

2/12 /04 draft

Minutes
Town of Waldoboro
Planning Board Meeting
February 11, 2004

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Roll Call

The meeting was called to order at 7:04 p.m. by Chairman John Morris. Members present were Carlo Bianchi, Chuck Campbell, Terry Gifford, Ed Karkow, and Bo Yerxa (at 7:20 p.m.). Code Enforcement Officer John Black was present.

Members of the audience included Buddy Brown, Wayne Brown, Margaret Cook, John Egan, Carole and Jack Howland, Bob Gallant, Kevin Genthner, James Heard, Thomas Lie-Nielsen, Benjamin and Barbara Lupien, Parker and Pat Spofford, Nancy Stewart, Steve Warren, Gordon and Sandra Webster, Virginia Winchenbach, Norman and Sandra Whitehill, and Mark Vannoy.

1. Minutes of January 14, 2004

On motion of Karkow/Bianchi, the Board voted 4 – 0 – 1, Gifford abstaining, to approve the Jan. 14 minutes as distributed.

2. Signing West Glen Subdivision Plan, 101 Main St. (R4/9)

Members present signed the West Glen subdivision plan on land of Theodore Mills at 101 Main St., approved at the December 10, 2003 Planning Board meeting.

3. Approval of Subdivision Plan, BC Housing LP (Coastal Enterprises, Inc.), Friendship Street Housing, 16 Rental Units, 327 Friendship Rd. (U2/7A)

John Egan of CEI and engineer Mark Vannoy of Wright-Pierce were in for continued review of the subdivision plan for Friendship Street Housing. Most of the conditions listed at the top of p. 4 of the Jan. 14 minutes have been addressed. Construction drawings are still lacking. The required silt fence alterations have been made, transitional contour lines have been added, vegetative screening along the Howland property line has been resolved, and a landscape plan has been provided showing the number, size, and species of plants for a typical planting bed in front of a duplex unit. The stormwater management plan has been submitted to the Maine Dept. of Environmental Protection. Egan expects construction to start this spring and be complete in the winter of 2004-05.

a) Screening along Howland property line: Vannoy said that units 15 and 16, closest to the Howland property, will be single-story rather than two-story, to provide for handicapped accessibility. Ten scotch pine trees will be planted in a double row 10' on center to provide vegetative screening between units 15-16 and the Howland house. At Morris's suggestion, Egan agreed to provide scotch pines 6 - 8' in height, rather than 5-6' as specified on the plant list.

Carole Howland said that she and her husband have met with Vannoy on site to discuss screening. The screening described is acceptable to the Howlands.

- b) Building plans, elevations: Morris asked the developers to provide building plans and elevations when available, for review by the Planning Board. Vannoy said he expects to submit plans to the Maine State Housing Authority within the next month. Approval of construction standards will be deferred until the Board has seen the plans.
- c) Erosion control: More-detailed contours between the access road and the Howland property line are shown on drawing 2, along with a revised location of silt fencing. On motion of Campbell/Bianchi, the Board voted 6 – 0 that erosion control conforms to the ordinance.
- d) A typical landscaping plan for planter beds is shown on drawing 6, which also includes a plant list with quantity and size for each species. On motion of Bianchi/Campbell, the Board voted 6 – 0 to approve the landscaping plan as presented, except for changing the height of the scotch pines near the Howland property to 6 - 8'.
- e) The stormwater management plan has been submitted to DEP. A copy of the DEP permit will be provided to the Town Office. Stormwater management will be deemed satisfactory on receipt of the DEP permit.
- f) financial guarantees: Morris suggested using certificates of occupancy in lieu of a bond or letter of credit. CEO Black will issue certificates of occupancy for each duplex unit when the unit and its associated site development (road, sewer, water, power, landscaping) are complete. The certificate of occupancy for the last unit to be completed will not be issued until a financial guarantee is provided to cover 1.5 times the cost of any uncompleted site improvements. This is much less onerous than requiring a bond or letter of credit for the total cost of site improvements. Egan said the Maine State Housing Authority has the same requirement. On motion of Campbell/Yerxa, the Board voted 6 – 0 to require the Code Enforcement Officer to issue a certificate of occupancy for each completed unit; if any aspect of the project site development is incomplete when the final certificate of occupancy is ready to be issued, an amount equal to 1.5 times the value of uncompleted work shall be held in escrow by either the Maine State Housing Authority or the Town of Waldoboro, pending satisfactory completion of site improvements.

On motion of Karkow/Bianchi, the Board voted 6 – 0 that all applicable general and specific performance standards and review standards for the proposed subdivision are met, conditional on a) approval of the stormwater management plan by the Dept of Environmental Protection; and b) a financial guarantee in the amount of 1.5 times the cost of uncompleted site work at the time of issuance of the certificate of occupancy for the last unit, to be held in escrow pending completion of all site development including landscaping. Members present signed copies of the final subdivision plan. Planning Board members will review the building plans before the Code Enforcement Office issues any building permits.

4. Wayne Brown 1-Lot Subdivision, 211 Whitcomb Road (R16/57) – continued tabled

Wayne Brown and Buddy Brown were in for review of a proposed one-lot subdivision at 211 Whitcomb Road. Chairman Morris declined to have the Planning Board review this application at tonight's meeting because Brown has not complied with the Board's request to provide a subdivision plan showing all the lots he intends to sell over the next several years. At the April 9, 2003 Planning Board meeting the Board voted to table review of two one-lot subdivisions proposed by Brown at 203 Controversy Lane and 211 Whitcomb Road "until such time as the applicant returns with a preliminary subdivision plan showing the lots intended to be sold over the next several years" (p. 4, 4/9/03 minutes).

Brown said he has a preliminary subdivision plan for a five-lot subdivision and has given a copy to Code Enforcement Officer Black, who has visited the site. All the proposed lots are pinned. Brown requested preapplication review of the one-lot subdivision at 211 Whitcomb Road at tonight's meeting. On motion of Bianchi/Yerxa, the Board voted 5 - 0 - 1, Gifford abstaining, that

the one-lot subdivision at 211 Whitcomb Road is to remain tabled until the Board receives a preliminary plan for the proposed five-lot subdivision. Meeting materials are to be received at least ten days ahead of the meeting to allow time for Board members to review them prior to the meeting. Morris asked Brown to provide information about how the proposed lot and proposed subdivision relate to other Brown lots and Brown subdivisions on nearby land. Buddy Brown said the proposed lot at 211 Whitcomb Road is not part of the proposed multi-lot subdivision and is in different ownership.

Morris directed CEO Black not to place this item on a meeting agenda until Brown's application materials include a subdivision plan for whatever number of lots he plans to develop in the next several years.

5. Preapplication Discussion, McKean and Charles Gourmet Wine and Food Sales, 1587 Atlantic Hwy. (U5/15)

The principals were present for review of a proposed change in use of business property at the corner of Jefferson Street and Atlantic Highway: owner Parker Spofford, prospective purchaser Thomas Lie-Nielsen and his real estate agent James Heard, and Steve Warren, who would be manager of the new store. Warren proposes to lease the first floor of the former Spofford real estate office for a store offering fine wines, beers, cigars and gourmet foods. An insurance agency is a prospective tenant of the second floor of the building.

Warren gave out a two-page summary of his plans. He hopes to complete remodeling and open for business by Memorial Day weekend. An application has been filed with the Maine Dept. of Transportation for approval of a change of use from real estate office to specialty retail and to retain the existing driveway entrance from Route 1.

Chairman Morris said the principal issue for the Planning Board is traffic safety with regard to entrance and egress from the property and parking. The Planning Board will require a surveyed site plan of the property with accurate dimensions showing the location of the building, driveway entrance, site grading, direction of stormwater flow, the location of the required number of parking spaces and location where truck deliveries will be made, including adequate space for cars and delivery vehicles to turn around inside the property. A landscape plan will be required giving the location, species, size and number of proposed plants. The Planning Board encourages Route 1 businesses to provide attractive plantings without obscuring views of the road from driveway exits. Signage must conform with the ordinance. Exterior light fixtures should be shielded so that the fixture is not visible and should direct light either up or down, with no glare beyond the property boundaries.

The tax map shows a dotted line for the right of way over the Spofford lot for access to the Emerson lot 18A. Morris suggested it would be good if the driveway to the Spofford lot could use the same curb cut as the Emerson driveway. He said MDOT prefers a 200' separation of driveway entrances from intersections. Warren has met with Dave Allen of MDOT who wants a minimum 100' separation between the Spofford driveway entrance and the intersection. The existing entrance meets this requirement, Warren said.

Warren said the first floor has 1500 s.f. of selling space, requiring six parking spaces at 1 parking space per 250 s.f. of floor space. The second floor office will have 750-900 s.f. of floor space. Parker Spofford said the whole lot was parking space when the building was a restaurant. There is a good gravel base, part of which has grown up to grass. Warren said he did not see in the parking regulations any requirement for the number of handicapped parking spaces. Campbell said the ADA law requires one handicapped parking space for every 25 parking spaces.

The building must meet BOCA code for public occupancy. Morris recommended that Warren have an engineer walk through the building to check that construction meets BOCA code and provide a letter that the building either does comply or will comply once remodeling is complete.

Campbell suggested that a permit from the State Fire Marshal's office may be needed for a change of use. The second-floor office should have a second exit in case of fire.

Morris asked if abutters or neighbors have any concerns. Abutter Gordon Webster said he has no problems or objections to the proposed change of use. A neighbor, Norman Whitehill, said there has for years been a drainage problem from the Spofford lot to his property. Parker Spofford said this has been corrected.

6. Other Business – Maine Planning and Land Use Laws

CEO Black gave Board members copies of the 2004 Maine Planning and Land Use Laws update including changes enacted by the 121st Legislature during its first regular session.

Adjournment: The meeting was adjourned at 8:30 p.m.

John D. Morris, II, Chairman

Carlo P. Bianchi

Charles Campbell

Terry Gifford

Submitted by:

Edward Karkow

Susan S. R. Alexander

William Yerxa, II

WALDOBORO PLANNING BOARD