

Draft 12/30/06 for review by Myers and Black prior to distribution

Minutes
Town of Waldoboro Planning Board
Meeting on Revisions to Land Use Ordinance
December 27, 2006

Contents

1. Minutes of November 29 and Dec. 13, 2006 – not reviewed
2. Dates for Ordinance Revision Meetings: January 24, February 28, March 28, April 25
3. Revising Shoreland Zoning Ordinance and Shoreland Zoning District Map
4. Ordinance Changes (from Campbell's 12/13/06 list)
5. Attendance at Planning Board Meetings 2004 – 2006
6. Shoreland Zoning News – Fall 2006 Issue

Roll Call

The meeting was called to order by vice chairman Jo Ann Myers at 7:00 p.m. Other members present were Carlo Bianchi, Chuck Campbell, Chuck Flint and Abden Simmons. Code Enforcement Officer John Black was present. There was no audience.

1. Minutes of November 29 and Dec. 13, 2006 – not reviewed

The minutes of the Nov. 29 ordinance revision meeting were not reviewed. CEO Black said minutes should be voted on at regular Planning Board meetings. Copies of the Dec. 13 minutes were given out at the meeting, but not voted on. These also contain ordinance discussion.

2. Dates for Ordinance Revision Meetings: January 24, February 28, March 28, April 25

Board members set dates for the March 28 and April 25 meetings, both on the fourth Wednesday, two weeks after the regular Planning Board meetings. January 24 and February 28 were set for ordinance revision meetings at the Dec. 13 meeting.

3. Revising Shoreland Zoning Ordinance and Shoreland Zoning District Map

Black will undertake to insert the revised shoreland zoning language in the June 2006 land use ordinance (#14 on Campbell's 12/13/06 list of ordinance changes to be discussed). Black said the Dept. of Environmental Protection has agreed to help revise the shoreland zoning map (#15 on Campbell's list).

4. Ordinance Changes (from Campbell's 12/13/06 list)

The Planning Board worked from Campbell's 12/13/06 list of ordinance changes yet to be discussed. All the changes indicated are recommendations only; a town vote is required in order to amend the ordinance.

#11. Driveway entrances: The Board again discussed whether the ordinance now requires developers to provide driveways shared between adjacent residential lots, and if not, whether shared driveways can and should be required when feasible. Flint believes the existing language is inconsistent. For apparent conflicts in the June 2006 ordinance, see p. 4-17 S. 1. c. (is this for commercial uses only?) and p. 4-21 #11 Number of Driveways. In terms of traffic safety, it was pointed out that having slow-moving vehicles enter a moderately high-speed road such as Old Augusta Road from shared residential driveways is no safer than having the same vehicles enter from individual driveways. Is having fewer driveways inherently any safer? Black suggested that on a low-speed road such as a private road in a subdivision, it does not matter how many driveways enter that road in terms of traffic safety. No decision was made, pending new language on driveways requested from Lincoln County planner Bob Faunce (see next page).

p. 4-17 Article 4 Section S. Street Access and Driveways (**Commercial**)

Planning Board members agreed to change the section heading to “Street Access and Driveways (Commercial)” (or “Non-Residential”) and have a new parallel section for residential driveways. Black has been asked to consult Bob Faunce for language applicable to residential driveways. It seems clear, for example, that subsection 1. c. Driveway connections 1) and 2) at the bottom of p. 4-17 and top of p. 4-18 refer to non-residential uses rather than residential subdivisions.

#21. Black has asked Lincoln County Planner Bob Faunce for language applicable to residential driveways. He has not had a reply.

#22. Black thinks the State minimum lot size for mobile home parks is 6500 s.f., but the Waldoboro land use ordinance allows a minimum lot size of 5,000 s.f. for a home on public water and sewer. This inconsistency should be remedied. Black suggested that the minimum lot size in a mobile home park should not be larger than the minimum lot size elsewhere in town. He will check the latest State ordinance language regarding minimum lot size in a manufactured home park within the shoreland zone and elsewhere. The Planning Board will reconsider the matter at a future meeting when this information is available. The Town ordinance can be more restrictive than the State ordinance regarding minimum lot size, but not more lenient.

#23. Specific Performance Standard N. Industry/Manufacturing, Warehousing and Trucking Terminal (p. 5-11 – 5-12)

After discussion, Planning Board members agreed to change subsection 3 on p. 5-12 to new section letter O. Light Industry and re-letter all subsequent sections (former P becomes new Q, etc., through to former Y which becomes new Z). After subsection a. a new subheading General Requirements was added. Myers volunteered to look at the environmental standards and general requirements in N. 1. and 2. to determine which ones pertain to light industry and should be repeated in new section O.

#24 Replacement of a Non-conforming Single-wide Manufactured Home

At the bottom of p. 5-33, Section V Single-Wide Manufactured Home subsection 6. says that a single-wide that is non-conforming due to setback from a road or lot line may be replaced provided that the non-conformity is reduced to the greatest practical extent. Black noted a fairly common problem that when an older, narrow single-wide is replaced by a wider and/or longer single-wide or double-wide, it can happen that the setback from a lot line, septic system, well or road would have to be reduced, which would make the use more non-conforming. It is a benefit to the neighborhood to allow the older mobile home to be replaced. The ordinance does not allow the setback distance to be reduced without a variance from the Board of Appeals.

After discussion, Planning Board members agreed not to change the existing language. Persons applying to replace a single-wide unit with one that is wider and/or longer that cannot be made less non-conforming with respect to setback will have to go before the Board of Appeals.

#25. Change of Type Face for Uniformity

Planning Board members agreed to change the section and paragraph headings in Article 6 from italic to regular type face for uniformity, except Bianchi who wanted to keep the type face as is.

#26. Article 9, Hazardous Materials and Waste

Black questioned why the local Waldoboro ordinance seeks to regulate liquid propane (LP) gas tanks under 2500 pounds pressure when the State does not. Planning Board members agreed to add a new exemption c. to Section C. Applicability 3. Exemptions c. Propane gas tanks under 2500 pounds.

Section C. 1. New construction: Add “non-residential” between “all” and “development” in first line.

Myers noted there is no limit on the volume of hazardous waste permitted. For nuclear waste, a small amount is significant. Should there be limits? Are nuclear-powered generators a permitted use in Waldoboro?

#27. Consent agreements

See p. 2-1, Article 2. Administration and Enforcement #8. Consent agreements. Black said that under the old Land Use Ordinance the Selectmen had the right to enter into consent agreements, in which a person who has violated an ordinance agrees that he/she has violated the ordinance, pays a fine, and is allowed to continue the use that is in violation. In Article 2 A. 8, the Code Enforcement Officer is authorized to process or act on consent agreements, but in the June 2006 ordinance the Selectmen do not have the authority to enter into consent agreements on behalf of the Town. Black will find the appropriate language from the old ordinance and bring it to a future meeting for review and decision whether to recommend adoption.

#28. Common On-site Water Supply or Sewage Disposal Facilities

Planning Board members agreed that to them the word "common" here refers to a water well or in-ground waste disposal system that is used jointly by more than one residential unit or commercial user. It does not apply to the cumulative impact of individual wells or septic systems on individual lots. Planning Board members agreed not to recommend a change in the ordinance language, such as a footnote or parenthetical definition of the word "common". Lincoln County planner Faunce disagrees with the Planning Board's interpretation of the ordinance language.

#29. Article 4 K. Phosphorus Control

Planning Board members agreed to a change to items a – d at the top of p. 4-11 to clarify that these are footnotes to the table on p. 4-10. They should be moved to under the table at the bottom of p. 4-10 and clearly labeled as footnotes.

The Board discussed how to deal with the cumulative effect of surface runoff on phosphorus entering great ponds. Flint maintains that the phosphorus calculation is straightforward enough to be done by a high school graduate and that it is not unreasonable to expect individual homeowners to provide the computation if their property is located within the watershed of a great pond. The way the June 2006 ordinance is written, the phosphorus calculation is required only for projects requiring site plan review or subdivision review, thus exempting individual lots not part of a subdivision. No change was recommended.

#30. Article 4 General Performance Standard R. Storm Water Management (p. 4-17)

Myers has previously questioned whether Section R as written provides enough criteria for the Planning Board to use in review, and whether the analyses and tests required of the applicant are sufficient for the Planning Board to be able to determine whether the standards are met. At tonight's meeting Planning Board members agreed not to recommend any change in Section R.

Black was asked to verify with Knox-Lincoln Soil and Water Conservation District whether it is still able to provide review of storm water plans and calculations. If not, the Planning Board may have to hire an outside professional to review storm water plans and calculations.

Black was asked to verify with Maine Municipal Association or the Town attorney whether the language on p. 4-17 (end of line 6 under R) referring to "Stormwater Management for Maine: Best Management Practices, latest edition" is permissible. In reference to international building codes, we recall that MMA said it is not permissible for the ordinance to refer to the "latest edition"; it is necessary to cite a specific year edition. The expression "latest edition" also occurs in line 3 of Section P Erosion and Sedimentation Control, p. 4-16, and may need to be changed there also.

#31. Article 4 General Performance Standard P. Erosion and Sedimentation Control (p. 4-16)

Myers has asked whether this section is adequate as written. It does not set any volume limits for sediment going into waterways, existing drainage or neighboring properties. At tonight's meeting Planning Board members agreed not to recommend any change in the language of P but to make sure that applicants do the written work and provide all information requested.

The expression "latest edition" occurs in line 3 of Section P Erosion and Sedimentation Control, p. 4-16, and may need to be changed there also (see #30 above).

#32. Auto trip estimates (Street Access and Driveways, S, p. 4-21- 4-22)

Black was asked to obtain a trip generation chart that defines high, medium and low volume use and gives the estimated numbers of vehicle trips for each category.

#33 Incineration of animal organs and remains (Article 5 M. 6, p. 5-11)

Myers has asked that someone verify whether it is permissible to incinerate animal organs and remains. Black said the Dept. of Environmental Protection allows such incineration.

The Planning Board ended its review at the bottom of p. 2 of Campbell's 12/13/06 list, and will resume review starting with Item #34 at the top of p. 3 at its next session.

5. Attendance at Planning Board Meetings 2004 - 2006

Black gave out copies of attendance records from July 1 – Dec. 13, 2006; July 1, 2005 – June 30, 2006; and June 30, 2004 – June 9, 2005. The sheets indicate which meetings were exclusively for ordinance revision. Flint said that setting extra meetings well ahead will enable him to plan his work and attend more meetings. Myers called for discussion of the definition of an excused absence. Black again asked Planning Board members to please let him know ahead of time if they are going to miss a meeting. This would enable him to cancel a meeting if a quorum will be lacking. This has happened only once or twice in the past five years according to Black's records.

6. Shoreland Zoning News – Fall 2006 Issue

Black gave out copies of the fall 2006 edition of Shoreland Zoning News, giving more highlights of the new State guidelines for amending local shoreland zoning ordinances.

Adjournment: The meeting was adjourned at 9:12 p.m.

JoAnn Myers, Vice Chairman

Carlo P. Bianchi

Charles Campbell

Submitted by:

Charles Flint

Susan S. R. Alexander

Abden Simmons