

Draft 1/10/08 revised with Yerxa edit 1/13/08 and Black's 1/15/08

Minutes  
Town of Waldoboro  
Planning Board Meeting  
January 9, 2008

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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, Ed Karkow, JoAnn Myers, and Abden Simmons. Code Enforcement Officer John Black was present. The audience included John Blamey, Kathy Healey, John Healey, Andrew Lane, Lisa Lane, Theodore Mills, Kayleigh Morin, Robert Prue, and Kyle Santheson.

1. Minutes of December 12, 2007

On motion of Bianchi/Campbell, the Board voted 4 – 0 – 2 (Karkow and Yerxa abstaining) to approve the minutes of December 12 as distributed.

2. Signing Revised Subdivision Plan, West Glen Subdivision, Mills, West Glen Drive (Map R4 Lots 9-2 through 9-5)

Owner Ted Mills presented mylar and paper copies of the revised final subdivision plan for his West Glen Subdivision for Planning Board signature.

3. Approval of Permit for Bed-and-Breakfast, Lisa Lane, 828 Gross Neck Road (Map R1 Lot 44A)

Lisa and Andrew Lane were in to present her request for a permit to operate a bed-and-breakfast/farmstay operation at Spinn Acres, their home and alpaca farm on five acres on Gross Neck with 300 feet of water frontage. The property is owned by her brother Douglas DeAngelis of Harrisville, NH, who is financing the remodeling. The existing farmhouse will have four bedrooms, each with private bath. The Lanes are living in an apartment over the two-car garage while remodeling is in progress, and may continue to live there once the B&B is in operation. The only exterior change to the property is creation of a new parking area for four vehicles near the B&B.

The Planning Board went through the submission checklist to determine the completeness of the application. The application is for a land use requiring site plan approval. The following items have been submitted: 12 copies of plan and application; fees; locus map, location map; existing conditions plan showing title block, land use district, existing contours, buildings, existing streets and driveways, existing utilities, significant features, existing surface water drainage, location of nearest fire-fighting water supply (pond on the property, next to the road), name and registration number of professional who prepared plan. The following are not applicable: wetlands delineation (there are no wetlands on the property), existing signs, easements. The proposed conditions plan has a title block, lot lines, location of new parking area, locations of all buildings, soil erosion and sediment control plan, storm water management plan, professional certification,

and approval block. The site plan shows existing one-foot contours between the septic field and the road, but not proposed contours after the four-car parking lot has been completed. Board members agreed by consensus to grant a waiver to accept existing contours and not require final contours in this level area. No landscaping plan is proposed or required. A lighted sign in compliance with requirements of the local sign ordinance will be placed near the road.

Written documentation includes evidence of title, description of the proposed use, and evidence that the project will satisfy the following general performance standards: lighting and glare (the only added exterior light will be on the new sign at the road), parking and loading, refuse disposal, soils, soil erosion and sedimentation control, subsurface sewage disposal, storm water management, street access and driveways, and technical capability. A construction schedule is provided. The following items were found not applicable: air emissions, buffers between industrial or commercial uses and residential uses; construction standards (the only new exterior construction is the parking lot), electrical disturbances, hydrological ground water assessment, net developable acreage calculation, noise, storage of materials and equipment, traffic impact analysis, estimated volumes of water and sewerage, and statement from the utility providing water or sewer services (the property is not on town water or sewer). Yet to be supplied: a letter from a financial institution regarding the financial capacity of Douglas DeAngelis to complete the project.

Chairman Yerxa summarized that all applicable elements of the site plan have been received except proposed contours for the parking lot after construction, which was waived, and evidence of financial capability, which will be supplied to the Code Enforcement Officer. On motion of Karkow/Campbell, the Board voted unanimously that the application is complete with the above exceptions.

The Planning Board then went through the site plan review worksheet. The application is for a land use requiring site plan approval. The following general performance standards were found applicable and conforming: construction standards, lighting and glare, parking and loading, refuse disposal, sanitary provisions, signs, soils, soil erosion and sedimentation control, storm water management, street access and driveways. The following general performance standards were found not applicable: air emissions, electrical disturbances, Historic Village District architectural standards, hydrogeologic assessment of groundwater impacts, net developable acreage calculation, noise, phosphorus control, storage of materials, street/road standards, traffic impact analysis, and water quality impacts.

The only applicable specific performance standard is the one for bed-and-breakfast establishments (Article 5 F). A scale drawing of the property has been submitted showing the location of existing buildings, four proposed guest parking spaces (there are another four parking spaces elsewhere on the property), and the existing septic tank and leach field. Each bedroom will have a private bathroom, plus a common bathroom on the first floor. Each guest room has at least the minimum 120 square feet of floor space. For fire safety, a sprinkler system is being installed, plus smoke detectors in each rental room, hallway and stairwell. Smoking is not permitted in the buildings or elsewhere on the property. The applicant was asked to provide copies of the material from the State Fire Marshal's office for the office file when received.

On motion of Myers, the Planning Board voted 7 – 0 to approve granting a permit for Lisa Lane to operate a bed-and-breakfast at Spinn Acres, contingent on receipt of satisfactory material from the Fire Marshal's office and a satisfactory letter on DeAngelis's financial capability from a financial institution. Planning Board members then signed the site plan.

#### 4. Approval of Amendments to Approved Plan for Waldoboro Recreation Center, 590 Main St. (Map U10 Lot 3A)

Recreation Director Kyle Santheson and Rob Prue of Pine Tree Engineering were in to describe proposed changes to the site plan for the ball fields and adjacent roadways in the recreation complex. The site plan approved on March 14, 2007, proved too expensive when bids were received. Pine Tree Engineering was retained to evaluate the design and recommend cost-saving measures. The main changes are to move the filter drain to the side of the parking area (which allows five additional parking spaces); replace the rock cutoff drain along the road with a grassed

drainage swale draining to the catch basin; decrease the width of the gravel road from 24' to 20' (with parking on grass on either side of the road); and use 4 inches rather than 12 inches of sand under the grass and loam on the ball fields. The overall elevation of the ball field property is reduced by one foot. All runoff water will be contained on the recreation property itself. The orientation of the Babe Ruth ball field will be changed slightly. The location of portable toilets is shown on the revised plan.

A letter from Pine Tree Engineering dated Dec. 21, 2007, states that while the revisions to the stormwater management design will require an amendment to the existing stormwater permit from the Maine Dept. of Environmental Protection, the revisions do not impact the overall design of the original stormwater management plan.

Santheson said he hopes to go to bid the first week in February and open bids on February 29. The work will be done in phases as funding is available.

On motion of Myers/Campbell, the Planning Board voted 7 – 0 to approve the redesign of the ball field area as presented tonight, including redesign of the Little League field's parking area and drainage system, reduction of roads from 24' to 20' in width with parking on grassed shoulders, reduction of the overall elevation by 1', and modification of the perimeter drain system from a rock cutoff drain to a grassed drainage swale, as summarized in Santheson's memo to the Planning Board dated Dec. 18, 2007, and Pine Tree Engineering's proposed site plan dated Dec. 20, 2007. Planning Board members then signed copies of the revised site plan. Note: Appropriate members of the Planning Board also signed copies of the original site plan as approved on 3/14/07, which through oversight had not been returned for signing until this meeting.

#### 5. Preapplication Discussion of Tattoo Parlor, Healey, 1416 Atlantic Highway (Map U9 Lot 10-B)

Kathy Healey of Jefferson was in with her husband John and daughter Kayleigh Morin to ask if Waldoboro has any laws or ordinances that would prohibit her from operating a tattoo parlor in the log cabin owned by Shelley Pease at the corner of Winslows Mills Road and Atlantic Highway. The lot is located in the shoreland zone, very close to the Medomak River. It is only 0.32 acre, with parking for 4 – 6 vehicles. Any expansion of the building or parking area would require review by the Board of Appeals.

Healey currently operates a tattoo parlor in Hallowell. This is a family-type business with mainly an adult clientele. She is licensed by the State Division of Health Engineering, which inspects the premises regularly.

Planning Board members decided that a tattoo parlor is functionally similar to a beauty parlor or barber shop and subject to the same parking requirement, three parking spaces per operator's chair. The Healeys will verify whether six parking spaces are available on the Pease lot. They expect to have one tattoo artist at the shop, with possibly a second person doing piercings. The business would also sell art and body jewelry.

After discussion, Planning Board members agreed that the proposed tattoo parlor is a service business with subsidiary retail sales. The proposed change of use of the building is from one commercial use to another, which does not require review by the Planning Board, only a permit from the Code Enforcement Officer. Healey left copies of the State's tattoo guidelines and body piercing guidelines for the CEO and Town Office.

#### 6. Public Hearing January 22 on Proposed Revisions to Land Use Ordinance

Black reported that at their January 8 meeting the Selectmen accepted the proposed revisions to the Land Use Ordinance and set January 22 for a public hearing at a regular Selectmen's meeting starting at 6 p.m. Planning Board members should attend this meeting if possible. An open Town Meeting will be held on February 12 at Miller School to vote on items including the proposed ordinance revision.

Yerxa asked whether there are still legal constraints that prevent municipal boards from taking actions when lacking one or more members through death or resignation. Black said he thought the law has been changed, as the Selectmen are acting while lacking one member following the resignation of Carleton Johnson.

7. MMA Memo on Rights-of-Way as Public or Private Roads

Black gave out copies of a recent e-mail exchange between him and Susanne Pilgrim, staff attorney at Maine Municipal Association, about whether and under what circumstances a right-of-way over one property for access to another property is considered a public or private road. She confirmed that "lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971", according to the State subdivision law (30-A MRSA § 4401(6) as amended effective 9/20/07 by PL 2007 c. 49). In her opinion a right-of-way must be in a specific location in order to be considered a public or private road within the meaning of the statute. This is important in determining whether three or more lots have been created within a five-year period, triggering subdivision review.

8. Proposed Scenic Byway in Lincoln County

Yerxa had a copy of material from Lincoln County planner Bob Faunce and Amy Winston, Director of the Lincoln County Economic Development Office, to Waldoboro first Selectman Clinton Collamore regarding possible creation of a designated "scenic byway" in northern Lincoln County. It was felt that such a designation might attract tourists, foster sustainable economic development and help reduce traffic on Route 1. Winston sees potential for getting federal grants to upgrade the roads, add bike lanes, etc. The proposed scenic route goes from Wiscasset to Jefferson to Damariscotta Mills and over a back road to Waldoboro. Karkow suggested adding Route 32 from Waldoboro to Pemaquid to the scenic byway.

Yerxa suggested holding meetings and public hearings in towns on the proposed scenic route. He will talk with Collamore. He will ask Faunce and Winston to e-mail copies of the material to all Planning Board members.

9. Outdoor Wood Boilers

Yerxa and Black will get copies of the new legislation regarding outdoor wood boilers. The Planning Board has been asked to consider adding material to the next revision of the Land Use Ordinance governing use of these boilers, which can create air pollution on neighboring properties. This ought to be added to the running list of items for consideration during the next round of ordinance revision.

Adjournment: The meeting was adjourned at 9:02 p.m.

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Edward Karkow

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William Yerxa, II, Chairman

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JoAnn Myers

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Carlo P. Bianchi

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Abden Simmons

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Charles Campbell

Submitted by:

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Charles Flint

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Susan S. R. Alexander

WALDOBORO PLANNING BOARD

Running List of Problems and Questions for Next Land Use Ordinance Revision

1. The land use matrix on p. 3-7 shows a blank for industrial activities in the Wellhead Protection District. Almost all the Waldoboro Industrial Park is within the Wellhead Protection District (12/12/07).
2. State law allows a five-year junkyard permit, but the local ordinance requires annual permit renewal. Should we move to a five-year permit? (12/12/07)
3. Outdoor wood boilers (air pollution source) – see new legislation (1/9/08)