

Minutes  
Town of Waldoboro  
Planning Board Meeting  
September 13, 2006

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Roll Call

The meeting was called to order by vice chairman JoAnn Myers at 7:05 p.m. Other members present were Carlo Bianchi, Chuck Campbell, and Terry Gifford. Chairman Bo Yerxa arrived at 7:25 p.m. at the end of Item 2. A quorum was present throughout. Code Enforcement Officer John Black was present. There was no audience except applicant Robert Morse.

1. Approval of Minutes of August 9, 2006; June 28 Special Meeting; and August 16 and August 30, 2006, Special Meetings on Performance Standards for Large Scale Development

On motion of Bianchi/Campbell, the Board voted 4 – 0 to approve the minutes of the August 9 regular Planning Board meeting as distributed. On motion of Campbell/Myers, the Board voted 2 – 0 – 2, Bianchi and Gifford abstaining, to approve as distributed the minutes of the June 28 special meeting on how to go about ordinance revision. On motion of Bianchi/Campbell, the Board voted 3 – 0 to approve as distributed the minutes of the August 16 public meeting on specific performance standards for large-scale development and franchise stores. (A quorum was lacking at that meeting, but no formal votes were taken.) On motion of Campbell/Bianchi, the Board voted 3 – 0 – 1, Gifford abstaining, to approve as distributed the minutes of the August 30 public meeting on specific performance standards for large-scale development and franchises.

2. Hazardous Materials Review, Propane Tanks at Atlantic Laboratories, 41 Cross St. (Tax Map U13 Lot 16)

Robert Morse of Atlantic Laboratories was in to discuss plans to install one or several large above-ground propane tanks at the back of the existing building, to be used in drying seaweed. The total content of the new tanks will be 4,000 to 7,000 gallons. These will be in addition to existing propane tanks and oil tanks. He proposes to use either oil or propane, depending on fuel costs. He needs a permit from the State Fire Marshal's Office and a hazardous materials permit from the Town. The property is located within Wellhead Protection Zone 1, the Industrial District, and in a General Development District under shoreland zoning. Morse and CEO Black told the Planning Board that propane is a gas that, if spilled, goes into the air not into the ground, therefore it is believed not to be a potential pollutant of ground water or the Medomak River. Lot 16 is on the north side of Cross Street, bounded on the west by the Medomak River and on the north by the former Maine Central Railroad.

Morse has not yet applied for a permit from the State Fire Marshal's Office. His letter of August 8, 2006, states that his propane supplier will obtain the permit from the Fire Marshal's Office and will also meet with the Waldoboro Fire Chief. Morse said a 7,000-gal. tank has to be located at

least 50 feet from the building, while smaller tanks must be at least 25 feet from the building. Black said the tanks must be at least 30 feet from the property line.

Black said the Morse request should be reviewed for compliance with performance standards of the Wellhead Protection Ordinance (Land Use Ordinance Article 12) and the Hazardous Materials and Waste Ordinance (Article 9). Black's Sept. 5 memo to the Planning Board suggested that the Board may waive the Site Plan Review procedure because addition of new propane tanks will make "no significant change to the nature or intensity of the use and will have no discernable impact on adjoining property or the environment or public infrastructure."

Planning Board members asked Morse to provide a site plan of the property: a scaled drawing showing lot lines, abutting uses, the location of the building(s), the railroad, the Medomak River, existing and proposed fuel tanks, the driveway serving existing and proposed tanks, existing utilities including water, and location of protective barriers. Visual buffers may be required. Written input from the Fire Chief and a permit from the State Fire Marshal's Office are required.

Chairman Yerxa determined that the application is for a renewal permit for an expansion of an existing use under Article 9 Hazardous Materials and Waste and must comply with Section E on p. 9-3 and 9-4 of the June 2006 Land Use Ordinance, except that the Planning Board may waive part of the site plan review. A list of hazardous materials stored on the premises is required, and a management plan including action to be taken in case of spill or fire. Article 9 D 2. contains performance standards for uses involving hazardous materials. The Planning Board is especially interested in information on safety measures: facilities and equipment available for fire fighting and spill prevention and control (Article 9 D 2.i, p. 9-3).

Planning Board members agreed that provisions of the Wellhead Protection Ordinance may not apply to propane tanks, since propane is not considered a potential pollutant of ground water.

### 3. Points of Information: Homeowners Association for Wayne Brown Subdivisions; Site Plan for Maine Modular Sales Office

Gifford asked the status of formation of a homeowners' association for road maintenance at the Wayne Brown subdivisions. Gifford said she is concerned regarding safety, as the road may be inadequate for fire trucks. Black said a document regarding establishment of a homeowners' association is being presented to all lot owners; the matter is pending.

Gifford asked to see the site plan for the Maine Modular sales location on Route 1 approved in May 2005. Black has copies available for inspection.

### 4. Report on Ordinance Presentation at September 12 Selectmen's Meeting

The draft amendment to the Land Use Ordinance to add a new section to Article 5, Specific Performance Standards for Large Scale Development, was presented to the Selectmen at their meeting September 12. Myers and Campbell attended. Myers said the Selectmen may be able to make changes to the draft after the public hearing, scheduled for October 17. Black said he thinks the Selectmen intend for the Planning Board to make changes in the text even before the public hearing. He noted that the Planning Board has not yet voted on the 8/31/06 revised draft presented to the Selectmen.

### 5. Revisions to Draft Specific Performance Standards for Large Scale Development

#### A. Addition of Formula Restaurants

In an e-mail dated Sept. 12, Lincoln County Planner Bob Faunce suggests an addition to the definition of "large scale development" to include "formula restaurants", defined as "an eating place that is one of a chain or group of three (3) or more establishments and which satisfies at least two of the following three descriptions:

a. It has the same or similar name, trade name, or trademark as others in the chain or group;

b. It offers either of the following characteristics in a style which is distinctive to and standardized among the chain or group:

1. exterior design or architecture

2. uniforms, except that a personal identification or simple logo will not render the clothing a uniform;

c. It is a fast food restaurant.

This addition would make the draft ordinance apply also to chain restaurants such as Bonanza or Applebee's that do not have drive-through service.

Faunce recommends amending the definition of "large scale development" to add formula restaurants. The revised definition would read (new words underlined):

"Large scale development. Unless otherwise described, a retail establishment that exceeds 10,000 sf of gross floor area, a non-residential development that exceeds 25,000 s.f. of gross floor area, a retail sales establishment with a drive-through facility or outdoor fuel sales, or a formula restaurant; large scale development does not include commercial greenhouses and nurseries accessory to a retail or wholesale sales establishment."

On motion of Myers/Campbell, the Board voted 5 – 0 to add Faunce's proposed language regarding formula restaurants to the revised draft ordinance.

B. List of "Designated" Roads from which large-scale development greater than 50,000 s.f. shall not be prominently visible, if set back more than 50 feet from the road:

Page 10 of the 8/31/06 revised draft lists the following as "designated roads": U.S. Route 1, State Routes 32 and 220, Old Route 1, Jefferson Street, and Manktown Road. On motion of Bianchi/Campbell, the Board voted 5 – 0 to add Route 235 and Main Street. A motion by Gifford/Myers to add Depot Street to the list of designated roads failed by a vote of 0 – 4, Myers abstaining. The revised list of designated roads approved by the Planning Board is as follows:

i. U.S. Route 1

ii. State Routes 32, 220 and 235

iii. Old Route 1

iv. Jefferson Street

v. Manktown Road

vi. Main Street

C. In section 9 Location b. on p. 10 of the 8/31/06 revision, on motion of Bianchi/Campbell, the Board voted 5 – 0 to delete "commercial" in the second line of subsection b. The revised sentence reads, "Alternatively, the standard in subsection 9 a above may be satisfied by the siting of smaller buildings on pads or out lots between the large scale retail building and the designated road."

D. Sign Size: The Board made no change to the recommended maximum sign size for large scale development. A 100% increase in the maximum sign size is allowed, only for retail development over 50,000 s.f. that is set back more than 50 feet from a designated road. Such a large scale development can have a sign up to 100 s.f. (10' x 10') if the store has a second franchise (twice the current ordinance sign limit of 50 s.f. for a sign for a store with a second franchise).

E. Conflicts within the Ordinance: The Board discussed briefly how to handle conflicts between what is allowed under the proposed standards for large scale development and the standards (such as road setback) that apply in the land use district in which the large scale development is proposed to be located. Planning Board members felt that where the two are in conflict, the stricter standard should apply.

For example, the minimum setback of structures from the road is 100 feet in Route 1 Commercial A (the out-of-town part of Route 1, formerly "Route 1 Rural"), therefore developers do not have the option of locating a 50,000 s.f. store within 50 feet of the designated road in the Commercial A district. The minimum setback of structures from the road in Route 1 Commercial B (formerly

“Route 1 Urban”) is 25 feet, so a developer can locate a large scale development between 25 and 50 feet of Route 1 in the Commercial B District.

F. In the fourth line of 9 d on p. 10, the Board agreed to change the reference to “section 4.N.5.d.” to “Article 4 Section N. 5.d.”. This is the section on free-standing signs.

VOTE: On motion of Myers/Campbell, the Planning Board voted 5 – 0 to forward the revised draft ordinance section on specific performance standards for large scale development to the Selectmen with the changes made at tonight’s meeting. They also agreed to approve any typographical corrections that do not change the meaning of the text.

6. Recommendation on Municipal Fee Schedule

Faunce’s survey of fee schedules from other Maine municipalities shows that Waldoboro’s fees are on the low side. The Selectmen have asked the Planning Board to recommend a new municipal fee schedule. Faunce and Black have met to review fees and made recommendations. Their recommendations are shown on line 2 of a two-page 11” x 17” handout at tonight’s meeting, “Comparison of Municipal Fee Schedules – August 2006”. On motion of Myers/Campbell, the Board voted 5 – 0 to recommend to the Selectmen the revised municipal fee schedule recommended by Faunce and Black, except to delete the \$25 fee for a demolition permit.

7. Signing MacLennan Subdivision Plan

Members present signed the final subdivision plan for the MacLennan subdivision at 1340 Feylers Corner Road, approved at the August 9 Planning Board meeting.

8. Board of Appeals Meeting Sept. 19: Hearing on Wayne Brown Self-Storage Units

A quorum was lacking at the last Board of Appeals meeting. Campbell will represent the Planning Board at the rescheduled Board of Appeals meeting September 19. Wayne Brown’s proposed self-storage units on Controversy Lane will be the first item on the agenda. At its June 28, 2006 meeting the Planning Board denied Brown’s application on grounds that commercial self-storage units are not a permitted use in the Rural District, nor similar to a permitted use.

Adjournment: The meeting was adjourned at 9:15 p.m.

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William Yerxa, II, Chairman

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Carlo P. Bianchi

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Charles Campbell

Submitted by:

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Terry Gifford

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Susan S. R. Alexander

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JoAnn Myers

WALDOBORO PLANNING BOARD