

Draft 4/20/06 for review by Yerxa, Black before distribution

Minutes  
Town of Waldoboro  
Planning Board Special Meeting  
April 19, 2006

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Roll Call

The meeting was called to order by chairman Bo Yerxa at 7:05 p.m in the meeting room at the Municipal Building. Other members present were Carlo Bianchi, Chuck Campbell, Chuck Flint, JoAnn Myers, and Abden Simmons. Code Enforcement Officer John Black was present. There was no audience.

The special meeting was called to address agenda items not taken up at the April 12 Planning Board meeting for lack of time. However, Penny Johnston has withdrawn her application for site plan review of a new use of the Aaron Grindle property at 3288 Atlantic Highway for retail sale of landscape materials, and Paul Scott was not present for pre-application review of his proposed new use of the Paul Davis property, 314 Atlantic Highway, for retail sales of electrical supplies.

1. Discussion of Proposed Size Cap for Retail Stores

Other nearby towns along Route 1 have considered placing an upper limit on the permitted size of retail stores. A petition to limit retail businesses along Route 1 in Waldoboro to 25,000 square feet was submitted, then withdrawn. Another petition for a size cap of 45,000 s.f. is being circulated. (For comparison, the expanded Damariscotta Hannaford's will be 55,000 s.f. and Shaw's supermarket in Rockland is about that size.) If the second petition had been submitted by 5 p.m. on April 18, the Selectmen could have forwarded it to the Planning Board for review and comment at tonight's meeting. The petition was not submitted, therefore the Planning Board cannot review it.

Myers asked Black if the Selectmen want the Planning Board to take a position, or only be informed about the petition. Planning Board members agreed that they should not take a formal position either in favor of or in opposition to the suggested size cap, but will review the petition for information purposes. The Planning Board feels that townspeople should have the opportunity to vote on a size cap, if a petition with the required number of signatures can be submitted on or before May 1.

Black thinks any proposed change in the land use ordinance should have input from the Planning Board. Planning Board members thought the appropriate way for the Planning Board to have input would be for the sponsors of the petition to come before the Planning Board to discuss the wording of the petition before circulating it. It is too late for the Planning Board to have input after the petition has been circulated and submitted with the required number of signatures.

Yerxa is the Planning Board's representative to a six-town committee that is meeting monthly this spring with Lincoln County Planner Bob Faunce to devise appropriate language for updating town ordinances to address visual and planning issues posed by "big box" stores. The economic impact of such a store would not be addressed. Yerxa commented that if a size cap is passed, it will give towns time to get revised ordinance language on the books before a major retail store is proposed. He does not expect any such size cap to last more than four or five years.

Simmons noted that Osram Sylvania's facility on Friendship Street is 100,000 s.f. He asked if this can be added to, or torn down and rebuilt, under the size cap. Planning Board members did not know. Our understanding is that the size cap applies only to retail sales, so that a manufacturing facility could be larger. Also, greenhouses would not count, so Moose Crossing Garden Center could expand above 45,000 s.f. Flint asked whether more than one building of 45,000 s.f. could be placed on the same lot, thus defeating the purpose of the size cap. Campbell said that the Newcastle size cap limits the aggregate total square footage of all buildings on the lot.

Black said that an individual came to him yesterday suggesting that even if a size cap is passed, an applicant should be able to go to the voters seeking approval to exceed the size cap for a specific use. Planning Board members felt this is de facto spot zoning.

## 2. Discussion of Ordinance Revision

Chairman Yerxa asked the secretary and the Code Enforcement Officer to keep a running list of suggestions for ordinance changes to be voted on in 2007.

a) Selectman Carleton Johnson would like to see churches as an allowed use in the Rural District.

b) Planning Board members discussed changing the land use ordinance so as to be able to hold a public hearing on an application before it is complete. Under the present ordinance, a public hearing cannot be held while the application is incomplete, and must be held within 30 days of the determination that the application is complete. The secretary asked whether this is State law or is up to the town. She was told this is up to the town and can be changed. If a public hearing is to be held, Yerxa said that the Planning Board should try to hold it at the meeting at which the Planning Board expects to go through the performance standards checklist.

c) Flint recommended that in the next round of revisions, the Planning Board consider tighter controls on subdivisions. He was thinking especially of instances in which one lot is divided into two, which does not now require review by either the Code Enforcement Officer or the Planning Board. Too often the new lot is conforming but the rest of the property becomes nonconforming. If a permit from the Code Enforcement Officer were required to subdivide a lot, the CEO could determine whether both lots are conforming before granting the permit.

d) Another issue discussed previously is the effect of individual septic systems on the nitrate concentration of ground water and the cumulative impact of individual lots on phosphorus export to great ponds. At present, owners of individual lots are not required to do either analysis, while for a subdivision the applicant must demonstrate that the nitrate concentration at the subdivision boundary does not exceed the safe drinking water standard, and phosphorus calculations are required for subdivision lots in the watershed of a great pond. The land use ordinances are supposed to protect water quality of lakes, streams and ground water. By not requiring phosphorus and nitrate analyses of individual lots, Waldoboro's ordinance is not protecting water quality and taking into account incremental effects. At some point this should be addressed.

## 3. Discussion of Planning Board Procedures

Board members agreed to schedule brief preapplication discussions, limited to 10 minutes, at the start of the meeting wherever possible.

It was suggested that Planning Board review of the submission checklist could go more quickly if all Board members had copies of the submission checklist in front of them to keep track of decisions, so that the chairman does not need to summarize the findings orally before the vote. It was noted that Drew Greiner supplies blank checklists in the front of each application binder he has worked on. Board members could check off the completed items at home during application review, or do so at the meeting. This is much easier to do if the checklist is not bound into the application binder.

4. Subdivision Driveways onto Roads

Yerxa asked Board members to review the issue of the permitted number of driveways from a subdivision onto a road, with respect to the ordinance language (on p. 4-22 for #11 Number of Driveways) regarding a medium-volume traffic generator and Bob Faunce's memo. Black said Town Attorney Peter Lynch does not believe that six lots in a row along a road are limited to fewer than six driveways just because they are in a subdivision. The level of traffic is the same whether the lots are individual lots or six lots in a subdivision.

5. Next Meeting: Wednesday, May 10

Adjournment: The meeting was adjourned at 8:20 p.m.

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William Yerxa, II, Chairman

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Carlo P. Bianchi

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Charles Campbell

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Charles Flint

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JoAnn Myers

Submitted by:

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Susan S. R. Alexander

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Abden Simmons

WALDOBORO PLANNING BOARD