

Minutes
Town of Waldoboro
Planning Board Meeting,
January 11, 2006

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Roll Call

The meeting was called to order by chairman Bo Yerxa at 7:00 p.m. Other members present were Carlo Bianchi, Chuck Campbell, Chuck Flint, Terry Gifford, and JoAnn Myers. Code Enforcement Officer John Black was present. The audience included Fred Bess, Mike Dean, Scott Gove, Drew Greiner, Dave Hidden, Lynn and Tim Rawley, and Bob Spear.

1. Minutes of December 7, 2005

On motion of Myers/Campbell, the Board voted 5 – 0 - 1, Flint abstaining, to approve the minutes of December 7 as distributed.

2. Approval of Permit for Farm Stand, Spear, 1520 Atlantic Highway (Tax Map U9 Lot 14)

Bob Spear and surveyor Drew Greiner were in to present plans for a farm stand on the north side of Route 1 between the Jaret & Cohn real estate office and Betty Lou's real estate office. The concept is unchanged from the preapplication meeting November 9. The 30' x 46' building will be on town water and sewer. Ten parking spaces are designated, which is enough for the business and a separate commercial office on the second floor. The parking area will be paved, except for a narrow vegetated strip along the highway right-of-way. No parking spaces are within the road right-of-way, but Spear said he has permission from the Dept. of Transportation for vehicles to use the right-of-way for turning around. There is one 30' wide entrance from the highway. The free-standing sign must be set back 2' from the road right-of-way and 20' from the side lot line.

Chairman Yerxa went through the site plan submission checklist, which had received preliminary review by CEO Black (copy in office file). The application is for a new non-residential building. 12 copies of plans and application have been received and the fee paid.

4. Existing conditions plan: Items received: locus map, location map, boundary survey; title block, land use district, existing contours, existing buildings, streets, driveways, utilities, significant features, location of nearest fire hydrant, and name and registration number of professional who prepared the site plan. Not applicable: wetland delineation, existing signs, easements.

5. Proposed conditions plan. Items received: title block; lot lines; 1-foot contours; design plans and sight distances of roads, parking and loading areas; location and dimensions of building; location and dimensions of sign; soil erosion and sediment control plan; storm water management plan; utility plan; landscaping plan (split rail fence along side lot lines, with plantings in tubs); approval block. Not applicable: easements, right-of-way; location of parcels dedicated for public use. Yet to be submitted: professional certification of the engineer who designed the building. The building was designed by Spear's brother, a mechanical engineer in Louisiana. If he does not have a Maine registration number, the building plans must be stamped by a Maine-registered engineer or architect who can certify that the building meets all required construction standards.

6. Written documentation. Items received: title, right or interest; description of proposed use; lighting; net developable acreage calculation; noise; off-street parking; refuse disposal; signs; soils; soil erosion and sedimentation control plan; storage of materials and equipment; storm water management plan; street access; evidence of technical capability to supervise, construct and inspect the project (Spear will serve as general contractor); evidence of financial capacity; construction schedule; statement from the utilities providing water and sewer that there is capacity to accommodate the project.

Not applicable: air emissions; electrical disturbances; hydrological ground water assessment; subsurface disposal system report; traffic impact analysis; estimated water and sewerage volumes.

Yet to be submitted: evidence that construction standards will satisfy ordinance requirements in Article 4 C (will be satisfied by name and registration number of Maine-registered engineer or architect on plans).

Item waived: buffer area for Route 1 properties required in Article 4 B. 1. c. (LUO p. 4-1). The Spear lot is a nonconforming lot of 0.2 acre and only 80-90 feet deep. The Ordinance requires a vegetative buffer 100 feet deep or 20% of the depth of the lot, whichever is less, measured from the edge of the traveled way, for all new commercial development along Route 1 and the redevelopment of existing Route 1 commercial properties. This requirement appears in conflict with Table G, Schedule of Dimensional Requirements, on p. 3-13 of the Ordinance, which requires a 25' building setback from the edge of the traveled way in the Route 1 Commercial B District. On motion of Bianchi/Campbell, the Board voted 3 – 2 – 1 (Yerxa abstaining), to waive the requirement for a vegetative buffer with a width 20% of the depth of the lot, because of the conflict with the 25' road setback requirement for properties along Route 1 in the Commercial B District in the Schedule of Dimensional Requirements. The Spear site plan meets the 25' setback requirement. Spear said he can provide a 5' - 6' grassed buffer strip between the edge of the road right-of-way and the blacktop paving of his parking area on either side of the driveway entrance.

On motion of Bianchi/Myers, the Board voted 6 – 0 that all applicable items in the submission checklist have been received except item 6 d, vegetative buffer with a width 20% of the depth of the lot, which was waived, and two items yet to be submitted: 5 n professional certification and 6e construction standards. The latter will be satisfied once the building plans are stamped with the seal of a Maine-registered architect or engineer. On motion of Bianchi/Myers, the Board voted 6 – 0 to authorize the Code Enforcement Officer to review the credentials of the engineer or architect.

The Planning Board then went through the site plan worksheet checklist for the Spear farm stand to determine whether the application meets applicable general and specific performance standards.

Article 4 General Performance Standards: The following general performance standards were found applicable and conforming: G lighting and glare; H net developable acreage calculation; I noise; J parking and loading; L refuse disposal; M sanitary provisions; N signs; O soils; P soil erosion and sedimentation control; Q storage of materials; R storm water management; S street access and driveways; V water quality impacts. The following general performance standards were found not applicable: A air emissions; D electrical disturbances; E. Historic Village District architectural standards; F hydrogeologic assessment of groundwater impacts; K phosphorus control; T street/road standards; U traffic impact analysis. B Buffer areas was waived. Yet to be submitted: C Construction standards will be determined when Black receives the name and Maine license number or professional registration number of the designer of the building. Greiner was asked to put a note on the final site plan that the 1000 s.f. second floor of the building will be a commercial office, parking for which is included in the parking plan, with no retail or residential use.

Article 5 Specific Performance Standards: None of the standards was found applicable. (Standard 5 C Agriculture pertains only to animals.)

Article 6 H Criteria for Approval: The following criteria were found applicable and conforming: 2 sufficient water; 3 soil erosion and sediment control; 4 highway or public road congestion; 5 solid waste and sewerage waste disposal; 6 aesthetic, cultural and natural values; 8 financial and technical capability; 14 storm water; 19 exterior lighting; 20 buffering of adjacent uses; 21 noise; 22 storage of materials; 23 landscaping; 25 location of off-street parking. The following criteria were found not applicable: 1 pollution; 9 shoreland zoning; 10 ground water; 11 flood areas; 12 freshwater wetlands; 13 river, stream or brook; 15 spaghetti lots; 16 lake phosphorus

concentration; 17 impact on adjoining municipality; 18 access to direct sunlight; 24 buffering of residential uses; 26 hazardous waste. Item 7 Conformity with Town ordinances is applicable; compliance will be determined when the engineer's license number or architect's professional registration number is presented to the Code Enforcement Officer.

On motion of Bianchi/Myers, the Board voted 6 – 0 that all applicable items on the worksheet checklist for the Spear farm stand are conforming with the exception of Article 4 C, construction standards, and Article 6 #7, conformity with Town ordinances. Both of these will be determined by the Code Enforcement Officer upon submission of building plans giving the architect's or engineer's name, Maine registration number, and seal. On motion of Bianchi/Campbell, the Board voted 6 – 0 to authorize the Code Enforcement Officer to grant a building permit for the Spear farm stand on receipt of building plans bearing the architect's or engineer's name, Maine registration number, and seal. Greiner was asked to put a note on the final plan that parking for the second floor commercial office is included in the parking plan.

3. Maine Modular and Manufactured Homes Four-Lot Subdivision, 1401 Old Augusta Road (Tax Map 24 lot 6B)

Scott Gove and surveyor Drew Greiner were in to present plans for a four-lot subdivision on the north side of Old Augusta Road between Noyes Road and Washington Road. Lot 1 has already been sold and has a house. MMMH intends to sell the lots to buyers who sign a contract to have MMMH provide a house for the lot.

Milton Severson, an abutter, was unable to attend tonight's meeting but was represented by his neighbor Tim Rawley, who is also an abutter to the proposed subdivision.

The subdivision plan calls for separate driveways off Old Augusta Road for each of the four lots. Lincoln County planner Bob Faunce interprets General Performance Standard 4 S 10 b. Driveway spacing (p. 4-22 LUO) to mean that the subdivision is a low-volume traffic generator and is limited to one two-way driveway onto a roadway. The town attorney's opinion is that each lot in the proposed subdivision is a low volume traffic generator and may have its own driveway entrance onto Old Augusta Road. Planning Board members agreed with the latter interpretation but preferred shared driveways. Public Works Director John Daigle has visited the property and determined that each lot has a location with sufficient sight distance for a driveway. The parts of each lot that have sufficient sight distance for a driveway entrance should be shown on the subdivision plan. Planning Board members suggested a shared driveway entrance to serve Lot 3 and Lot 4. Gove said an existing woods road on Lot 3 has a culvert at Old Augusta Road and sufficient sight distance and can serve as the driveway entrance for Lot 3 and Lot 4. He was willing to provide an easement for Lot 4 to use the Lot 3 driveway entrance for access to Lot 4.

The Planning Board went through the submission checklist for a subdivision application. Twelve copies of the plans and application have been received. The fee has been paid. There is a locus map, location map and boundary survey.

4. Existing conditions plan. The following have been received: title block, land use district, existing contours, buildings, existing streets, driveways, utilities, significant features, wetland delineation, surface water drainage, and name and registration number of professional who prepared plan. The following were found not applicable: existing signs, easements. Yet to be supplied: location of nearest fire hydrant, dry hydrant, or fire-fighting water supply. There appears to be no nearby water source. Black said the closest may be the brook on Noyes Road or the Medomak River. He said the Fire Chief has asked for a fire pond and dry hydrant in the vicinity.

5. Proposed conditions plan: The following have been received: title block (name "Old Augusta Road Subdivision" to be added); lot lines; contours; sight distances for driveways (parts of each lot having adequate sight distance for a driveway to be shown on subdivision plan); setbacks and buffers for building locations (phosphorus buffer at rear of each lot); soil erosion and sedimentation control plan; storm water management plan; professional certification; approval block. The following items were found not applicable: signs; parcels dedicated for public use; utility plan (each property owner will arrange for utilities to be brought in from the main road – see note on

subdivision plan); landscaping plan (landscaping will be by individual lot owners). Yet to be supplied: easement for Lot 4 to use driveway entrance on Lot 3 for access to Lot 4.

6. Written documentation: The following have been received: right, title or interest in the property; description of proposed use; buffer strip to protect water body (phosphorus buffer); net developable acreage calculation; soils adequate for proposed use; soil erosion and sedimentation control plan; subsurface disposal system report; storm water management plan; evidence that driveways meet minimum driveway spacing (p. 4-22) (see discussion above); evidence of financial capacity; estimated volumes of water and sewerage (assumed, for individual three-bedroom single-family homes; part of phosphorus calculation). The following were found not applicable: air emissions; construction standards (nothing is being constructed by the subdivider); electrical disturbances; lighting and glare; hydrological ground water assessment; noise; off-street parking; refuse disposal; signs; storage of material and equipment; traffic impact analysis; evidence of technical capability to supervise, construct and inspect the project; construction schedule; statement from utility providing water or sewer services.

On motion of Bianchi/Campbell, the Board voted 4 – 0 – 2 (Flint and Gifford abstaining) on an amended motion that all applicable items on the submission checklist have been received except for the following: the name of the subdivision; location of a water source for firefighting acceptable to the Fire Chief; easement for Lot 4 to use the existing driveway entrance on Lot 3 for access to Lot 4; subdivision plan to show the parts of each lot that have acceptable sight distances for driveway entrances from Old Augusta Road.

The Planning Board decided to end review of the Old Augusta Road subdivision at this point (9:30 p.m.) because other agenda items remain to be heard. Greiner said he will make the requested changes to the subdivision plan and consult the Fire Chief about a water source for firefighting.

Yerxa said that subdivision review has different requirements regarding technical and financial capacity and landscaping for a subdivision where the developer is putting up houses, versus a subdivision consisting of unimproved lots (and in this case not even a subdivision road). The consensus was to treat the proposed MMMH subdivision as an unimproved subdivision because MMMH will be acting as contractor for individual owners rather than building “on spec”.

4. Approval of Time Extension for Permit for East Ridge Mobile Home Park, Bess (Map R6 Lot 8-3)

Fred Bess was in for discussion of his letter request dated Dec. 30, 2005, to extend his building permit that expires on October 20, 2006. He requests a 14-month extension to December 20, 2007. Campbell stepped down from the Board for this agenda item because he is an abutter to the Bess subdivision.

CEO Black told the Board that under the old ordinance, Bess had to start construction within one year from the date the permit was issued and complete work within five years. Black said it is appropriate for the Planning Board to extend the current building permit. If the Board decides not to extend the current permit, Bess might have to apply for a permit under the current Land Use Ordinance and undergo subdivision review.

Bess said construction is 70-75% complete. If 2006 is a dry year it may be possible to complete the project in 2006. Once the water and sewer lines are in, Central Maine Power Co. must approve the conduit that crosses the roads. The trenches cannot be filled in until the conduits have been inspected and approved. The septic system needs to be covered and seeded. If the work is delayed beyond October 2006, seeding cannot be done until the following spring due to frozen ground.

On motion of Gifford/Myers, the Board voted 4 – 1, Flint abstaining, to grant Bess an extension of his construction permit for East Ridge Mobile Home Park until December 20, 2007.

5. Discussion of Changes to Land Use Ordinance; Special Planning Board Meeting January 25

At 9:45 p.m. there was brief discussion of changes to the revised Land Use Ordinance adopted by town vote June 16, 2005. A special town meeting vote is scheduled for January 24, 2006, on a

proposed amendment that would allow the consolidated MSAD 40 Middle School to be built next to Medomak Valley High School. Schools are not permitted in the Rural District under the current Ordinance. A public hearing on this ordinance change was held at the January 10 Selectmen's meeting. Further changes to the Ordinance could be on the warrant for vote in June, 2006.

Myers noted that modular and mobile homes are combined in the current Ordinance. New mobile home parks are restricted to an area within a two-mile radius of the intersection of Jefferson St. and Route 1. She asked whether an applicant who wants to put manufactured homes on a piece of land is creating a mobile home park. She asked for clarification of this in the matrix. [The matrix Table G, p. 3-8 LUO, uses the term "manufactured home park".]

Yerxa asked Black what the time frame is for revisions to the Land Use Ordinance. Black said there are only two or three more Planning Board meetings at which desired changes could be discussed and recommended to the Selectmen in time for public hearing in May and inclusion on the June town meeting warrant. At Bianchi's suggestion, Planning Board members agreed to hold a special meeting at 7:00 p.m. on Wednesday, January 25, to discuss changes to the Land Use Ordinance. The meeting will be posted and open to the public. Myers asked whether Ed Karkow, chairman of the former Land Use Committee, should be asked to participate.

CEO Black can provide a list of items that have created problems in administration of the revised Ordinance. The secretary has a running list of items identified at Planning Board meetings since June, 2005. Flint asked for clarification of the question of access driveways out of a proposed subdivision, since the Lincoln County planner and the town attorney disagree on what is a low volume traffic generator. Black said that at the public hearing Jan. 10 someone suggested doing a comprehensive revision to the Land Use Ordinance rather than changing just a few items. Yerxa expressed concern that the Land Use Committee has spent many months on the revision. He questioned whether the Planning Board acting alone should make significant philosophical changes to the Ordinance, or instead restrict itself to addressing oversights and conflicts between sections of the Ordinance. Yerxa suggested having a list of minor changes on one page and submit that to the Selectmen, and a separate sheet listing major items and conflicts.

Gifford suggested requiring that before any newly-created lot in Waldoboro is sold, the Code Enforcement Officer must review it. This would help avoid the situation where the new lot meets ordinance requirements but the lot from which it came lacks sufficient road frontage or acreage.

Black said he will bring to the Planning Board a problem regarding the number of dogs allowed in a licensed kennel. Kennels are licensed by the State through the Town Clerk, but the maximum number of dogs in a kennel is not addressed in the Land Use Ordinance.

Adjournment: The meeting was adjourned at 10:05 p.m.

Charles Flint

William Yerxa, II, Chairman

Terry Gifford

Carlo P. Bianchi

JoAnn Myers

Charles Campbell

Submitted by:

WALDOBORO PLANNING BOARD

Susan S. R. Alexander

