner of the Narrows reportedly has no objection to the proposed new use. Materials deliveries by trailer will occur roughly eight times a year. The basement will contain a spray room with ventilation to the outside. New stairs will be constructed down from the first floor. The first floor will be the shop space, used for processing lumber and plywood into furniture and cabinetry. Filters will remove particulate matter from exhaust air being blown to the outside of the building. Knause was told that his business must comply with noise standards. Remodeling will start as soon as Planning Board approval is received. Knause will park his pick-up truck either in the private Wooster parking lot behind the building, or in on-street parking.

Chairman Russo asked if there are any questions or comments from the audience or people attending remotely. There were none.

Russo suggested getting the State fire marshal to approve the final installation, or Waldoboro Fire Chief Smeltzer, who already plans to do an inspection. That approval could be a condition on Planning Board approval of Knause's application. No members of the Planning Board have a conflict of interest regarding the application. On motion of Boardman/ Erskine, Planning Board members voted unanimously that Knause has standing to apply for a change of use at 17 Friendship Road for a woodworking shop. Planning Board members approved waiver of the requirement for a stormwater management plan and an erosion control plan for the proposed change of use to an existing building, that does not involve changes to the ground surface area around the building. A condition on approval is that Fire Chief Smeltzer make a site visit and approve the woodworking operation in terms of fire safety. No public comment on the application has been received.

VOTE: Planning Board members voted unanimously to grant waivers of the requirements in Article 7 sections 7.1, 7.4, and 7.13; Article 8 sections 8.1, 8.2, 8.3, 8.5, 8.6, and 8.11; and Article 9 subsections 9.3 and 9.4. On motion of Erskine/Kosnow, Planning Board members then voted unanimously to approve Carey Knause's application for a woodworking shop on the lower level and first floor of 17 Friendship Road, subject to two conditions: a satisfactory site

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visit by Fire Chief Paul Smeltzer, and installation of a lock box as requested by Smeltzer. Knause left the meeting at 8:05 p.m.

5. Pre-application Discussion of Cornhole Tournament Facility, 1607 Atlantic Hwy. (Map U5 Lot 13) – Jessica Pooley

Jessica Pooley of William Raveis Real Estate was present to describe her client Penny Dostie's plans to run cornhole tournaments in the Jameson building at 1607 Atlantic Highway, formerly used by Sheepscot Physical Therapy. Dostie runs Cornhole Connections at 152 Main Street in Thomaston. She would like to be able to use the Jameson building for cornhole tournaments year-round. This would involve some 16 contestants at a time, plus other people in the retail area, which would include a vending area and cold beverages. Maximum occupancy would be 18 - 20 people. Hours would be 11 a.m. to 9 p.m. There would be a men's league, a women's league, and a kids' league. On-site parking would be on the other side of the building.

Johnstone received the application too late to be able to send notices to abutters or to publish a public notice to put her application on the agenda for tonight's meeting. The next regularly-scheduled Planning Board meeting would be Thursday, October 13. If Dostie has to wait until then, she might have to renew her current lease, which expires at the end of September. Planning Board members were willing to meet on Thursday, Sept. 22 to consider Foley's application and other business, provided that Johnstone can get the required notices out in time.

6. Vote to Table Remaining Agenda Items

Due to the lateness of the hour (8:20 p.m.), on motion of Russo, Planning Board members voted unanimously to table the remaining agenda items, including review of the minutes of the July 28 and August 11 Planning Board meetings, introduction of new Planning Board member Mark Stultz, discussion of the remote vote policy, and an update on Land Use Ordinance revision.

Adjournment: The meeting was adjourned at 8:21 p.m.

Next Planning Board meeting: Thursday, Sept. 22, 6:00 p.m. (if Johnstone can get the required notices out in time)

Respectfully submitted,

Susan S. R. Alexander
Recording Secretary

Action Items - Johnstone

1. Get CEO Waltz to verify that upgrades have been made to the leach field at East Ridge Mobile Home Park; get confirmation that the sanitary waste disposal system is now working satisfactorily.
2. Get a legal opinion about how to legally remove the 55+ age requirement for the mobile home park.