

Minutes
Town of Waldoboro
Planning Board Meeting
July 8, 2009

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Roll Call

The meeting was called to order by chairman Chuck Campbell at 7:01 p.m in the meeting room at the Municipal Building. Other members present were Carlo Bianchi, Chuck Flint, Ed Karkow, and JoAnn Myers. A quorum was present throughout. Code Enforcement Officer Patrick Wright was present. The audience included Don Benson, George Benson, Belle Black, Blake A. Black, John Black, Bruce Bossow, Bernard de Lima, Nicholas DePatsy, Dominic DePatsy, Michael Hogan, Jody Perry, Dave Rawstron, Steve Smith, David A. Starr, Jr., James Tower, and Ted Wooster.

1. Minutes of June 10, 2009

On motion of Bianchi/Myers the Board voted 4 - 0 to approve the minutes of June 10 as amended to correct two typographical errors: on p. 1 line 3 from the bottom of the page, the next to last word in the line should be “to”, not “o”; on p. 4, end of line 4 of the third full paragraph, the last word should be “proviso”.

2. Citizen Comments (Items not on Agenda) – none

3. CEO Question: When Is Planning Board Review Needed for a Change of Use?

Wright asked for input from the Planning Board on whether a Planning Board hearing is needed for a change in use that does not involve an increase in intensity of use. Examples cited were a change for the Little Sunshine Market building on Main Street to a barbershop or beauty salon, and a proposed Chinese food take-out at the site of the Waldoboro Smoke Shop on Atlantic Highway (Route 1). Campbell suggested that the Code Enforcement Officer can use his judgment to give a permit for a new use that is equal to or less intense than the current use, without Planning Board review. Bianchi and Karkow agreed. The Board agreed by consensus. No vote was taken.

4. Approval of Shoreland Zoning Permit for Residential Dock, Rawstron, 948 Back Cove Rd. (Map R9 Lot 33-3)

The Rawstron dock application was tabled at the June 10 meeting until Rawstron could provide a planting plan designed to retard erosion on a bluff and slope to the water. Dave Rawstron was in with a planting plan for the first 75 feet back from the water in the vicinity of his bluff going down to the water of Back Cove, and two photographs of the site. The Rawstrons chose to use rugosa roses and daylilies, both included on lists of suitable plants from Skillins in Brunswick and Moose Crossing Garden Center in Waldoboro. The planting diagram shows a row of daylilies spaced two feet apart at the top of the embankment, and two staggered rows of bush roses on the slope, above the existing row of rugosa roses at the bottom of the slope.

The Board went through the review standards for a project in the Shoreland Zone, Section G 5, p.7-21 of the 2008 Land Use Ordinance.

- a. Safe conditions. Will maintain safe and healthful conditions. This standard relates to how far the proposed dock and float will extend into the channel of Back River. Board members agreed without vote that with the reduction in size, the proposed dock and float will meet the safe conditions standard.
- b. Water pollution: The proposed project will not result in water pollution, erosion or sedimentation to surface waters; in fact, the project will improve existing conditions.
- c. Wastewater – not applicable
- d. Wildlife: The proposed project will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. Planning Board member Abden Simmons, chairman of the Shellfish Committee, has visited the site and found that Back River near the proposed dock is not a clamming area.
- e. Shore cover: The Planning Board finds that the proposed smaller dock and float will conserve shore cover and visual as well as actual points of access to coastal waters as much as possible.
- f. Archaeological and historic sites: Rawstron has received a statement from the Maine Historic Preservation Commission, copy of which he will supply to the Code Enforcement Officer. Approval of the project is subject to receipt of affirmative input from the Commission.
- g. Fishing: The proposed project will not adversely affect existing commercial fishing or maritime activities.
- h. Floodplains: Not applicable. The proposed project will not create any problem associated with floodplain development and use.
- i. Land use standards: The proposed project will be in conformance with the provisions of Article 7 Shoreland Zoning Section F Land Use Standards 3. Piers, docks (p. 7-7 and 7-8 of 2008 Land Use Ordinance), as evidenced by the analysis below.

Land use standards for piers, docks, and other structures extending beyond the normal high-water line of a water body

- a. Siting: The proposed dock and float are not located over mudflats that are active or potential shellfish harvesting areas.
- b. Appropriate soils, construction so as to control erosion: The pier is set on exposed ledge.
- c. Beach areas: The location does not interfere with any developed or natural beach areas.
- d. Fisheries: The proposed dock and float will have no adverse effect on fisheries.
- e. Size: The facility shall be no larger in dimension than necessary to carry out the activity and be consistent with existing conditions, use and character of the area: The applicant has reduced the proposed size of the dock and float (see revised plan in Item 3 of June 10 minutes).
- f. Structures prohibited on dock: not applicable; none proposed

- g. Conversion of existing structures: not applicable
- h. Structure height limit: not applicable, none proposed.

On motion of Bianchi/Karkow, the Board voted 5 – 0 that all review standards and land use standards for the proposed dock and float are met, conditional on Rawstron providing a satisfactory letter from the Maine Historic Preservation Commission and subject to the project’s meeting NRPA regulations, and authorized the Code Enforcement Officer to grant a permit for the Rawstron dock and float upon satisfactory receipt of the above material.

5. Backmeadow Subdivision, 506 Union Rd. (Map R15 Lot 6)

John Black and his son Blake, developers of Backmeadow Subdivision, were present for continued review of changes from the approved final subdivision plan. Several lot owners at Backmeadow Subdivision were present in the audience.

A. Changes from Original Subdivision Plan (Stormwater, Utility, Road, Fire Suppression)

- 1) Utilities: The electric lines were shown underground on the approved subdivision plan. Overhead power lines were installed before any of the lots were sold (see June 10, 2009 minutes Item 4 a., p. 2). This change needs to be made in the revised final subdivision plan.
- 2) Stormwater management plan: Black’s updated stormwater plan was set forth in a letter to the Planning Board from his firm, J & D Engineering, dated May 19, 2009, included in Board packets for the June 10, 2009 Planning Board meeting. It presents justification for eliminating ditch turnouts, level lip spreader, and culvert protection. The written stormwater plan for Backmeadow Subdivision needs to be amended. The subdivision lot owners have signed an agreement stating their acceptance of “all other features of the finished construction including ditches, level lip spreader, ditch turnouts and wood chip mulch on slopes”. Wright said that regarding the roadside ditches, Best Management Practices require the ditches be seeded to retard erosion. This has not been done. The Planning Board will require seeding.
- 3) Changes to subdivision road specifications: Four test holes dug in the subdivision road in July, 2009, averaged with two previous test holes dug by the developers, show an average of 10+ inches of gravel in place. At a special meeting of the Backmeadow Management Association on July 1, 2009, the landowners agreed unanimously that the developers will add eight inches of base gravel and three inches of surface gravel, both compacted, over the entire Backmeadow Road. Black gave out copies of the resolutions agreed upon at the July 1 meeting, titled “Backmeadow Management Association Agreement with John & Blake Black”.
- 4) Fire suppression: At the July 1 meeting, the Backmeadow Management Association voted unanimously to accept whatever solution is reached by the Planning Board in consultation with the Code Enforcement Officer and the Fire Chief, with the request that whatever fire suppression feature is chosen not be located within the subdivision. Black said the Fire Chief has agreed to a dry hydrant in Levensaler Brook, a mile and one-tenth from the subdivision. This would require consent from abutting landowners and a widening of the pavement near the dry hydrant to accommodate fire trucks. Black said he has not yet approached the landowners about installation of the dry hydrant. Wright said neither he nor the Fire Chief has expertise sufficient to determine whether Levensaler Brook can provide adequate water for firefighting at all seasons, and whether withdrawal of water for firefighting would have an adverse impact on the environment. Wright suggested that Black get an engineer’s opinion on the above two issues. Black has consulted the

Soil and Water Conservation Service office in Warren, which has supplied three designs for a dry hydrant. He will get more input when the most knowledgeable person in that office returns from vacation.

Black said that if a dry hydrant at Levensaler Brook proves unfeasible, the alternatives are to provide a fire pond on a lot owned by the developers, either within the subdivision or on the east side of Union Road. At the June 10 Planning Board meeting, Flint pointed out that the issue of fire suppression involves more than just the lot owners in Backmeadow Subdivision. Flint therefore suggested that the Planning Board, not the Backmeadow landowners, should make the decision about what sort of fire suppression is required.

Myers and Bianchi wanted to see written consent from the abutting landowners agreeing to installation of a dry hydrant at Levensaler Brook, before specifying that solution on the revised final subdivision plan. Bianchi said fire suppression could be approved conditional on Black submitting written consent of abutting landowners to Wright.

On motion of Myers/Bianchi, the Board voted 5 – 0 to approve the following changes to the final subdivision plan for Backmeadow Subdivision: to incorporate the agreement between the subdivision landowners and the developers signed on July 7, 2009, for addition of eight inches of base gravel and three inches of surface gravel over the entire Backmeadow Road, with grade stakes set every 50 feet on both sides of the roadway marked with existing grade and fill lines for the 8” and 3” additions; elimination of some roadside ditches and a 20’ level lip spreader, as unnecessary, but requiring the remaining ditches to be seeded to grass for stormwater management and erosion control; and that the developers will install a dry hydrant at Levensaler Brook for fire suppression. Approval of the revised final plan will be contingent upon receipt of signed agreements from landowners adjacent to the dry hydrant location. The revised final subdivision plan should also note that utilities are above ground.

B. Re-Subdivision of Lot 12, Backmeadow Subdivision

Wright passed out copies of his “Findings of Fact – Backmeadow Subdivision”, dated June 8, 2009, and revised June 10, 2009. Keel Kemper of Inland Fisheries and Wildlife visited the property on June 10, 2009. Kemper confirmed that there is a Waterfowl and Wading Bird habitat (WWH030030) on Lot 12. In 2005 Kemper recommended a 250’ buffer around the wetland. In the 2009 visit he suggested that the buffer be measured from a line of alders adjacent to the brook. Wright’s June 2009 Findings of Fact states that proposed “lot 13 does not meet the lot area required to be a conforming lot, as approximately ½ of the lot area is located below the upland edge of the designated wetland.”

Black offered to survey the location of the alder stand as suggested by Kemper and see where it falls with respect to the 250’ buffer recommended by Inland Fisheries and Wildlife, or go to the Board of Appeals to see if they will waive the 300’ setback requirement for development of a back lot (see definition of “back lot”, p.16-14 of 2008 Land Use Ordinance).

On motion of Myers/Karkow, the Board voted 5 – 0 to require that a 250’ undisturbed buffer be maintained around the wetland on present Lot 12. On motion of Flint/Bianchi, the Board voted 5 – 0 to table re-subdivision of Lot 12 until John Black can verify the location of the 250-foot setback line and, if he wishes, re-submit a request to re-subdivide Lot 12. Black will need to provide proof that proposed Lot 13 has sufficient developable area outside of the 250-foot setback.

C. Time Extension to August 31, 2009, for Backmeadow Subdivision

At its June 10, 2009 meeting, the Planning Board voted a 30-day time extension to allow the developers time to contact all Backmeadow landowners and attempt to obtain a unanimous vote on a set of road specifications (see p. 4, third paragraph). Unanimous consent was obtained from all lot owners as shown in the document “Backmeadow Management Association Agreement with John & Blake Black”, signed by all lot owners on July 7, 2009 (copies distributed at tonight’s meeting). At tonight’s meeting a further time extension to the end of August was proposed as a reasonable period within which to complete road work, including adding gravel and seeding ditches, do any other work specified in the July 7 landowners’ agreement, and install a dry hydrant for fire suppression. On motion of Flint/Bianchi, the Board voted 5 – 0 to grant the Blacks a time extension to August 31, 2009, to complete the road work, grass the ditches, and complete installation of a dry hydrant for fire suppression.

Black respectfully suggested that the Code Enforcement Officer check with Maine Municipal Association whether a town can legally enforce any provision of a subdivision plan that exceeds the minimum requirements of the town’s Land Use Ordinance. For example, he said that 18” of gravel base exceeds Waldoboro’s minimum requirement of 12” of gravel base. He was told that the subdivision lot-owners have a right to insist on 18” of gravel base if that was in the specifications on the final subdivision plan, regardless of whether this exceeds the Town’s minimum requirements.

6. One-Lot Subdivision, DePatsy, 402 Friendship Rd. (Map U2 Lot 20); Site Plan Review of Proposed Family Entertainment Center, Benson

Owners Nicholas and Dominic DePatsy and prospective buyer Donald Benson were present for review of a one-lot subdivision consisting of Map U2 Lot 20, the lot containing the former bowling alley building. Some of the land formerly used for parking for DePatsy’s Lanes when the lounge was added was sold to Andy Roberts as part of Skyview Ridge Mobile Home Park.

The reason for review of the bowling alley lot as a one-lot subdivision is explained in the first paragraph of Wright’s July 8 memo “DePatsy Bowling Alley Subdivision - Findings of Fact”. Wright read his entire memo text into the audio record of the meeting. In 2007 the mobile home park, the bowling alley lot, and the remaining land of Nicholas and Dominic DePatsy were split into three parcels. The mobile home park was sold to Skyview Ridge LLC and the other two lots were retained by the DePatsys. If the new lots had remained in the family for five years following their creation, they would not be subject to subdivision review before sale. However, Benson wishes to buy the bowling alley property, and a purchase and sale agreement has been executed. Benson has permission to start renovation work prior to closing. For a sale in 2009, the owners must obtain subdivision approval from the Planning Board according to the State’s subdivision law.

The 2008 Land Use Ordinance does not contain a minimum parking space requirement for a bowling alley or family entertainment center. Wright advised that the Planning Board has the right to determine whether the proposed parking is adequate. Wright said the parking area in front of the building, between the building and Friendship Road, can accommodate 15 parking spaces including one space for handicapped access. Benson thinks there is room for 16 parking spaces in front of the building and four spaces at the back of the building. He believes this is adequate parking for the intended use, based on his experience managing other bowling alleys.

Letters from Abutters: Wright read into the record a letter dated July 8, 2009 from Andrew Roberts, owner of the adjacent Skyview Mobile Home Park, and one from Frances J. Weinand-Kelly of 410 Friendship Road, the immediate abutter to the south (Map U2 Lot 21). Copies of Roberts's letter were given out to Planning Board members at the meeting. He asks for a continuous hedge along the property line with Skyview Ridge, to discourage vehicles from using the park entrance road and parking on park property, and suggests placing small boulders along the north property line at the front parking lot to separate the alley's parking lot from the park's access road. He also asks that any illustrations on the sides of the building facing the park conform to signage dimension regulations, and that the management of the family entertainment center be considerate of residential neighbors in terms of noise and impact.

Ms. Weinand-Kelly requests a privacy screening fence along her common property line with the entertainment center. She lives out of state and could not attend tonight's meeting.

Ted Wooster and others suggested trying to get an arrangement with Siemens, the company that owns the former Osram Sylvania property at 405 Friendship Road (Map U2 Lot 2), to use their property for overflow parking.

Campbell recalled that the issue of parking came up when the bowling alley building became a storage building. The Planning Board was told that it would never again be used as a bowling alley. The DePatsys were told that if they sold part of the bowling alley parking lot, there would not be enough parking for a future bowling alley. Benson said he expects 12 – 15 vehicles maximum at any one time, for a family recreation center. He intends to park out front so that the building will look open.

The group discussed whether there is enough space for employee vehicles to drive along the north side of the building to park in the rear. A public driveway would need to be set back 8' from the property line, but a service road not for public use might not need such a setback.

Submission checklist Chairman Campbell and the Planning Board went through the site plan and subdivision submission checklist to determine whether the application is complete. Original checklists are on file at the Town Office. The application is for a subdivision, conversion of an existing non-residential use to another non-residential use that results in increase in on- or off-site impacts. (The former bowling alley/lounge has been closed for some time.)

Items received: 12 copies of plans and application; partial fee paid; locus map, location map and partial boundary survey. A waiver request has been received for less than a complete boundary survey.

Existing conditions plan: The following have been received: a) title block; b) land use district; c) existing contours; d) buildings; e) existing streets and driveways; f) existing utilities; i) existing surface water drainage; j) existing signs; l) location of nearest fire hydrant; m) name and registration number of professional who prepared plan.

The following waivers are requested: partial boundary survey; g) significant features including wildlife habitat, scenic areas, aquifers, historic or archaeological resources; h) wetland delineation by a professional wetlands delineator; k) easements. The accompanying narrative (p. 1) explains the waiver requests. Waiver is requested for the requirement of a boundary survey of all property lines. There is no survey of the northeasterly portion of the lot proposed to be retained by the DePatsys. The application states that "all property boundaries within 300 feet of the proposed

development” have been established by the information provided. Waiver of requirements g, h and k is requested due to the fact that the proposed development already exists. No expansion of the building or impervious area is planned. No wetlands or sensitive features will be adversely impacted by continuation of a previous use at this location. No easements are currently in place.

On motion of Myers/Karkow, the Board voted 5 – 0 to grant waivers for the partial boundary survey and the requested items g, h and k on the existing conditions plan.

Proposed conditions plan: The following have been received: a) title block; b) lot lines; d) design plans and sight distances of roads, parking and loading areas, driveways, walkways; e) easements, rights-of-way and legal restrictions affecting the premises; f) location, dimensions, setbacks, buffers and proposed uses of all buildings; g) front view of proposed sign; m) landscaping plan including buffering and screening; n) professional certification; o) approval block.

The following waivers are requested: c) contours at 2-foot interval; h) soil erosion and sediment control plan; i) storm water management plan; j) location and condition of dedication of all parcels to be dedicated for public use; l) utility plan. Waiver of these five items is justified because the “proposed development” already exists. The utilities that served the building in the past are adequate to serve the re-opened business.

Written documentation

Items received: a) evidence of right, title or interest in the property; b) description of proposed use; c) air emissions: evidence that project will satisfy Section 4 A, Air emissions; d) buffers: evidence that project will satisfy section 4 B Buffers; e) construction standards: evidence that project will satisfy Section 4 C construction standards; f) electrical disturbances: evidence that project will satisfy Section 4 D electrical disturbances; g) lighting and glare: oral statement that project will satisfy section 4 G; h) hydrological ground water assessment: evidence that project will satisfy section 4 F if a hydrological ground water assessment is required; i) net developable acreage calculation; j) noise: evidence that project will satisfy section 4.I; k) off-street parking and loading: evidence that project will satisfy section 4J.l) refuse disposal: plans for handling of all wastes and screening of any on-site storage or collection facilities; m) signs: evidence that signs will comply with section 4 N; n) soils: evidence that soils are suitable for the intended use; o) soil erosion and sedimentation control plan in compliance with section 4 P; q) storage of materials and equipment: evidence that project will satisfy section 4 Q; r) storm water management plan in conformance with section 4 R; s) street access and driveways: evidence that project will satisfy section 4 S; u) evidence of technical capability to supervise, construct and inspect the project; v) evidence of financial capacity to construct the project; w) construction schedule; x) estimated volumes of water and sewerage; y) statement from the utility providing water or sewer services that it has the capacity to accommodate the project.

Not applicable: p) subsurface disposal system report; t) traffic impact analysis.

On motion of Bianchi/Myers, the Board voted 5 – 0 to find all applicable submission requirements met or waived.

Public hearing: All abutters have been notified of tonight’s meeting, and notice has been made in the Lincoln County News. On motion of Myers/Karkow, the Board voted 5 – 0 to hold a public hearing on the DePatsy one-lot subdivision, intended to become the Allplay Family Entertainment Center.

Andy Roberts, owner of the abutting Skyview Ridge Mobile Home Park, said he has no problem with vehicles driving along the side of the bowling alley building on the alley's land. He does not want vehicles belonging to the general public parking on land of the mobile home park.

There were no other comments. Campbell adjourned the public hearing.

Campbell and the Planning Board then went through the checklist titled "Site Plan and Subdivision Worksheet for Planning Board Review".

Article 4 General Performance Standards

The following were found applicable and conforming: A air emissions; B buffer areas (with a note that the neighbor on the south requests a privacy fence along her property line); C construction standards; D electrical disturbances; G lighting and glare (Benson said the spotlights on the front of the building will be replaced with shielded down-facing lighting. Myers suggested adding specifications for lights on the final site plan.); H net developable acreage; I noise; L refuse disposal; M sanitary provisions (is on public sewer); N signs; S street access and driveways.

The following general performance standards were found not applicable: E Historic Village District architectural standards; F hydrogeologic assessment of groundwater impacts; K phosphorus control; O soils; Q storage of materials; T street/road standards; U traffic impact analysis; V water quality impacts.

The following general performance standards were recommended to be waived: P soil erosion and sedimentation control; R stormwater management.

The following general performance standard was found applicable, with conformance to be determined: J parking and loading.

Discussion of Parking: Benson's undated four-page letter to the Planning Board addresses parking on pp. 2 – 3. He believes the lot has room for 16 parking spaces in front of the building and 4 at the rear. He believes that 12 - 15 spaces would be more than sufficient for the Waldoboro bowling center plus snack bar. Karkow said he is comfortable going along with Benson's proposed parking. Bianchi agreed, but said he would like input on use of the former Osram Sylvania property for parking. Campbell said he has consulted land use ordinances from 5 - 6 other towns for bowling alley parking requirements: they generally require 3 or 4 spaces per lane. Wright suggested accepting Benson's offer to make a donation to a fund to create public parking in the downtown area, and also suggested signage making it clear to the park owner that parking on adjacent private land (the mobile home park) is a land use violation that is subject to payment of a fine.

Vote: On motion of Bianchi/Myers, the Board voted 4 – 1, Campbell opposed, that all general performance standards are either met, inapplicable, or waived.

Article 5 Specific Performance Standards

None of the specific performance standards were deemed applicable to the proposed use as a family entertainment center/bowling alley. Vote: On motion of Bianchi/Myers, the Board voted 5 – 0 that none of the specific performance standards in Article 5 of the Land Use Ordinance are applicable.

Article 6 Planning Board Approval Criteria for Site Plan Review and Subdivisions

The following were found applicable and conforming: 1) pollution; 2) sufficient water; 4) highway or public road congestion; 5) solid waste and sewerage waste disposal; 6) aesthetic, cultural and natural values; 7) conformity with Town ordinances and plans; 8) financial and technical capability; 10) groundwater; 18) access to direct sunlight; 19) exterior lighting; 20) buffering of adjacent uses; 21) noise; 23) landscaping; 24) buffering of residential uses; 25) location of off-street parking. The following were found not applicable: 3) soil erosion and sediment control; 9) shoreland zoning; 11) flood areas; 13) river, stream or brook; 15) spaghetti lots; 16) lake phosphorus concentration; 17) impact on adjoining municipality; 22) storage of materials; 26) hazardous waste. The following were waived: 12) freshwater wetlands; 14) stormwater.

Discussion of Buffering: There was discussion of #20, buffering of adjacent uses, and #24, buffering of residential uses. The subdivision plan dated June 16, 2009, shows some proposed vegetative buffering around the existing building: two flowering crab trees at the rear of the building, and along the side of the building nine arbor vitae planted in groups of three as a hedge, between four deciduous shrubs. The plan does not show buffering on either side of the front parking lot, nor along the south lot line with Weinand-Kelly. Abutter Andy Roberts is asking for a tree line along the whole north property boundary. Benson said Roberts does not want the trees to be very big or wide, so they won't encroach onto the park road along which mobile homes are moved.

Benson said there is natural vegetation growing along the brook. He said he has no problem with putting in a privacy fence along the Weinand-Kelly property line. He would prefer to meet individually with abutters to discuss what they want for buffering. Benson said he would agree with everything in Andy Roberts's letter of 7/8/09 to the Planning Board with the exception of the request to put small boulders along the property line at the parking lot to separate the alley's parking lot from the park's access road. Benson said boulders will create problems with snow plowing. It was noted that the Planning Board has not yet received comments from Emergency Medical Services or the Fire Department. Either or both of these may need access for emergency vehicles without boulders or fences. Roberts insisted that there needs to be some barrier on the north side of the parking area to keep people from parking on his land and exiting on his driveway. Karkow said he is in favor of the existing buffering plan. Myers and Bianchi wanted to make it a stipulation that Benson talk with Ms. Weinand-Kelly about buffering to satisfy her concerns. Wright said it is reasonable to propose that the parking area be buffered. Myers said this would also help with noise. Wright said the Land Use Ordinance requires a buffer strip. He read from Article 2 Section B Buffer Areas (p. 4-1 of 2008 LUO), which starts, "No industrial or commercial buildings or uses shall be established in, or about, a residential use, unless a landscaped buffer strip is provided to visually screen the uses."

Vote: On motion of Bianchi/Myers, the Board voted 4 – 1, Campbell opposed, that all items in the Article 6 checklist, "Planning Board Approval Criteria for Site Plan Review and Subdivisions" are either met, not applicable, or waived, with the proviso that Benson, the proposed new owner, has agreed to talk with neighbors about buffering and specifically will discuss with his southern neighbor Ms. Weinand-Kelly an agreeable buffer.

Vote: On motion of Bianchi/Myers, the Board voted 4 – 1, Campbell opposed, to grant approval for issuance of a permit for Donald and Kelly Benson's proposed family entertainment center in the former bowling alley building at 402 Friendship Road, conditional upon submission of a plan for buffering of the Frances Weinand-Kelly property that is acceptable to her. [*Note: at their next meeting, the planning board should make a clarification motion to add language to the site plan/*

subdivision approval permit approve a one-lot subdivision at 402 Friendship Road (Map U2 Lot 20), owned by Dominic and Nicholas DePatsy?]

Review of the DePatsy-Benson agenda item ended at 9:45 p.m.

7. Signing Revised Final Site Plan for Gymnasium Addition, Coastal Christian School, 574 No. Nobleboro Rd. (Map R1 Lot 62A)

Architect Michael Hogan of The Maine Group was in with revised final site plans for the proposed one-story gymnasium-auditorium addition to Coastal Christian School. The revised site plan shows requested changes including removal of ledge, showing revised sight distances from the driveway onto North Nobleboro Road, and changes to the parking layout to provide additional parking. Planning Board members present signed the plans.

8. Scheduling Public Information Session and Planning Board Workshop on Shoreland Zoning

Wright has done additional research on shoreland zoning and has sent out some 500 letters to landowners whose property is affected by proposed changes in shoreland zoning. A public information session will be scheduled, at which a vote will be taken to schedule a public hearing. An outside expert, LaMarr Clannon of Nonpoint Education for Municipal Officials (NEMO), is available for a short meeting next week if the Planning Board is willing, on Wednesday July 15 or Thursday July 16. Wright will ask if Clannon can attend a public information meeting on Wednesday July 22 at 7:00 p.m. A central point of discussion is scientific justification for increasing the level of protection of certain wetlands and shorelines to Resource Protection.

9. Preapplication Discussion, Wayne Brown Subdivision

James Tower of Engineering Dynamics was in for preapplication discussion of a proposed five-lot subdivision with an opportunity to add five additional lots without triggering State review under the Site Location of Development law.

Tower said there is a wetland area on the property that at one time contained a beaver dam impoundment. At that time this was identified by the Maine Dept. of Environmental Protection as providing significant wildlife habitat for wading birds. The dam is gone and the wetland is no longer considered as significant wildlife habitat by the State. Tower's written material includes a copy of a letter dated October 16, 2008, from Regional Wildlife Biologist G. Keel Kemper of the Maine Dept. of Inland Fisheries & Wildlife. Kemper's letter does not identify the parcel in question, but states that it does not contain any Essential or Significant Wildlife Habitats. Tower's letter describes the area as "in the northwest corner of the Brown holdings". Tower requests that Waldoboro remove the area around the wetland from both Resource Protection and Shoreland Zoning.

Tower's July 7 letter to Wright encloses a written list of waiver requests including waivers from being required to supply a stormwater management plan, a landscaping plan, information on air emissions, electrical disturbances, lighting and glare, a hydrological groundwater assessment, net developable acreage calculation, noise, off-street parking, signs, storage of material and equipment, traffic impact analysis, evidence of financial capacity, and a written statement from utilities providing services to the project.

He was told that any of the listed items that the Planning Board deems not applicable will not be required, but that he does need to request formal waivers at time of application submission. He was told that a stormwater management plan is required for any subdivision, as is net developable acreage for each proposed lot, and evidence of financial capability. Bianchi said there should be something about landscaping. Tower said that naturally existing vegetation will be preserved. Examples of items commonly deemed “not applicable” for a subdivision that involves only creating lots and roads, not buildings, are air emissions, electrical disturbances, lighting and glare. A traffic impact analysis is not required for a five-lot subdivision.

Myers said the Planning Board will need to know whether this land was shown as vacant land on a previous Wayne Brown subdivision application. Wright recalled that Tower was in last fall for preapplication review of some 60 or 80 lots. Wright asked whether the present preapplication takes the place of the previous one. Tower indicated that it does.

Bruce Bossow of Controversy Lane stated that roads built by Wayne Brown in the area do not meet Town specifications. He said that Brown no longer plows or sands them, and local residents have to pay to have washouts repaired. He expressed surprise that the Planning Board would consider a preapplication for another subdivision on Brown land. Wright agreed that he is aware of problems with certain roads not being constructed to Town specifications.

Adjournment: The meeting was adjourned at 10:20 p.m.

Charles Campbell, Chairman

Carlo P. Bianchi

Charles Flint

Edward Karkow

Submitted by:

Susan S. R. Alexander

JoAnn Myers

WALDOBORO PLANNING BOARD