

5/13/04 draft

Minutes
Town of Waldoboro
Planning Board Meeting
May 12, 2004

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Roll Call

The meeting was called to order at 7:05 p.m. by chairman John Morris. Other Planning Board members present were Chuck Campbell, Terry Gifford, Ed Karkow, JoAnn Myers and Bo Yerxa. Code Enforcement Officer John Black was present. The audience included Donn Bowden, Betsy Branagan, William Branagan, Wayne Brown, Kenneth Chipman, Margaret Cook, Rosemarie Cutchens, William Cutchens, Cheryl Doyle, Douglas Ewart, Abraham Kauffman, Herbert Kauffman, Tom Lie-Nielsen, Tyler Lupien, Larry Miller, Steve Warren, Sean Welton, Norman Whitehill and Sandra Whitehill.

1. Minutes of April 14, 2004

On motion of Karkow/Campbell, the Board voted 6 – 0 to approve the minutes of April 14 as distributed.

2. Approval of Site Plan for Change of Use, McKean & Charles Gourmet Wine & Food Sales, 1587 Atlantic Highway (U5/15)

Steve Warren and architect Ken Chipman were in for continued review of plans to convert the first floor of the former Spofford real estate office at the corner of Jefferson St. and Atlantic Highway to retail sales. At the April 14 Planning Board meeting, the site plan was approved conditional upon receipt and approval of the landscape plan, building plans with an architect's seal, and a letter attesting to financial capability of the prospective purchaser, Tom Lie-Nielsen.

A letter dated April 16 has been submitted from Damariscotta Bank & Trust Co. attesting to Lie-Nielsen's financial capability. Schematic building plans sealed by architect Kenneth W. Chipman have been submitted, including the basement and second floor and a layout for a handicapped-accessible rest room. Morris said the plans are so schematic that the Board should obtain a letter from the architect saying that he has reviewed the building for compliance with BOCA code and finds that after renovation it will be in full compliance. Mr. Chipman said he will supply the letter. On motion of Gifford/Myers, the Board voted 6 – 0 to require a signed, sealed statement from the architect that the building after renovation will be in compliance with BOCA code.

Warren showed Planning Board members a detailed planting plan for the back, side and front of the building. Existing tree screening at the back of the building will be supplemented with 5' hemlocks, 5' white pines, maples, witch hazel and rhododendron bushes. A 20' gap in the screening will be left at the request of Mrs. Whitehill to provide a clear view of the fire station. The Emerson property boundary will be screened with fraser fir and rhododendron. A mixed planting at the front of the property will include horse chestnut trees, shrub willows, hostas, roses, perennials, Kousa dogwoods, an edging of gold variegated sedge, and an annual border around the parking lot. A crabapple tree at the front corner near the intersection will either be surrounded by lawn, if grass will grow there, or else by other plantings and ground cover. The Planning Board agreed that if Warren is unable to obtain hemlocks, he can substitute fraser fir or another evergreen tree or shrub. On motion of Gifford/Yerxa, the Board voted 6 – 0 to accept the landscape plan and to allow substitution of an equivalent screening plant if hemlock is unavailable. Warren was asked to provide a copy of the planting plan and a plant list with numbers and sizes for each variety. He was commended for an outstanding planting plan that can serve as a model for others. He agreed to provide photos showing the property before and after the new plantings are installed.

On motion of Yerxa/Myers, the Board voted 6 – 0 to approve granting a permit for the change of use to retail gourmet wine and food sales, conditional on receipt of a) a letter from the architect certifying that the building after renovation will conform to BOCA code, and b) a copy of the landscape plan and a detailed plant list.

3. Approval of Permit for Coastal Christian School Addition, 574 North Nobleboro Rd. (R16/62A)

Coastal Christian School board member Sean Welton was in for review of items missing at the April 14 meeting. These included a permit from the State Fire Marshal's office, a landscape plan for the addition and the entryway, addition of an erosion control statement to the site plan, and satisfactory written comments from municipal officials.

Code Enforcement Officer Black said written comments from municipal officials have been received and are favorable. Welton passed around a plan of the school building showing proposed plantings including four maple trees and a birch tree. The plan shows silt fencing and hay bales for erosion control in the disturbed area around the proposed addition. On motion of Myers/Gifford, the Board voted 6 – 0 to find the landscape plan for Coastal Christian School satisfactory and required that planting be complete by the end of the summer, before the start of the 2004-2005 school year.

Welton said the State Fire Marshal's office needs further information about location of fire walls, etc., before it will grant a construction permit. On motion of Campbell/Myers, the Board voted 6 – 0 to grant a building permit for the addition to Coastal Christian School, conditional upon receipt of a permit from the State Fire Marshal.

4. Approval of Permit for Benefit Music Festival, Ewart, 1313 Finntown Rd. (R11/21)

Douglas Ewart was in for approval to hold a one-day music festival on Saturday Sept. 18 at his property on Finntown Road as a benefit for MSAD #40. The festival will be similar to last summer's event held on Saturday August 16 from 11 a.m. to 7 p.m. at the same location. This year there will be a children's activity tent. Live music will include blues and rock as well as fiddling. CEO Black said there were no incidents or complaints about last year's event, and recommended approving the request for a mass gathering with the same conditions as last year. Chairman Morris recommended that the Planning Board not go through the site plan review checklist but grant a one-year extension of the previously granted permit. On motion of Yerxa/Myers, the Board voted 6 – 0 to approve a one-year extension of the permit for a one-day music festival at the Ewart property with the same conditions on approval as the 2003 event (see April 9, 2003 minutes). These are:

- 1) Emergency medical services to be available on site during the event.
- 2) Uniformed police officer to be on duty during the event.

- 3) Water lines to be provided to food service vendors; one 20-lb. ABC fire extinguisher to be available for each deep-fry unit.
- 4) Adequate portable toilets and refuse disposal arrangements, subject to approval by the Code Enforcement Officer at the time the permit is issued.
- 5) Roadside brush to be cut as necessary at entrance and exit driveways to provide minimum sight distances of 450 feet in both directions
- 6) Code Enforcement Officer to verify organizers' ability to pay for required services before issuing permit.
- 7) All signs to be removed promptly after the event.

5. Approval of Lot Line Change, Severson Subdivision, 42 Severson Lane (R13/44-1) and 33 Tammy Lane (R13/44-4)

William and Rosemarie Cutchens and Donn Bowden were in for review of their mutual request to make a property line change in a previously approved subdivision off Goshen Road. The Severson subdivision was approved by the Planning Board on January 13, 1988. Donn and Wanda Bowden, who own subdivision lot #4, wish to purchase approximately 0.88 acre from William and Rosemarie Cutchens, owners of lot #1. Both lots meet the minimum lot size before and after the proposed line change.

On motion of Gifford/Myers, the Board voted 6 – 0 to accept the Code Enforcement Officer's recommendation and approve the proposed property line change affecting the Cutchens and Bowden properties on condition that the proper paper work be completed and recorded at the Registry of Deeds.

6. Preapplication Discussion of MDOT Salt-Sand Shed, 1510 Old Route One (R13/17)

The Maine Dept. of Transportation wishes to take down the existing salt-sand shed and build a new one in the open field. CEO Black presented a site plan and architect's plan of the proposed building showing a concrete berm around the perimeter of the foundation. Chairman Morris said the plan appears to lack adequate provision to keep stored salt from causing the cement foundation to spall and to prevent salt from leaching into the soil and ground water. He instructed Black to return the plans to MDOT and ask for a plan that will adequately safeguard the environment.

7. Preapplication Discussion, Change of Use of Reed Mansion to B&B, 60 Glidden St. (U4/46-4)

New owners Roger and Gerry Brodis have sent a letter dated April 25, 2004, stating plans to operate the Reed Mansion as a bed-and-breakfast. They were not present. Planning Board members expressed willingness to do site plan review for the change of use at the June Planning Board meeting.

8. Preapplication Discussion, Office and Equipment Area for Contracting Business, Branagan, 438 Winslows Mills Rd. (R16/7)

William and Betsy Branagan were in to present plans for site work at the former Spear property on Winslows Mills Road. Mr. Branagan runs an excavation business in Wayne, Maine. He proposes to cut away part of the steep slope at 438 Winslows Mills Road to make a level area on which to offload excavation equipment. He also wants to redesign and relocate the septic system. CEO Black told the Board that this is the same property on which Branagan received approval for excavation and removal of more than 50 cubic yards of earth material at the May 14, 2003 Planning Board meeting. The same property under different ownership was previously approved by the Planning Board for a paintball facility.

Planning Board members agreed to make a site visit at 6:30 p.m. on Wednesday, June 9, before the next Planning Board meeting. Planning Board members expressed concern to preserve the residential character of the area and find a way to use the many large boulders on the site to form an attractive and effective retaining wall.

9. Preapplication Discussion, Paintball/Recreation Facility, Kauffman, West Main St. (R5/8)

Herb Kauffman was in with his son Abraham to describe plans to develop the West Main Street frontage of the Tillou & Kaufman property into a paintball facility, with a retail paintball store and enclosed paintball area. Future expansion may include tennis and volleyball courts and a children's play area. The lot is long and narrow (165' wide) at the west end, widening to the east where it abuts the Old German Church on Bremen Road. The West Main Street part of the property abuts the five-lot West Glen subdivision approved at the December 2003 Planning Board meeting, and is across the street from Moon's Camper Sales. The property also abuts the Waldoboro Town Forest.

Chairman Morris identified setbacks, screening and noise as the major issues requiring attention. The Planning Board will also want information about lighting, parking, sight distances in both directions from the driveway entrance, and rest rooms. Structures and ball courts must be set back 30 feet from the side lot lines and must be screened from abutting residential uses. Kauffman said he intends to retain a 30' strip of existing natural vegetation as a buffer along lot lines. The paintball guns are relatively quiet, comparable to a large air rifle, but competitive players may make enough noise to exceed the noise ordinance standards. Kauffman said the activities will be seasonal and not after dark.

Karkow suggested getting information about safety standards from a paintball industry association web site. Kauffman said players wear masks for safety. The paint is non-toxic. A referee is present during play.

Chairman Morris encouraged Kauffman to devise an interesting and attractive layout perhaps with a meandering central walkway and game courts on both sides. This might help to provide more effective buffering from neighboring uses. He suggested that the applicant bring a conceptual site plan to the next meeting for review before going to the expense of a professional survey, and to come prepared to address the identified items of interest. The final surveyed site plan should show uses, setbacks, buffering, lighting, and parking.

10. Review of One-Lot Subdivision, 211 Whitcomb Drive, and Five-Lot Subdivision, Sunset Ridge Road, Wayne Brown (R 16/54B & 56)

Planning Board members Campbell, Gifford, Karkow, Morris, Myers, and Yerxa and CEO Black visited the six proposed lots at 4:30 p.m. with owner Wayne Brown. 211 Whitcomb Drive is located on the north side of Whitcomb Drive opposite Tyler Lupien's property, and is labeled "lot proposed for conveyance to Simoneau, 6.5 acres" on the January 2004 boundary survey that shows both subdivisions. The Whitcomb Drive one-lot subdivision was tabled at the April 9, 2003 and February 11, 2004 Planning Board meetings. Both the one-lot subdivision at 211 Whitcomb Drive and the five-lot subdivision at Sunset Ridge Road were discussed at the March 10, 2004 Planning Board meeting. A site walk planned for April 14 was cancelled due to rain and the subdivision review planned for the April 14 meeting was therefore deferred.

Chairman Morris read CEO Black's analysis of the subdivision submission checklists for both subdivisions. On motion of Myers/Gifford, the Board voted 6 – 0 that the following items are present for both subdivisions: 1 owner and developer; 2 name of development, scale, north arrow, date; 3 number of lots and lot boundaries; 4 proposed lot lines, locations of septic test pits; 5 temporary markers; 7 location map; 8 location of watercourses, other essential features; 10 location, size, elevation of existing and proposed utilities; 11 locations, names, widths of existing and proposed roads; 12 contours at an interval of no more than 5'; 15 soils reports, test pits; and 17 narrative regarding performance standards. Also present for the five-lot subdivision is item 13, typical cross-section of proposed roads. CEO Black said this is currently on a separate sheet, but will be added to the subdivision plan before final review.

On motion of Myers/Gifford, the Board voted 6 – 0 that the following submission items are not applicable to 211 Whitcomb Drive: 6 parcels dedicated to public use; 9 location of existing sewers, water mains, culverts, drains; 16 flood map; 19 hydrogeologic assessment; 20 traffic

impact analysis; 21 groundwater extraction impact analysis; 22 visual impact analysis. On motion of Gifford/Karkow, the Board voted 5 – 0 that the same seven submission items (6, 9, 16, 19, 20, 21, 22) are not applicable to the five-lot subdivision on Sunset Ridge Road.

Item 18 in the submission checklist, written review comments from municipal officials, has been received for both subdivisions. The Fire Chief believes that a water source for fire protection is needed for both subdivisions. Brown said he has a good location in mind for a fire pond to serve the Sunset Ridge lots, and this could also serve 211 Whitcomb Drive.

Black's written analysis suggests that Item #13, typical cross section of proposed roads, and #14, soil erosion and sedimentation control plan, may not be applicable to 211 Whitcomb Drive, and #14 may not be applicable to Sunset Ridge Road, because the road work may be complete. Morris disagreed, saying the backslopes and ditching of the road is not completed, and a civil engineer may require culverts and/or a detention pond as part of the stormwater management plan. These items will be more fully discussed later under performance standards.

On motion of Myers/Yerxa, the Board voted 6 – 0 to find that the applications for the one-lot subdivision at 211 Whitcomb Drive and for the five-lot Sunset Ridge subdivision are complete.

The Board then went through the general performance standards checklist for 211 Whitcomb Drive. On motion of Myers/Campbell, the Board voted 6 – 0 that the following performance standards are applicable and conforming: A access to lots, I net residential area, N sanitary provisions, Q soils, U street access and driveways. On motion of Gifford/Myers, the Board voted 6 – 0 that the following general performance standards are not applicable: B air emissions; C buffer areas; D construction standards; E explosive materials; F glare; G landscaping; H hydrogeologic assessment; J noise; K off-street parking and loading; L odor control; M refuse disposal; O setbacks and screening; P signs; S storage of materials; and V water quality impacts.

Morris summarized the outstanding issues: completion of the road, a stormwater management plan approved by the Dept. of Environmental Protection, a design and location for a fire pond, and a wetlands delineation. Brown was told that he cannot sell any lot in either proposed subdivision until the road is complete and has been inspected to determine that it meets Town specifications for a public way. The road serves two subdivisions. It must be wide enough for two-way traffic and able to accommodate emergency vehicles. Because the development involves over three acres, Morris said that the stormwater management plan must be reviewed by the DEP. Brown needs to have a civil engineer compute storm runoff, design a stormwater management plan, locate culverts and/or a detention pond if necessary, and design the fire pond. A qualified surveyor or wetlands delineator needs to walk the property and either locate and map existing wetlands or provide a written statement certifying that there are no wetlands. CEO Black or the Soil Conservation Service can supply names of civil engineers. If Brown can take care of the road, the stormwater management plan, and the fire pond, he will not need to post a performance bond because the road and associated improvements will be complete. Black said the fire pond needs to have been designed but does not need to be built in order for the subdivisions to be approved.

Review of the Brown subdivisions ended at this point, having completed review of the general performance standards for the one-lot subdivision but not for the five-lot subdivision. Specific performance standards were not voted on.

Morris suggested that the Planning Board would benefit from having Lincoln County planner Bob Faunce review the Brown subdivision plans when they are complete.

11. Announcements

a) Board of Appeals public hearing, 6:30 p.m. Tuesday May 18, on Boucher dock permit denial.

b) MDOT meeting on Gateway One corridor issues and problems, Tuesday June 15 at 2 p.m. Town manager Lee Smith requests that several members of the Planning Board attend this meeting of about 12 local residents with DOT.

Adjournment: The meeting was adjourned at 9:33 p.m.

John D. Morris, II, Chairman

Charles Campbell

Terry Gifford

Edward Karkow

Submitted by:

JoAnn Myers

Susan S. R. Alexander

William Yerxa, II

WALDOBORO PLANNING BOARD