

3/31/05

Notes on Meeting of Waldoboro Business Association  
Discussion of Draft Land Use Ordinance with Members of Land Use Committee  
March 30, 20005  
VFW Hall, Mill Street

*[Unofficial notes for the information of the Land Use Committee, not the official meeting minutes.]*

Present:

Land Use Committee: Abel, Campbell, Cartwright, Golden, Johnson, Karkow, Seaver;  
Town Manager Smith, Code Enforcement Officer Black

Waldoboro Business Association (incomplete – see WBA minutes for complete list)

Nancy Dail, President; Elaine Abel, Mary Ann Beinecke, Bill Branigan, Lincoln Davis (VP),  
Crystal Delano (Secretary), Randy Gross, Charlotte Henderson, Elaine Johnston, Ralph  
Johnston, Keenan Jones, Tim Kimpton, Jennifer Merritt [*elected Treasurer at meeting*], Gail  
Montgomery, John Murray, ~5-10 others

1. Presentation about State Land Use Regulations and Planning for “Smart Growth”

Stacy Benjamin, Senior Planner with the Land Use Team at the State Planning Office, made a presentation from 6:40 to 7:20 p.m. documenting growth in Maine and the need for “smart growth” to protect the rural atmosphere that surveys show most town residents want to preserve. Towns are not going to stay the same, whether or not we want them to. By 2050 most of southern Maine and midcoast Maine is projected to be urban or suburban in land use. Copies of Benjamin’s material are available by calling 1-800-662-4545 or e-mail [stacy.benjamin@Maine.gov](mailto:stacy.benjamin@Maine.gov). Karkow and Alexander got copies of her Power Point graphics.

Benjamin said Maine towns are not required to have comprehensive plans unless they also have zoning other than shoreland zoning. If a town has a wellhead protection district or an historic district, it is required to have a comprehensive plan. State law requires towns with zoning, growth caps, or impact fees for new development to have a consistent comprehensive plan. She stated that Waldoboro has zoning. George Seaver asked whether towns with ordinances that are inconsistent with their comprehensive plans are required to make them consistent. Benjamin replied that it is highly recommended.

She said 288 Maine communities have zoning, not a majority of towns. Zoning and design standards can affect how development occurs. Downtowns that have trees, plantings and parks can remain pleasant places where people want to live. Zoning ordinances stabilize neighborhoods and separate incompatible uses.

Maine does not have a State comprehensive plan. Benjamin hopes to create one. The 1988 Growth Management Act contains 10 State goals. The State is in the process of revising its requirements for local comprehensive plans. There will be focus groups and local meetings about this over the coming months.

WBA vice president Lincoln Davis asked how the State views land use regulations as compatible with loss of jobs. Plants are closing, workers are being laid off. Small businesses and home occupations need to be encouraged. Is the State doing anything about job creation on a small business scale? Benjamin said yes, a huge part of Gov. Baldacci’s agenda is directed toward an economic task force, especially to strengthen natural-resource-based industry.

Keenan Jones asked how a town can prepare for loss of jobs. If ordinances make it hard for businesses to move into town, it will be harder for people who have lost their jobs to find work. Town Manager Lee Smith said that Lincoln and Sagadahoc Counties are the only two counties that do not belong to an economic development district. Business people and town leaders in the two counties have been meeting. A development plan has been drafted. A copy is available at

theTown Office. An application is pending in Washington, DC. Also, the Sylvania plant site has been approved as part of a Pine Tree Zone. This gives tax incentives for a business to move there.

## 2. Discussion of Business Association Members' Concerns about Draft Land Use Ordinance

WBA president Nancy Dail criticized the draft Land Use Ordinance as not sufficiently geared toward businesses and business growth in Waldoboro. In the Purpose statement on p. 1-1, the purpose "to encourage appropriate commercial and industrial growth to ensure a diverse range of job opportunities to the residents of Waldoboro" is #14 among 16 purposes of the Ordinance. She feels that the mission statement is not user-friendly. It should say something about promoting, fostering and protecting small industries and businesses in rural areas.

The Waldoboro Business Association Board met on March 24. It sent a letter to the Land Use Ordinance Committee asking to have input to the draft Land Use Ordinance by April 30. The letter was hand-delivered at the LUO meeting on March 28. The WBA wants time to meet as a group to identify concerns and provide written input. The January draft Land Use Ordinance was made available to the public in February. Dail and Davis said that a month is too short a time for the WBA to make a concerted, thoughtful response.

Land Use Committee chairman Ed Karkow said the Committee held two public informational meetings about the draft ordinance on March 14 and 21. Its meeting on March 28 was to consider recent public input. The Committee has a time constraint. If the draft Ordinance is to be voted on in June, the revised draft must be presented to the Selectmen on April 12. The Selectmen will schedule a public meeting about the ordinance in May. Karkow said the Committee could consider input from WBA members on April 4, when the Land Use Committee is meeting with water experts about changes to the Wellhead Protection Ordinance. Dail said she personally cannot provide input by April 4; the time is too short.

Karkow told the group that at the March 28 Land Use Committee meeting it was decided to delete two controversial features of the draft ordinance, present a less restrictive ordinance for town vote, and on the same warrant include amendments on which townspeople can vote to put the more restrictive language back in the ordinance. In this way people will get a chance to vote individually on a few issues. It is not feasible to have separate votes on each requirement in the Ordinance, but people will have the opportunity to modify the ordinance on issues that they feel most strongly about. The Lincoln County Planner recommends that these amendments be limited to four or five key issues.

The two changes made at the March 28 Land Use Committee meeting are to remove the restriction on single-wide mobile homes in the Residential District (roughly from Rt. 32 to Rt. 220 south of the Village) and to remove the restriction on individual private docks over mudflats. Karkow said that if the Business Association could identify a single problem such as the number of non-resident non-family employees in a home occupation, the WBA's issue might be treated the same way, by changing the draft ordinance text to be less restrictive and letting people vote on a more restrictive amendment.

The January 2005 draft ordinance allows a home occupation to have two employees who are not family members and do not live on the property. The current ordinance allows only one such employee. Seaver asked how many employees Dail wants a home occupation to be allowed. Dail did not want the ordinance to place any limits on the number of employees for a home occupation in order to qualify as a home occupation rather than a business. Stacy Benjamin said there is no State definition of "home occupation". Standard language is to allow two non-resident employees, but some towns allow three or six, and some towns define home occupation by the number of vehicle trips per day.

Lincoln Davis advised the Land Use Committee to take more time to allow people to become familiar with the draft ordinance, and not rush to a vote in June. Elaine Johnston agreed, saying the ordinance revision will pass eventually. Jennifer Merritt said the business community does not have a large number of concerns and it should not take long to narrow these down and

provide written input. Karkow and Smith said the Land Use Committee started holding community meetings last summer to acquaint people with the draft ordinance revision and has met with four or five groups.

Bill Branigan asked if the Selectmen have determined that the vote must be held in June. That decision has not yet been made. It is up to the Selectmen to decide when to schedule a vote on the ordinance. Elaine Abel said she talked with a Selectman last week who thought the vote should be held in November when there would be a bigger turnout. Smith said there is no general election until November 2006.

Smith said if the ordinance is to be voted in June, a public hearing must be held a minimum of two weeks before the vote. He asked how much time the Business Association needs in order to get its comments to the Committee. Dail thinks the WBA can submit its input before April 30. Smith said if the Association can provide input within 30 days the Town will make it work.

The two main issues at the WBA Board meeting on March 24, which Town Manager Smith attended, were the number of employees allowed for a home occupation, and expanding the land use matrix to allow more businesses in the Rural District.

John Murray asked how the decisions were made for the land use matrix. To him they appear arbitrary, complicated, too restrictive, and unenforceable. Small businesses provide 55% of jobs in Maine. Why should a funeral home not be allowed on Route 32? Why is an auto repair business not allowed anywhere except on Route 1 and in the Industrial District, while boatbuilding and repair is allowed in the Rural District with Planning Board review?

It was suggested to provide copies of the draft ordinance to all residents. Many people have not seen it and are not even aware of it. Smith said it is posted on the Town web site. 150 copies have been printed and are available free at the Town Office. Karkow said a two-page summary of the proposed ordinance changes will be mailed to all residents shortly before the public hearing and Town vote. The letter will explain what people can do if they don't like parts of the ordinance, and how the ordinance can be amended. It will say that copies of the draft ordinance are available at the Town Office.

Cartwright said the Land Use Ordinance Committee is largely made up of business people. Business interests were well represented. The Committee includes a pretty good cross-section of the Town. State Senator Dana Dow, a local businessman, attended the first public informational meeting on March 14 and endorsed the draft ordinance revision. He said everyone can find something in the plan to object to, but the overall plan is good for Waldoboro, and planning for the future is better than no planning.

A WBA member commented that most of the content of the draft ordinance revision comes from the old ordinances. She has a list of changes from the old ordinances. That is what the Business Association should be concentrating on. People who won't read the ordinance draft should not try to delay a vote on it.

Seaver said he recently suggested some changes to the draft ordinance and found the Committee very receptive. The process of making changes worked well for him and he hopes it will work well for the Business Association. The WBA input should be solution-oriented.

On motion of Nancy Dail the group agreed that individual WBA members will send input to secretary Crystal Delano (cdelano@camdennational.com) this week and next. Any WBA member who wants to help draft a WBA response with specific recommendations for changes to the draft ordinance is invited to meet at 6:30 p.m. on Monday April 11 at the Downeast School of Massage. People should have read the draft ordinance before the meeting.

Susan S. R. Alexander  
Land Use Committee Secretary

