

Draft 4/14-15/05 revised 4/25/05 with Yerxa input
Minutes
Town of Waldoboro
Planning Board Meeting
April 13, 2005

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Roll Call

The meeting was called to order by chairman Bo Yerxa at 7:00 p.m. Other members present at the start of the meeting were Carlo Bianchi, Chuck Campbell, Terry Gifford, and JoAnn Myers. Chuck Flint and Abden Simmons joined the meeting after the first two agenda items. Code Enforcement Officer John Black was present. The audience included Michael Colbert, Rod Craib, Jack Farlow, Walter Foster, Scott Gove, Drew Greiner, Karl Pitcher, Kevin King and Thomas and Louisa Winchenbach.

1. Minutes of March 9, 2005

On motion of Campbell/Bianchi, the Board voted 4 – 0 – 1, Gifford abstaining, to approve the minutes of March 9 as distributed.

2. Signing Finding of Facts for Broad Cove Builders Re-Subdivision, 51 Balsam Dr. (R18/42)

The Board voted on March 9 to approve two changes to lot access in the Broad Cove Builders subdivision on Balsam Drive. On motion of Campbell/Bianchi, the Board voted 5 – 0 to accept and sign the Finding of Facts and Decision for Permit #04-SD-9 for the Broad Cove Builders subdivision.

3. Approval of Permit for Dock, King, 580 Bremen Road (R5/28)

Owner Kevin King and marine biological consultant Walter Foster were in for review of the Kings' application to build a small permanent dock on their property at 580 Bremen Road. The dock will be 4' wide and 30' long on six wood pilings and will not have a ramp and float. It will not extend to the low tide channel. The outer end will have about 8' of water at high tide. Untreated wood will be used for the dock and pilings. Prock Marine will do the construction.

King showed photos of the shoreline. The bottom is ledge and gravel. There is no eelgrass at the site of the dock. Abden Simmons is familiar with the area and confirms there are no clams at the dock site. King has applied for a permit by rule from the Dept. of Environmental Protection for the dock and is meeting with Susan Redmond of DEP on April 14. CEO John Black has visited the site. He measured 30 feet out from the bank and found that the dock area is ledge and gravel, not mud.

CEO Black's written review of the application was part of Board packets distributed in advance of the meeting. Board members went through each of the shoreland zoning review standards.

- a) will maintain safe and healthful conditions: met, because of use of untreated wood.

- b) will not result in water pollution, erosion or sedimentation to surface waters: met. Because untreated wood is being used, there will be no manmade chemicals leaching from the wood. The dock will rest on ledge at the top of the bank.
- c) wastewater: not applicable.
- d) no adverse effect on spawning grounds, fish, aquatic life, bird or other wildlife habitat: met, because of use of untreated wood.
- e) will conserve shore cover and visual, as well as actual, points of access to the water: met. The proposed dock is low and narrow, with minimal visual impact. The adjacent woodland consists of beech trees with little understory vegetation.
- f) will protect archaeological and historic resources: Black's summary states that there are no known archaeological or historic sites at the proposed dock location.
- g) will not adversely affect existing commercial fishing or maritime activities: met. The proposed dock location is near clam flats but not on the flats.
- h) will avoid problems associated with flood plain development and use: not applicable.
- i) is in conformance with the provisions of Section 15, Land Use Standards: met, following review of the seven requirements for piers and docks in Section 15, listed below.

- 1) access from shore developed on soils appropriate for the use and constructed so as to control erosion: met. The head of the proposed dock is located at the top of a rock embankment.
- 2) will not interfere with existing beach areas: not applicable. There is no sand beach.
- 3) located so as to minimize adverse effects on fisheries: met. The shoreline is rocky and the dock is not located over mud flats.
- 4) no larger than necessary: met. The proposed dimensions are appropriate for a family dock. The dock will not extend to the low-tide channel.
- 5) no structures on or abutting the dock beyond the normal high water line: met. No such structures are proposed.
- 6) existing structures on dock not to be converted to residential dwelling units: not applicable.
- 7) no structures more than 20' above the dock: not applicable.

King was asked to provide a list of materials that gives the species of wood to be used. On motion of Bianchi/Campbell, the Board voted 7 – 0 to find that all applicable shoreland zoning review standards are met, conditional on the applicant's providing a materials list satisfactory to the Code Enforcement Officer and a dock permit from the DEP On motion of Bianchi/Campbell, the Board then voted 7 – 0 to approve granting a permit for a 4' x 30' dock at 580 Bremen Road upon receipt of a satisfactory materials list and DEP permit.

4. Site Plan Review, Sales Location for Maine Modular & Manufactured Houses, 1301 Atlantic Highway (U12/2)

Scott Gove and Karl Pitcher were in for site plan review of their proposed new sales location on the south side of Rt. 1 near the bottom of the hill west of the intersection of Winslows Mills Road. The business is currently operating in leased space at 3220 Atlantic Highway in Waldoboro. The company has entered into a purchase and sale agreement to buy the property at 1301 Atlantic Highway contingent on obtaining a permit to operate the business there.

They propose to install one sectional manufactured home immediately and a modular home at a later date, as show homes and office. A stick-built garage will be used for equipment storage. They have an entrance permit from the Maine Dept. of Transportation for no more than 50 one-way trips per day. The property was surveyed for a prior proposed use. The applicants provided a sketch plan showing the general location of two model homes, a 30' x 40' two-story garage, and parking.

The Board went through the site plan review submission checklist to determine whether the application is complete. Campbell said that a number of elements are missing from the sketch plan that should be added to the final site plan. The applicants provided a revised sketch plan that includes some material missing from the version sent to Planning Board members for review. Pitcher said they can come back with a detailed site plan in a month.

- 1) Owner and developer: received.

- 2) Name of development, scale, north arrow, date: Campbell said the north arrow on the sketch plan is incorrectly oriented.
- 3) Lot boundaries: Campbell asked for the site plan to include the whole parcel, not just the part to be developed.
- 4) Dimensions and locations of buildings, well, septic system: The well site should be shown. There will be no septic system, because of the extensive fill. Doug Meservey will give a permit for a 1,000-gal. holding tank which will need to be pumped twice a year, based on the applicants' experience with a similar system at their present location.
- 5) Temporary markers in the field : not applicable, per Black's review.
- 6) Parcels to be dedicated to public use: not applicable
- 7) Location map showing relation of development to properties within 300 feet: The location of Ralph's garage should be shown.
- 8) Location and size of watercourses, other essential features: location and size of existing watercourses on the property should be shown.
- 9) Location and size of existing sewers, water mains, culverts and drains: Town water stops at Ralph's on the north side of Rt. 1. The applicants will drill a well.
- 10) Location, size and elevation of existing and proposed utilities: location of utilities should be shown on the site plan.
- 11) Location, names, widths of existing roads, easements: received.
- 12) Contours at not more than five-foot intervals: Contours are at 10-foot intervals.
- 13) Typical cross-sections of proposed roads, storm drain facilities: The storm drainage system should be shown on the site plan.
- 14) Soil erosion and sediment control plan: Hay bales and silt fencing are shown on the revised sketch plan. The erosion and sedimentation control plan should be addressed in the written narrative.
- 15) Soils report: The fill on the front part of the lot is adequate to support structures but is not legal for an in-ground wastewater disposal system. A written statement from Doug Meservey regarding the holding tank should be supplied.
- 16) Flood map – not applicable.
- 17) Narrative demonstrating that all performance standards can be met. The narrative should address parking (justification for the number of parking spaces needed, based on the applicants' experience at the current site), erosion control, and other items requested during Planning Board discussion at tonight's meeting.
- 18) Written comments by municipal officials: not received. Will be provided at the next meeting.
- 19) Hydrogeologic assessment: not applicable.
- 20) Traffic impact analysis: not applicable. The number of vehicle trips per day is below the threshold.
- 21) Groundwater extraction impact analysis: not applicable
- 22) Visual impact analysis: not applicable

The Board went through the site plan review worksheet. A copy made out by CEO Black was distributed in advance of the meeting. Black also distributed a written analysis of the application based on information available as of March 29.

1. Jurisdiction: a new use of land.
2. The applicants are not in violation of the provisions of a previously approved plan.
3. General performance standards.

The Board found the following general performance standards applicable and conforming:

A access to lots; D construction standards; F glare; I net developable area; J noise; M refuse disposal; N sanitary provisions (1,000-gal. holding tank); P signs; Q soils; S storage of materials; U street access and driveways.

The following general performance standards were found not applicable: B air emissions; E explosive materials; H hydrogeological assessment; L odor control.

The following general performance standards were found applicable but required discussion or further information:

C buffer areas: The applicants plan to add loam and have a grass strip between the homes and the highway, also grass and perhaps decorative shrubs around the model homes. Because homes will

be moved onto and off the site at intervals, shrubs may need to be planted in portable containers. See discussion of landscaping below.

D Construction standards: All manufactured homes brought into the State must be built to code. The sectional manufactured home will be built to HUD code. The future modular home will be built to BOCA code. The stick-built garage will be used to store equipment.

F glare: Site lighting will be landscape-type lighting shining onto the buildings. The sign will be exterior-lit. The narrative should address site lighting.

G landscaping: Gove asked whether grass alone constitutes an acceptable landscape plan, with trees and shrubs to be added later. Campbell said landscaping does not necessarily include bushes. Pitcher asked whether the landscape plan can specify that a certain number of shrubs will be planted, but not specify where. To avoid a barren look, Gifford recommended planting a few trees in locations well away from where manufactured homes will be moved onto or off the site.

K off-street parking and loading: The ordinance does not specify a required number of parking spaces for sales of modular homes. The applicants were asked to provide a statement in the narrative justifying the number of parking spaces based on the number of parking spaces they have found to be needed at their present location. The final site plan should show a specific number of parking spaces at a specific location.

O setbacks and screening: The final site plan should show an envelope within which all model homes will be located, that meets required setbacks. Screening: See discussion of landscaping.

R erosion control: The applicants were asked to address planned erosion control measures in the narrative and to show the locations of erosion control features on the final site plan.

T stormwater management: Details of stormwater flow across the property should be shown on the final plan and addressed in the narrative.

V water quality impacts: see R erosion control and T stormwater management.

4. Specific performance standards

Specific performance standard L is applicable and met. It requires all manufactured housing units moved onto lots in town to have been manufactured after June 15, 1976. The applicants are selling new modular and manufactured houses delivered direct from the factory onto customers' lots.

Review standards: The Board then went through the checklist of site plan review standards.

- A. no undue water or air pollution: met.
- B. sufficient water available for fire control and drinking water: met.
- C. will not cause an unreasonable burden on an existing water supply: met.
- D. will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water: met. One misshapen birch tree will be removed. MDOT requires the entrance to be paved.
- E. will not cause unreasonable highway congestion or unsafe conditions: met. MDOT has given an entrance permit for 50 one-way trips per day.
- F. will provide for adequate sewage disposal: met.
- G. no unreasonable burden on municipality for disposal of solid waste and sewage: met.
- H. no undue adverse effect on scenic or natural beauty: met.
- I. conformance with all Town of Waldoboro ordinances: expected to be met.
- J. A letter from a financial institution is required, attesting to financial capability.
- K. not within 250 feet of a water body: not applicable.
- L. will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater both on and off the site: met, by adequate management of stormwater.
- M. flood-prone area: not applicable.
- N. meets all land use terms, definitions and performance standards ordinance requirements: expected to be met.

The applicants were directed to include all requested detail on the final site plan and to address the specified items in the accompanying narrative.

5. Preapplication Discussion, Wayne Brown Subdivision, Stagecoach Rd. and Sunset Ridge Rd. (R16/54B, 56 and 57)

Surveyor Drew Greiner was in representing Wayne Brown, who seeks subdivision approval for eight more lots on the loop road already built. Proposed lots 1 and 2 are on Stagecoach Road and are not contiguous with proposed lots 3 – 8 on Sunset Ridge Road.

Greiner would like to present preliminary subdivision plans at the May meeting. Planning Board members asked for an indication of how these eight lots fit into Brown's long-range development plans. The Town has a conceptual plan of Brown subdivisions prepared by surveyor Don Richards. The eight proposed lots are parts of larger parcels in three different ownerships, but Wayne Brown is said to be a co-owner of all three parcels. Bianchi said the ownership of the underlying land should be shown on the subdivision plan. Yerxa said the narrative should address who owns the land out of which the lots are being created. Yerxa said that in his opinion the existing road is dangerous in one place during adverse weather.

Planning Board members will review minutes regarding earlier Brown subdivisions to identify items of concern.

6. Preapplication Discussion of Four-Lot Subdivision, Winchenbach, 21 Geele Lane (R2/57)

Surveyor Roderick H. Craib, Jr., of Maine Coast Surveying and owners Thomas and Louisa Winchenbach, Jr., were present to explain plans to divide Lot 57 into four lots, three of which have existing homes on them. The fourth lot will have frontage on the Medomak estuary and must meet shoreland zoning requirements. CEO Black said the three existing homes did not constitute a dwelling subdivision because the homes were not built within a five-year period.

The preliminary survey plan dated March 25, 2005 shows four lots: Lot A containing the former Winchenbach house and garage, with frontage on Geele Lane; Lot D containing a rented mobile home and shed, with frontage on Geele Lane; Lot C containing the Winchenbachs' new house with frontage on the Medomak estuary; and Lot B, a vacant lot between Lot C and the Leavens property to the south. Soils evaluator Ken Cotton is doing a soils test on Lot B; information on location will be provided. Lincoln County planner Bob Faunce believes the averaged width of Lot B makes it a "spaghetti lot" with a ratio of length to width exceeding 5:1, which is prohibited in the shoreland zone. CEO Black and surveyor Craib do not agree, arguing that Lot B has nearly 205 feet of shore frontage and that the widths of the two parts of the lot should not be averaged. Black will clarify this before the next meeting.

Campbell noted that Lot B has only 53.16 feet of frontage on the access road and questioned whether this meets the ordinance requirement. There was a suggestion that the narrow part of Lot B could be made wider to meet the frontage requirement.

Besides these four lots, the survey also shows two other parcels previously divided off from Lot 57, labeled as Parcel 1 and Parcel 2. Parcel 2 is the Leavens lot containing a house and shed.

A proposed 30-foot right of way from Geele Lane will provide access to Lots B and C and the Leavens lot. The proposed access road serves three lots counting the Leavens lot, which is a back lot although not part of the present subdivision. The Winchenbachs will build a new 300' road within the right-of-way. Faunce said that the access road should be treated as a subdivision road and should terminate in a cul-de-sac or T turnaround for emergency vehicles. Black noted that a right-of-way serving three back lots is required to have a width of 50', not 30'.

Myers said the net buildable area of the three smaller lots needs to be verified. Yerxa asked if a wetlands delineation should be required. Craib said there is no wetland on the Winchenbach property except at the shoreline, which is considered a "coastal wetland" by definition. Flint used to cut hay on the Robie property, Lot 64, and does not think that the wetlands on the Palmer property, Lot 62, extends north onto the Winchenbach land. The Board agreed not to require a wetlands delineation. Craib noted that there is a deed restriction against building on the back part of Lot D. He was told that this part of Lot D can still count in calculating minimum lot size.

The preliminary survey plan has 10-foot contours taken from the USGS topographic quadrangle map. The ordinance requires a 5-foot contour interval. Craib said he will interpolate to get 5-foot contours unless the Board directs otherwise. The final subdivision plan will show the location of the shoreland setback.

The Winchenbachs agreed to allow Planning Board members to visit the site individually.

Chairman Yerxa summarized that the Board sees no big problems with the proposed subdivision, other than addressing the issues raised in tonight's discussion. In order to be on the agenda for the next meeting, materials must be submitted fifteen days in advance. CEO Black will notify abutters.

7. Preapplication Discussion of New Library Building, Waldoboro Public Library Association, 958 Main St. (U2/70)

Jack Farlow, Treasurer of the Public Library Association, presented plans for a new library on Main Street across from the Post Office on the site of the historic William Fish house. The existing house and barn will be taken apart and re-assembled at another location. He showed a three-dimensional model of the proposed new library and a floor plan. The new building will provide 4,000 s.f. of floor space; the present library has only 1450 s.f. The Fish lot is long and narrow, but there is room for additional expansion at the back of the building. The proposed setback of the building from the east (uphill) property line is only 10-12 feet, which does not meet the current ordinance requirement. Myers noted that if the proposed ordinance revision is approved by town vote, the setback problem will be reduced or eliminated. Yerxa suggested to Farlow that if a setback waiver is needed, it will be advantageous if the abutting property owners do not object to the proposed location. Farlow said the architects have already held a meeting with abutters and neighbors.

The building will be stick-built on a slab. There is potential for future expansion into a second story at the front of the building, but Campbell did not think a chair lift in the stairwell will meet ADA standards for handicapped accessibility, and an elevator would increase the cost.

Construction will not begin until sufficient funds have been raised. As of July 2004 the cost estimate was \$800,000 including dismantling and relocating the existing structures, site grading, and construction of the new building and paved parking area. Final plans will be presented for Planning Board review when funds are in hand.

Adjournment: The meeting was adjourned at 9:50 p.m.

Terry Gifford

William Yerxa, II, Chairman

JoAnn Myers

Carlo P. Bianchi

Abden Simmons

Charles Campbell

Submitted by:

Susan S. R. Alexander

Charles Flint