

Minutes
Town of Waldoboro
Planning Board Meeting
August 8, 2012

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Roll Call

The meeting was called to order by chairman Chuck Campbell at 7:04 p.m in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Ed Karkow, Jody Perry, and Abden Simmons. Code Enforcement Officer Bill Najpauer was present. The audience included Forrest Bryant from Ralph's Homes, Christina Duffy, Frank Guistra, Tim Hanson of Cersosimo Industries, Andrew Hedrich of Gartley & Dorsky Engineering, Becky Orff, Robert and Jeanette Palmer, Liz Petruska, David Starr, David Stein, David Tolman, Nancy Williams and Ian Young.

1. Minutes of July 11, 2012

On motion of Karkow/Perry, the Board voted 5 - 0 to approve the minutes of July 11 as distributed.

2. Approval of Amendment to Subdivision Note #7 on Robinson Road Subdivision Final Plan approved on 10/10/07 (Tax Map 24 Lot 48 Lot #3)

Tim Hanson of Cersosimo Industries, Inc., was in with a re-submission of the same amendment request considered at the July 11, 2012 meeting. His reason for re-submitting the request is that the proposed amendment failed by a vote of 2 – 2 at the July meeting.

Cersosimo seeks permission to amend the approved subdivision plan to relocate the driveway serving Lot 3 from a point on Old Augusta Road on the lot line of Lots 3 and 4 to a separate driveway entrance for Lot 3 on Robinson Road, as shown on the proposed amended subdivision plan. Neighbors have objected to the proposed driveway location on grounds of safety, saying that traffic on Robinson Road frequently far exceeds the posted speed limit, therefore sight distances from the proposed driveway entrance need to be increased in both directions. They claim that the proposed new driveway location for Lot 3 on Robinson Road is unsafe and undesirable. Hanson said the proposed new driveway location meets all Town requirements.

Christina Duffy said that there is a wetland close to Robinson Road on Lot 3 containing low-bush cranberries, unusual in this area. This site would be disturbed by the proposed new driveway. Duffy said that at the July 11 meeting she gave out copies of minutes from the 2007 Planning Board

review and a letter from Lincoln County planner Bob Faunce. These substantiate most of the claims of Robinson Road residents opposed to the proposed new driveway location. She hopes that the Planning Board will be guided by the careful examination and site visit by members of the 2007 Planning Board.

Frank Giustra of Robinson Road read a letter from his wife Carolyn, who was unable to attend tonight's meeting. She urges the Planning Board to be guided by the decision of the 2007 Planning Board. Robinson Road already carries more fast traffic than a one-lane unpaved country road can safely handle. It is used as a short-cut by non-residents traveling between Old Augusta Road and Washington Road.

Nancy Williams, a Robinson Road resident, repeated her comments from the July 11 meeting. She hopes the Planning Board will stick with what was agreed upon in 2007 by the Planning Board.

There were no further comments from the audience. Board member Ed Karkow said he has been on the Planning Board since before 2007. He is sticking with the original decision about the driveway to Lot 3. Among other goals, the Planning Board seeks to minimize the number of individual curb cuts onto a public road. Allowing a separate entrance for Lot 3 goes against the Planning Board's general principles. Boardman noted that the proposed shared driveway entrance for lots 3 and 4 on Old Augusta Road is very close to the intersection with Robinson Road, which she thinks is unsafe. Having that driveway used by residents of two lots would make a bad situation worse. Campbell said that he understands the concerns raised by residents of Robinson Road, but that in his opinion these are not issues appropriate for the Planning Board to consider in its decision.

VOTE: On motion of Karkow/Simmons, the Board voted 4 – 1, Karkow opposed, to approve the proposed new driveway location for Lot 3 of the Robinson Road subdivision onto Robinson Road. Hanson provided a mylar original and two paper copies of the amended subdivision plan showing the approved driveway location and a revised Subdivision Note 7.

Frank Giustra asked whether he and other Robinson Road residents can request reconsideration of the Planning Board's decision. He was told that this would have to be taken to the Board of Appeals, on the basis that the Planning Board made an error. If Giustra and other opponents are not satisfied by the decision of the Board of Appeals, they can take the matter to Superior Court.

3. Conditional Approval of Site Plan, Stein, 105 Stoneywoods Road (Map R23 Lot 44C)

Andrew Hedrich of Gartley & Dorsky Engineering & Surveying and owner David Stein were present for review of the site plan to construct a house/office, research building and future portable greenhouse on 17.8 acres at 105 Stoneywoods Road. The Steins intend to live on the property. They and employees will raise food and create renewable energy for use on the property. They request a waiver of the requirement for a boundary survey and waiver of the requirement to upgrade the access road to 18', because of anticipated low traffic volume (one truck per week plus vehicle trips by the Steins and their employees). They claim that 95% of the property will be agricultural in use and only 5% light industrial. The existing private road is 14' - 18' wide and carries minimal traffic. They request waiver of the requirement for a boundary survey because there are already pins in several locations from previous surveys by Drew Greiner and John Black, and the nearest residence is 400 feet away. All proposed development will be 750-800 feet back from lot boundaries.

State and Federal permits are required. The DEP stream crossing permit has already been received. The IF&W permit will take a little longer.

Code Enforcement Officer Najpauer said the application appears complete. The written application addresses general and specific performance standards. Najpauer said that department heads have reviewed the application and had no comments. Approval will be contingent upon receipt of the required State and Federal permits.

Robert Palmer of 79 Nash Road (R23 Lot 44), a neighbor on Stoneywoods Road, expressed concern about increased truck traffic on Stoneywoods Road during construction, and possible odors from methane gas being generated during decomposition of organic matter. Hedrich said the applicants plan small-scale production, and that there will be no methane odor outside the building. None of the methane will escape to the atmosphere; all will be re-used on site.

David Tolman, who lives on Stoneywoods Road, expressed similar concerns about traffic, damage to the unpaved road, and odor from methane. Liz Petruska, executive director of Medomak Valley Land Trust, said that her office has received phone calls from people concerned about the effects of the process on water resources and the impacts of methane and ethanol being generated on-site. Owner David Stein said that decomposition of organic wastes will take place in a closed system. There will be no discharge of liquid effluent or gases into the environment. The greenhouse in which the system will operate has to be air-tight in order to grow plants in Maine winter conditions. Stein said if anyone ever smells anything, he wants to know, so they can fix it.

Jeanette Palmer said that the access road is on her property. Stein said he will repair the road if it is damaged by truck use during construction. She asked if Stein intends to widen the road. He said no, it will stay the same width.

Simmons asked Stein about plans to expand on the proposed site. Stein said they may add more greenhouses and do more aquaculture. The lot is only 17.8 acres, not suitable for a very large-scale operation. Larger-scale operations would be done on other sites. Simmons asked whether Stein would ever have a commercial operation on the proposed site. Stein said this is a pilot project, a research and development facility.

The septic system for the house/office is proposed to be located on the other side of the stream. This was the best site, according to site evaluator Doug Meservey. It is outside the 75' stream setback. The location of the future well is not shown on the site plan, to give flexibility to the well driller.

Chairman Campbell then went through the submission checklist. All pertinent items have been submitted. The nearest source of fire-fighting water is two miles away. On motion of Karkow/Perry the Board voted 5 – 0 to find that the application is complete.

There are two waiver requests. Road width: The written application discusses road width at the top of p. 2. Due to the mixed use of the property, with 95% agricultural and only 5% light industrial, the applicant seeks waiver of the requirement for an 18' traveled way and two-foot shoulders, and seeks permission to comply with intermediate private street standards for width, 16' width of the traveled way (p. 4-25 of 2011 revision Land Use Ordinance). On motion of Karkow/Perry, the Board voted 5 – 0 to grant a waiver for a traveled way width of 16'.

The applicant requests waiver of the requirement for a boundary survey. The property lines on the site plan are based on preliminary plans produced by Drew Greiner and John Black and survey-

based physical evidence. On motion of Karkow/Simmons, the Board voted 5 – 0 to waive the requirement for a new boundary survey and to accept the applicant's measurements as shown on the parcel schematic (bearings and distances as shown on the site plan).

The Board went through the General Performance Standards in Article 4 of the Land Use Ordinance. On motion of Karkow/Simmons, the Board voted 5 – 0 that the application meets all applicable general performance standards, with the exception of the two items requested to be waived: boundary survey and road width.

In Article 5, Specific Performance Standards Section C, Agriculture and Related Businesses, is inapplicable because it pertains to the keeping of barnyard animals, and the Steins do not plan to keep any such animals. In Section O, Light Industry, the applicant claims to meet all of the specific performance standards: 1) less than 30 truck trips per day; 2) noise not to exceed 50 decibels at any property line from 10 p.m. to 7 a.m. and not over 60 decibels from 7 a.m. to 10 p.m.; 3) outdoor storage of materials or waste not to exceed 1,000 s.f.; 4) will not create a nuisance by smoke, vibration, odor or appearance; 5) parking and loading not oriented towards any residence within 300 feet; 6) total footprint of all structures not to exceed 10,000 s.f.; 7) use qualifies as a low-impact activity. VOTE: On motion of Karkow/Simmons, the Board voted 5 – 0 that the application complies with all applicable specific performance standards for a light industrial use.

On motion of Karkow/Simmons, the Board voted 5 – 0 to grant approval of the performance standards as presented, conditional upon receipt of all necessary State and Federal permits, and to approve granting a permit for the Stein site plan, subject to the above conditions. Planning Board members then signed the site plan.

4. Conditional Approval of Application from Becky Orff to Remove Existing Mobile Home and Replace it with a Modular Home at 3495 Washington Road (Tax Map R23 Lot 8A)

Applicant Becky Orff and Forrest Bryant of Ralph's Homes were present for review of Orff's request for a permit to replace the existing mobile home on a non-conforming lot in the shoreland zone with a larger modular home. Lot 8A has road frontage on Washington Road and water frontage on the outlet from Medomak Pond. The proposal is to remove a 14' x 76' mobile home and replace it with a 28' x 48' modular home (28' x 54' on the rear) plus a 6' x 14' front porch, 10' x 12' rear deck, and a 24' x 24' attached garage. The proposed home will have a full basement. The closest corner of the proposed structure to the water is 50', the same measurement as the existing mobile home. The proposed location will allow connection to the existing well, septic system and electrical service.

The current minimum setback of structures from fresh water is 100' and the minimum setback distance from the road is 75'. All of the existing mobile home is within the 100' shoreland setback. Campbell said that in the shoreland zone, only a 30% increase in building size is allowed within the shoreland setback. The proposed new home would have 1300 s.f. within the 100' shoreland setback even without the deck and garage.

Code Enforcement Officer Najpauer said that a basement need not count toward the 30% increase if it is no more than 4' above grade. Najpauer has visited the site and taken measurements. It was suggested to shift the location of the garage to get it out of the 100' shoreland setback. If the proposed house location is partly within the shoreland setback and partly outside it, the portion outside the shoreland zone has no maximum size limit.

Orff and Bryant were asked to draw up a new plan with no more than a 30% expansion of structure within the shoreland zone. The Planning Board could approve granting a permit subject to compliance with the requirement that no more than a 30% increase in size can be located within the shoreland zone. The applicant could submit the revised site plan to Najpauer, who will notify the Planning Board and bring the revised plan to the Planning Board.

VOTE: On motion of Simmons/Karkow, the Board voted 5 – 0 to approve granting a permit to Becky Orff for a replacement structure at 3495 Washington Road, provided that no more than a 30% expansion in the size of the structure is located within the shoreland setback.

5. Other Business

A. Proposed Change of Use of A. D. Gray School from School to Recreational Use

The September 12 agenda will include a pre-application conference with representatives of the YMCA about a proposed change in use of the former A.D.Gray school building and property to recreation, if used by the YMCA. The roof currently needs repair. Najpauer can issue a permit for roof repair as soon as needed, as this does not pertain to the application for a change in land use.

B. Date for Public Hearing on Proposed Ordinance Changes, Property Maintenance Ordinance

The cut-off date for adding material to the warrant for Town vote in November is September 15. A public hearing must be held 14 days in advance. The Planning Board needs to schedule a meeting that will include the public hearings. The next regular Planning Board meeting is September 12. Board members agreed to meet on Wednesday, September 5, at 7:00 p.m.

6. Next Meetings: Special Meeting Wednesday, Sept. 5, 7:00 p.m.; Regular Meeting Wednesday Sept. 12, 7:00 p.m.

The Sept. 5 Planning Board meeting will be a special meeting to conduct a public hearing on two proposed warrant articles to be recommended to the Selectmen to be placed on the warrant for Town vote in November: 1) proposed amendments to the Land Use Ordinance, and 2) a proposed new property maintenance ordinance that is not intended as part of the Land Use Ordinance.

Adjournment: The meeting was adjourned at 9:06 p.m.

Certificate of Approval

I hereby certify that the above minutes were approved by vote of the Planning Board on _____.
(date)

Charles Campbell, Chairman
WALDOBORO PLANNING BOARD

Submitted by:

Susan S. R. Alexander