

Minutes  
Town of Waldoboro Planning Board  
Meeting on Revisions to Land Use Ordinance  
April 13, 2011

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Roll Call

Planning Board members present were chairman Chuck Campbell, Carlo Bianchi, Barbara Boardman, Ed Karkow, Jody Perry and Abden Simmons. Code Enforcement Officer Misty Gorski was present. The audience consisted of John Black, David A. Starr, Jr., and reporters Andy Benore and Sam Baldwin.

1. Minutes of March 23, 2011

On motion of Bianchi/Perry, the Board voted 5 – 0 to accept the March 23 minutes as distributed.

2. Citizen Comments/Questions

2. 1 Contour Information Required for Application for Telecommunication Tower

Surveyors John Black and David Starr, Jr (Dusty Starr) were in to ask what the Board will want for contours in the area of the proposed Midcoast Internet Solutions broadband telecommunications tower to be located on land of Solomon and Corinne Orff on Flanders Corner Road. Planning Board members agreed that contours should be provided for the “fall-down area” immediately surrounding the tower. The nearest property line is more than 500 feet from the tower location. Campbell suggested that Black and Starr look at the minutes of the Planning Board meeting of October 13, 2010, Item 4. At that meeting the Board waived most of the site plan submission requirements on grounds that they did not apply to broadband towers.

2.2 Road Construction Standards

Black said he would like a copy of the latest draft Street Access, Driveways, Street/Road Construction Standards. He would like to offer suggestions for use of geotextiles (filter fabric) to save money in road construction. He was told that the proposed new language on street and road

standards probably will not be on the warrant for town vote in June. He and Starr left the meeting before discussion of street and road construction standards (Item 3.3).

### 3. Ordinance Review

#### 3.1 Methadone Clinics

Materials on methadone clinics sent to Planning Board members ahead of tonight's meeting included

- a) definitions of methadone and methadone clinic, for Article 16, Definitions;
- b) proposed final draft language for new Section CC, Methadone Clinics, in Article 5 Specific Performance Standards;
- c) an addition to the Schedule of Uses matrix to add Methadone Clinic as an allowed commercial use in Route 1 Commercial A with Planning Board review (Article 3 G. subsection 4, p. 3-7 of the June 2010 revision of the Land Use Ordinance);
- d) an addition to the table showing minimum required parking for specified uses, to add Methadone Clinic with a required minimum of four parking spaces per 1,000 s.f. plus three additional spaces per dispensing room (Article 4 Section J Parking and Loading subsection 3 c, p. 4 - 9 of the June 2010 revision of the Land Use Ordinance).

On motion of Simmons/Karkow, the Board voted unanimously to accept the above material on methadone clinics.

Gorski advised not trying to get this material onto the warrant for vote in June. Planning Board members agreed to hold a public hearing on the proposed new language for methadone clinics and medical marijuana dispensaries (see 3.2 below) before forwarding the language to the Selectmen for review. It was suggested to hold the public hearing at the start of the regular Planning Board meeting on Wednesday May 11.

#### 3.2 Medical Marijuana Dispensaries

Materials on medical marijuana dispensaries and cultivation facilities sent to Planning Board members ahead of tonight's meeting included:

- a) definitions of medical marijuana, registered marijuana cultivation facility, and registered marijuana dispensary, for Article 16 Definitions;
  - b) proposed final draft language for new Section DD Medical Marijuana Dispensary and Cultivation Facility, in Article 5, Specific Performance Standards;
  - c) an addition to the Schedule of Uses matrix to add Medical Marijuana Dispensary as an allowed commercial use in Route 1 Commercial A with Planning Board review (Article 3 G. Schedule of Uses, subsection 4, p. 3-7 of the June 2010 revision of the Land Use Ordinance);
  - d) an addition to the table showing minimum required parking for specified uses, to add Medical Marijuana Dispensary with a minimum of four parking spaces per 1,000 s.f. ( Article 4 Section J Parking and Loading, subsection 3 c., p. 4 - 9 of the June 2010 revision of the Land Use Ordinance).
- Gorski said that parking for a registered marijuana cultivation facility could be addressed under "Other uses not listed" at the bottom of the table of minimum required parking spaces.

Discussion: In the definition of Registered Cultivation Facility, in the second line Karkow suggested deleting "is considered to be and", and deleting the comma after "by" at the start of the third line, so that the second sentence starts, "The location must abide by all ordinance provisions..."

On motion of Simmons/Perry, the Board voted unanimously to make this change

to the second sentence of the definition of Registered Cultivation Facility.

On motion of Simmons/Bianchi, the Board voted 6 – 0 to approve the final draft of the definitions, as amended above; new Section DD Medical Marijuana Dispensary and Cultivation Facility, in Article 5 Specific Performance Standards; and the new entries in the land use matrix and the table of minimum required parking, for Medical Marijuana Dispensary.

Planning Board members agreed to hold a public hearing on the proposed new language for medical marijuana dispensary and methadone clinic before forwarding the language to the Selectmen for review. It was suggested to hold the public hearing at the start of the regular Planning Board meeting on Wednesday May 11.

### 3.3 Street Access, Driveways, Street/Road Construction Standards

A 10/27/10 draft of Article 4 General Performance Standards Section S, Street Access, Driveways, Street/Road Construction Standards was distributed ahead of tonight's meeting. This represents a combination of material formerly in Sections S and T of Article 4. The Table of Contents will have to be revised on page TOC-2 to reflect this change. It was suggested to keep T reserved in order to not have to re-letter the TOC and associated sections.

Campbell said that the revised draft clears up confusion about use of the words "driveway", "road", and "street access". He noted that a change was made on p. 12 of the draft at the end of 3) b) Handicapped access, to refer to the Americans with Disabilities Act.

Karkow asked whether Planning Board members want to do anything about John Black's suggestion tonight about use of filter fabric in road construction, in order to reduce the required minimum depth of gravel. Campbell said the engineers he has talked with still want the same depth of gravel, whether or not filter fabric is used. Perry, who lives on Back Meadow Road, said that the extra gravel added to the subdivision road has greatly improved its condition, and the road is now holding up very well.

Campbell said the Planning Board is not under pressure to approve the revised material on streets and roads tonight, as it will not be on the warrant for vote in June. He suggested that Planning Board members review the 13-page revised version and discuss it at the next Planning Board meeting.

## 4. Additional Ordinance Revision Discussion

### 4.1 Agriculture in the Residential District

Gorski said the land use matrix is in conflict with the text of the Ordinance, and the Planning Board should address this. The conflict is that the schedule of use matrix in Article 3, section G, does not allow agriculture in the residential district, however, under Article 3, section F, Purpose of Districts, the purpose of the residential district is to retain the rural character of Waldoboro and to protect residential property values by allowing agriculture. Currently, there are ordinance provisions that cover general agriculture and further ordinances covering agriculture in shoreland areas, which would apply to most properties in the residential district. The Comprehensive Plan also states the residential district is intended to allow agriculture uses.

Campbell asked whether there have been complaints from people who want to do agriculture in the Residential District. Gorski said she has not received widespread complaints. One couple came in wanting to raise a few cattle with the intention of selling them. She told them there is a conflict in the Ordinance and it is unclear whether or not this is a permitted use where they live.

Instead of prohibiting agriculture within the Residential District, Gorski asked whether the Planning Board would like to devise limits for agriculture in the Residential District by adding new language in addition to the required setbacks from water bodies. This might include limits on the number of hooved grazing animals, or prohibiting commercial uses while allowing non-commercial farming. Commercial agriculture is defined as farm activity producing income of \$2,000 per year or more.

Karkow said that JoAnn Myers was working on new ordinance language on agriculture, but left the Board before completing this. Gorski gave out copies of a two-page undated memo listing relevant documents, laws, programs and best management practices for managing cropland and livestock grazing, with suggestions for limiting the size of livestock operations, requiring a Nutrient Management Plan, etc. Karkow said the intent of the Board was to re-introduce farming into the land use matrix for the Residential District by allowing benign uses while prohibiting environmentally harmful uses.

#### Discussion:

- Karkow would prohibit cattle altogether in the Residential District.
- On commercial vs. non-commercial use, it was suggested that people who keep horses generally are not raising them for sale, whereas there is a presumption that most cattle are being raised for milk or meat.
- Boardman suggested that people in the Residential District having more than 2 – 3 large hooved animals be required to submit a management plan.
- Bianchi would separate livestock from crops. Crops require fertilizer and application of pesticides.
- Simmons called for a buffer zone between agricultural uses and the water. The shores of the Medomak generally have steep grades and a clay substrate, so that whatever is applied to the surface tends to run off into the water rather than being absorbed by the soil. Tributary streams also have a clay base.
- Boardman said a 100-foot setback does not provide adequate protection against pollution. Requiring a buffer of naturally vegetated undisturbed soil and increasing the required setback from the water would help address the problem.

The consensus was to have all Planning Board members review the Ordinance requirements for agriculture in the Shoreland Zone and for agriculture elsewhere in town, for discussion at the next meeting. The Board will address agriculture in the Residential District bordering the Medomak.

#### 4.2 Revising Planning Board Checklists

Campbell said that he started to review the various checklists used in review of applications, with the aim of making them shorter and simpler with less repetition, but has not completed the work. He would like to confer with Gorski about this.

#### 5. Planning Board Membership

Simmons said that he is running for Selectman and if elected, will have to leave the Planning Board. He can remain on the Shellfish Conservation Committee, which has traditionally had one member from the Board of Selectmen.

Adjournment: The meeting was adjourned at 8:04 p.m.

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Charles Campbell, Chairman

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Carlo P. Bianchi

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Barbara Boardman

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Edward Karkow

Submitted by:

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Jonathan Perry

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Susan S. R. Alexander

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Abden Simmons

WALDOBORO PLANNING BOARD