

Minutes  
Town of Waldoboro  
Planning Board Meeting  
December 13, 2006

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Roll Call

The meeting was called to order by chairman Bo Yerxa at 7:00 p.m in the meeting room at the Municipal Building. Other members present were Carlo Bianchi, Chuck Campbell, Chuck Flint, Terry Gifford, JoAnn Myers, and Abden Simmons. Code Enforcement Officer John Black was present. The audience included Deborah Bellows, Phil Bellows, John Blamey, Michael Colbert, Edward Fisher, Drew Greiner, George McDonough, Art Mayers, Corinne Orff, Solomon Orff, Katie Radley, Kyle Santheson, and Michael Sabatini.

1. Minutes of November 8, 2006

On motion of Campbell/Bianchi, the Board voted 5 – 0 – 1, Gifford abstaining, to approve the minutes of November 8 as distributed. The minutes of the November 29 ordinance revision meeting were not reviewed, having only today been distributed.

2. Renewal of Annual Junkyard Permit, Orff, d/b/a Sol's Towing, 515 Orffs Corner Rd. (Tax Map R22 Lot 34)

Solomon and Corinne Orff were in for review of renewal of their annual permit to operate a junkyard at 515 Orffs Corner Road. CEO Black said he has inspected the property several times during the past year and finds everything in order. Orff has liability insurance coverage and a renewal permit from the State. Copies were attached to the application. Trees have grown up to the point where the top of the old school bus is no longer visible from the road over the top of the fence.

Chairman Yerxa conducted a public hearing. No one was present to speak either for or against the permit renewal and there were no questions or comments from the audience. The public hearing was adjourned.

CEO Black has reviewed the specific performance standards for automobile graveyards, junkyards or recycling businesses. One waiver is required, for the business being within 100 feet of the road. The Planning Board agreed not to review the specific performance standards individually, because this is a renewal application with no changes, and in view of Black's report. On motion of Bianchi/Myers, the Board voted 6 – 0 to approve renewal of Orff's annual junkyard permit, with waiver of the requirement to have the junk more than 100 feet from the road.

3. Approval to Amend Sunset Ridge Subdivision Plan to Change Property Line, Pelkey, 90 Sunset Ridge (Tax Map R16 Lot 55-3)

Surveyor Drew Greiner of Corner Post Surveying was in to explain the need to change a property line in Sunset Ridge subdivision. A jog of 8.4 feet is needed in the lot line between Lot 4 and Lot 5 in order to have Ms. Pelkey's home be set back 30 feet from the lot line. On motion of Bianchi/Gifford, the Planning Board voted 6 – 0 to approve amending the subdivision plan to make this adjustment. Greiner will bring in a revised mylar and paper copies of the subdivision plan for signature.

4. Preapplication Discussion, Recreation Area Development, Waldoboro Recreation Center, 590 Main St., (Tax Map U10 Lot 3A)

John Blamey of Medomak Valley Community Foundation, chairman of the Waldoboro Recreation Committee (Community Services Dept. Advisory Committee), Recreation Director Kyle Santheson, and George McDonough and Michael Sabatini of Landmark Corporation in Rockport were present to review plans for development of Phase 1 of the recreation complex. McDonough lives in Waldoboro and is a landscape engineer.

The site is mostly hayfields with wetland in the middle. The Phase 1 plan calls for two baseball fields, one for Little League and one regulation size; an outdoor basketball facility; two tennis courts, and parking in three lots, the largest of which will have 75 spaces. Phase II will include developing a network of walking trails along the property boundaries and inside the property, and building a skateboard facility. A portable 50' x 100' outdoor skating rink is planned.

Phase III will see construction of a Community Center on the property. The "Cadillac" building footprint is 39,000 s.f.. It will contain a gymnasium, senior center, youth center, four activities rooms, and a community room. Dressing rooms, lockers and bathrooms will be on an end wall, so that a swimming pool could be added on that end of the building in future. Function rooms can be rented for private parties or used for annual meetings of local corporations. The gym will be below grade. On the entry level, people can access a suspended walking track around the perimeter of the gym, 1/12 mile per circuit. The mono-pitch metal roof will peak at 30 feet above grade.

An access road will go in from Main Street to the parking area, ending in a cul-de-sac so that fire trucks and emergency vehicles can turn around. The entrance is shared with the Miles Health facility on Benner Hill uphill from Kalers Corner. A NRPA permit has been obtained from the Maine Dept. of Environmental Protection. Storm water runoff will flow from impervious surfaces through several large grassed areas underlain with sand and a filter material that removes hydrocarbons and fine silt. The water will then drain to a large wetland. This state-of-the-art stormwater management system replaces the retention ponds formerly used in similar situations to slow runoff.

An 8" water line will be run in from Main Street to the site of the future building. Stubs off the water line will permit use to water the infield of the baseball fields and flood the skating rink. Portable toilets will be available. No sewer or septic system will be installed in Phase 1. A sewer line could be run in later from Route 1; the sewer line at Kalers Corner is too high. Electric power will come in from Main St. to the site. The ball fields will be lighted for night games by 10 towers with special hooded, shielded, pre-focused illumination that will not shed glare onto adjacent residences. Lights will not be used after 10 or 11 p.m. There will also be security lights and parking lot lighting. The recreation fields are 500 – 600' in from the nearest property line. A mixed deciduous and evergreen buffer will be planted at the east end of the complex.

There are no plans to gate the facility at this stage. A gate could be installed in future if vandalism or night use becomes a problem.

A traffic study will be performed in January, to assess the impact of the planned facility on traffic at Kalers Corner.

Deborah Moody Bellows asked whether the Recreation Committee has considered putting a fence between the recreation facility and Miller School, to keep potential child predators away from the school children. Kyle Santheson said a perimeter fence would add considerably to the cost of the recreation facility. They have no plan for a fence. They want to encourage Miller School to use the facility for recess and sports. Blamey said a sight line will be opened up so that the playground supervisor can see what is going on at the adjacent recreation facility.

CEO Black said that the Waldoboro Recreation Complex is a Town-owned facility. It was bought in 1998 specifically for a recreation site. Until now, the Medomak Valley Community Foundation has been contracting with Landmark Corporation Surveyors and Engineers and Orcutt Associates. Soon the Town will take over administration of contracts for development of the property.

#### 5. Preapplication Discussion, Commercial Storage Buildings, Bellows, 96 Old Route One (Tax Map U6 Lot 16)

Deborah Moody Bellows, her son Philip Bellows, and his fiancée Katie Radley were in to discuss their plans to use two existing sheds for commercial storage of boats, vehicles and the like. The buildings are a tractor shed 42' wide by 25' deep and a barn 64' wide by 30' deep. Both buildings are set back 145 feet from the center of Old Route One and are served by a circular dirt-and-gravel driveway. The name of the business will be "P.B. Storage". There will be no bathrooms and no water and sewer. There is no problem with sight distances from the two driveways. No performance bond is needed for conversion of existing buildings to a new commercial use. No excessive traffic will be generated.

The Bellowses plan to give Philip a building lot including the two sheds, on which he wants to build a house. The Bellows property is in Route 1 Commercial B land use district, which allows residences only as part of a mixed-use facility. The 2006 Land Use Ordinance does not define "mixed use". Mrs. Bellows asked the Planning Board whether business use of the sheds for commercial storage would satisfy the requirement for mixed use, so that Philip can build his house on the lot. Planning Board members believed this is correct and that the family's plans can go forward. CEO Black has consulted Lincoln County planner Bob Faunce, who said this would be a good mix. Campbell said storage falls under warehousing, which is allowed in Commercial B.

Myers noted that p. 6-3 of the Ordinance says the Planning Board can waive the requirement for a boundary survey. Board members determined that no contour information is needed, since the buildings already exist, the surface contours will not change, and the only changes are to repair the buildings and add gravel to the driveway. It was suggested that Bellows supply a scaled site plan showing the lot lines, location of the buildings, existing and proposed utilities, and buffering from residential uses. Existing natural vegetation qualifies as a vegetated buffer. Specific performance standards for warehousing are given in Article 5 N. on pages 5-11 through 5-13.

Black noted that home occupations are allowed as a commercial use in Route 1 Commercial B District in the land use matrix on page 3-7. Philip Bellows intends to operate a landscaping business. Could this qualify as a mixed use, if he has his business office in his house? Planning Board members did not know. It appears that the Bellowses already have a solution to how Philip can build a house on a lot created from his parents' property in Route 1 Commercial B. He could later use the sheds to store equipment for his landscaping business.

#### 6. Discussion of Ordinance Revision

##### Shoreland Zoning

CEO Black gave out copies of the revised "Guidelines for Municipal Shoreland Zoning Ordinances" amended May 1, 2006. This "white" version shows stricken and added language. The revised material needs to be added to the revised Land Use Ordinance.

### Driveway; Driveway Setback from Property Line or Edge of Right-of-Way

Black said a driveway is not the same thing as a private road. The Ordinance correctly defines "driveway" on p. 16-7 as a "vehicular access way which may serve up to two (2) back lots plus the lot over which the access way is provided". A driveway is normally 12-14 feet wide. The required setback from a property line or the edge of a right-of-way is 10 feet. The minimum width of a right-of-way containing a driveway to a back lot is 30 feet. There is not room for a 12- (or 14-) foot wide driveway and two 10-foot setbacks in 30 feet. Reducing the required setback distance from the edge of the right-of-way would help driveways to be legal within a minimum right-of-way of 30'. Planning Board members agreed to change the minimum setback distance to 8', from 10'.

See General Performance Standard T, Street/Road Standards, on pp. 4-21 through 4-27. Planning Board members asked whether a new column for "Driveway" should be added to the dimensional table on p. 4-23, giving the minimum right-of-way width as 30 feet, and the minimum traveled way width as 12-14 feet? If a driveway is not a type of street, it would not be appropriate to include driveways in the dimensional table on p. 4-23, but it would be a place where all dimensional requirements for vehicular ways are set forth in one place. One Planning Board member did not want to include driveways in Street and Road Standards.

### Road, Street

Planning Board members believe the definition of "road" on p. 16-19 as "a route or track...constructed for or created by the repeated passage of motorized vehicles," as used, was confusing unhelpful and possibly in conflict with "Driveway" definition. It was suggested to delete the present definition and insert "See Street Classification". A "private road" is defined in the Ordinance on p. 16-22 as a road that serves more than two dwelling units (see Street Classification 5). "Street" is defined on p. 16-21. Should a "road" be defined as a vehicular way that serves three or more dwelling units or lots?

Campbell and others agreed that the Planning Board should ask Bob Faunce to redraft the section on Street and Road Standards to separate non-residential driveways from residential driveways. Ask Faunce to look at other town ordinances for residential driveways, and come up with ordinance language for residential driveways, to parallel the material in S. on p. 4-17 through 4-27. It was suggested to re-title Section S. "Street Access and Non-Residential Driveways". See #19 on Campbell's list of ordinance changes. This is Simmons's question, "Clarify the number of driveways entrances from a subdivision that is a medium or high volume traffic generator onto a private road (p. 4-22 Section S #11, no more than two two-way or three driveways total onto a single roadway)".

Shared driveways: Planning Board members wanted to ask Faunce to check other ordinances to see if there are communities that have developed incentives for developers to put in shared driveways in subdivisions. Reducing the required road frontage distance would be an incentive. Are there others?

### 7. Dates for Ordinance Revision Meetings: December 27, January 24, February 28

Planning Board members agreed to meet on Wednesday December 27, Wednesday January 24, and Wednesday February 28 from 7 to 9 p.m. These are dates two weeks later than the regular Planning Board meetings on January 10 and February 14.

### 8. Attendance at Ordinance Revision Meetings

There was a discussion related to the issue of attendance by board members at board meetings. All agreed that dutiful attendance is critical in responsibly carrying out the job description of the Planning Board members (see Article 2. B. Section 3, Duties and Powers, on p. 2-3). No one could recall any regular Board meeting (the 2<sup>nd</sup> Wednesday of each month) canceled for lack of quorum in some years. *(the records show the January 2000-3- and November 1999-2- were both postponed one week for lack of quorum. There were only 3 members at the special LUO meeting on August 16,*

2006. <CEO review>). The Selectmen asked the Planning Board to continue to refine/revise the new ordinance in lieu of another Land Use Committee process, which has generally meant the Board is meeting a 2<sup>nd</sup> night (4<sup>th</sup> Wednesday of the month). In addition to absences as a result of illness or work commitments, several present indicated that in terms of attendance, they felt their official commitment was to the 1<sup>st</sup>, traditional meeting of the month, at which time formal proceedings occur that directly serve the public (hearings, applications). While they felt it made sense for the PB members to work on revisions, they questioned whether ordinance revision meetings are to be considered "Planning Board meetings" with required attendance or an excused absence. The attendance requirement (B. 1. d., p. 2-2) is "at least 75% of all meetings during the preceding 12-month period".

Yerxa will talk with Town Manager Smith about this, to clarify the attendance requirement. His sense of tonight's meeting is that Planning Board members are committed to serving on the Planning Board, but feel that the attendance requirement should apply only to meetings at which regular Planning Board business is handled, not ordinance revision meetings.

Myers said a formal system of excused absences should be set up, with people calling in ahead of the meeting if they are unable to attend because of sickness, work, or family emergency.

Yerxa asked Black to check the minutes and determine attendance sorted by regular Planning Board meetings and ordinance revision meetings during the past year.

Black noted that when there is a heavy load of regular Planning Board business, it may be necessary to schedule more than one meeting a month to handle regular business, the alternative being to meet until 11:30 or midnight, which members prefer not to do, as experience suggests late-night meetings can contribute to poorer decisions by tired volunteers.

Adjournment: The meeting was adjourned at 9:30 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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Terry Gifford

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JoAnn Myers

Submitted by:

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Susan S. R. Alexander

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Abden Simmons