

Minutes
Town of Waldoboro
Planning Board Meeting
August 13, 2014

Roll Call

The meeting was called to order by chairman Seth Hall at 7:12 p.m. in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Ed Karkow, Jody Perry, Devin Prock (until 8:40 p.m.), and Ken Vencile. A quorum was present throughout. Assistant Code Officer Darryl McKenney was present as planning staffer pro tem, in the absence of a Code Enforcement Officer. The audience included Chuck Campbell, Janice Cormier-Hay and David Starr, Jr. The meeting followed a Planning Board workshop with Bill Najpauer at 6 p.m.

1. Approval of Minutes of July 17, 2014; Signing Minutes of May 14, 2014

On motion of Prock/Vencile the Board voted 6 - 0 to approve the minutes of July 17 as distributed.

Former Planning Board chairman Chuck Campbell signed the official copy of the May 14 minutes, which were approved at the July 17 meeting.

2. Old Business

2.1 Land Use Ordinance and Planning Board Manual Distribution; Land Use District Maps

Copies were given out of the most recent edition of the Town of Waldoboro Land Use Ordinance, as amended by Town Meeting February 25, 2014; the Planning Board Rules dated October 2002; and Maine Municipal Association's Manual for Local Planning Boards: A Legal Perspective, revised edition December 2011. The latest LUO update is also available on-line.

Planning Board members asked for full-size copies of the Town's land use district maps to be available in the meeting room during all Planning Board meetings, for reference. McKenney said they were usually in the room, but upon inspection, couldn't immediately locate them.

2.2 Wilderness Church Site Plan Application, 53 Mill St. – Tabled

David Starr, Jr., of Gartley & Dorsky Engineering and Surveying was in representing the Wilderness Church, which is considering placing a single-story pre-fabricated building on property at 53 Mill St. for use as a church. When last reviewed, the site plan application had several missing items: application fee; evidence of financial capacity; plan for ADA-compliant handicapped accessibility; and a statement regarding shielding of exterior lights.

A letter from Starr dated July 3, 2014, states that any exterior lights to be installed on the proposed church building will be shielded or down-lit in compliance with Ordinance requirements. Starr said that if the church decides to go forward with the proposed move, it will provide evidence of financial capability and pay the required fee. Hall said a statement has been received describing an ADA-compliant ramp for access from the parking lot. However, the parking lot surface is gravel, and Hall questioned if gravel is a permitted surface under regulations for ADA-compliant structures. Starr said that if the project goes forward, construction would be compliant with ADA requirements, as noted on the site drawings.

VOTE: On motion of Prock/Karkow, the Board voted 6 – 0 to find the Wilderness Church site plan application incomplete and table the application.

2.3 Handling of Land Use Ordinance Updates

Boardman has volunteered to chair a subcommittee to consider updates to the Land Use Ordinance, particularly the section on signs. She will obtain information from other towns. She will give a brief presentation at the next Planning Board meeting. There was discussion of whether to attempt to do ordinance revision at regular Planning Board meetings on the second Wednesday in the month, or to hold a separate meeting on ordinance matters on the fourth Wednesday in the month. Members favored separate meetings for ordinance revision. Ordinance items needing revision will be discussed at the September Board meeting.

2.4 Family Dollar Store Sign

The ownership of the chain of Family Dollar Stores is in transition. They plan to break ground on the new Waldoboro store this week. Hall has contacted Mackenzie Simpson of Hunt Real Estate Services (HRES), local agent for Family Dollar, by phone about the sign permit for a 70.8 sq. ft. sign, which is in violation of the local sign ordinance, which specifies a maximum size of 32 s.f. The Waldoboro Select Board granted a permit for a 70.8 s.f. sign, but later rescinded approval under pressure from Planning Board members and local residents. Family Dollar had approval for a 25 s.f. sign at the road, but not for a 70.8 s.f. sign on the building. Simpson is under the impression that he has an approved sign permit for both. Hall has told him the procedure for an appeal for a variance from the sign ordinance, through the Board of Appeals. At tonight's meeting McKenney said that when the sign ordinance went into effect, it was not possible to obtain a variance for size from the Board of Appeals.

McKenney said that he marked on the authorized sign permit written by assistant CEO Stan Waltz that the 25 s.f. sign at the road was approved, but that the 70.8 s.f. sign on the building was not approved, before mailing the permit form to HRES. According to McKenney, Waltz said he thought that he was signing a permit for a 36 s.f. sign, not a 70.8 s.f. sign.

Karkow said it is inappropriate for the applicant to go to the Board of Appeals at this point, because their application for a 70.8 s.f. sign has not been denied.

Simpson has had continued correspondence with Town Manager Briggs about the sign. Hall said he will talk with Briggs about what she thinks the situation is regarding the Family Dollar sign.

2.5 Update on Two Items regarding Select Board: Joint Meetings, Joint Letter to MMA

Hall has spoken with Select Board chairman Clint Collamore about two items. Collamore does not see a need for regular joint meetings of the two Boards, feeling that a meeting can be arranged at any time if needed. He also did not favor sending a joint letter to Maine Municipal Association signed by members of both Boards, requesting review of Waldoboro's Land Use Ordinance and Planning Board Rules.

Former Planning Board chairman Campbell commented that if we ask MMA whether Waldoboro's sign ordinance is legal, they will say that it is. The issue is not the sign ordinance itself, the problem

is enforcement. Selectman Ron Miller has said that Waldoboro's sign ordinance is "out of date". Campbell asked what this means.

3. New Business

3.1 Pre-Application Discussion, Activity Center, Cormier-Hay, 30 Manktown Rd. (Map R13 Lot 9)

Janice Cormier-Hay was in for pre-application review of a proposed activity center off Manktown Road on an existing residential lot in Route One Commercial A land use district. She plans a 6,000 s.f. building, or perhaps a 3,000 s.f. building that can be expanded. There is an existing 26' x 26' building on site, that formerly housed a small fitness center. She may add on to that building or build a new one. She has deeded access to Manktown Road over a 60' wide shared driveway. Activities will include dancing, tumbling, gymnastics, yoga, pilates, a fitness center, hobby clubs and other non-athletic leisure activities, plus perhaps a nursery school. Maximum occupancy would be around 30 people. She wants to know if the proposed activities are permitted in the Route 1 Commercial A land use district. [According to the land use matrix, a recreation facility or club requires Planning Board approval in Commercial A. A child care facility needs a permit from the Code Enforcement Officer.] She said she has discussed the proposed new use with neighbors.

Hall suggested that she get a copy of the site plan submission checklist from McKenney. This will tell her what is required to be submitted for a complete site plan application. She can inspect a copy of the Land Use Ordinance at the Town Office, or online, or buy a copy. She may also wish to check the site plan review checklist used by the Planning Board in determining whether the proposed use meets ordinance requirements. Hall suggested that she hire an engineer to work with her on the building.

She will need a septic system for the existing house and the new facility. Doug Meservey has been on site. She will need the required minimum number of parking spaces for the intended uses (the Code Enforcement Officer can advise her) and must maintain the minimum required setbacks from lot lines. She was told that she may need an entrance permit from MDOT for changing a private residential driveway into a commercial driveway.

She said she hopes to have application materials ready for review at the September meeting. Hall advised her that she probably will not be able to start construction before next spring or summer.

3.2 Bog Brigade Snowmobile Club: Permit for Drag Races, 432 Chapel Road, on September 28

The Bog Brigade Snowmobile Club requests a mass gathering permit for its annual grass drag races, a fund-raiser to benefit the Pine Tree Camp for crippled children. The proposed date is Sunday, Sept. 28, rain date Sunday Oct. 5. The club is supposed to notify the Code Enforcement Officer of the event 90 days in advance. In 2008 the Planning Board approved a multi-year permit for the years 2008 through 2012. The permit request will be on the agenda for the September 10 Planning Board meeting. The club requests the presence of police and ambulance service during the event. They are applying for a permit from the Maine Dept. of Inland Fisheries and Wildlife. The club must provide proof of insurance in order to receive a permit from the Town.

3.3 Notice of New FEMA Preliminary Flood Insurance Rate Maps

Property owners in Waldoboro whose land abuts a flood zone are being notified of possible changes in flood zone designations, which may affect insurance premiums.

3.4 Cider Hill Farm: Small-Scale Commercial Produce Operation in Village District, 72 Medomak Terrace (Map U11 Lot 40)

Hall has been approached by Josh Howell and Jeff Hurd, owners of Cider Hill Farm. They want to be able to grow small amounts of vegetables and herbs at Cider Hill Farm for use in cooking at the Narrows Tavern, their restaurant in Waldoboro village. A neighbor has complained that this is commercial farming, which he says is not an allowed use in the Village District. The neighbor is opposed to any enlargement of the existing garden. In Article 3 of the Land Use Ordinance as amended Feb. 25, 2014, p. 3-7, under Open Space and Rural Uses, the land use matrix shows that "Farm Operation, Small Scale" is an allowed use in the Village District. "Agriculture and Related Businesses" are allowed in the Village District with a permit from the Code Enforcement Officer. Under Commercial Uses, p. 3-8, a "Farm, Garden, Commercial" is not an allowed use in the Village District.

"Farm Operation, Small Scale" is defined on p. 16-9 of the LUO as including "the growing of crops primarily for household use but may include the incidental sale of produce or food products." Howell and Hurd would not be selling the produce retail; they would be using it in their restaurant business. To qualify as a "Farm, Commercial" under the Ordinance definition (p. 16-9), the land must yield a minimum of \$2,000 in gross farm income per year.

It seemed to Planning Board members that limited truck gardening should be permissible as an accessory use on this 25-acre former farmland parcel in the Village District, without the owners having to apply to the Board of Appeals for a variance. Perhaps the Land Use Ordinance needs to be revised to address this. McKenney said that when John Black was Code Enforcement Officer, he took the position that it was the CEO's decision how to interpret the Land Use Ordinance. Black would not have brought this matter before the Planning Board, but would have decided it himself.

3.5 Request to Provide Other Board/Committee Minutes to Planning Board Members

Vencile asked for copies of Select Board meeting minutes to be provided to Planning Board members on a regular basis, perhaps with Board packets for Planning Board meetings. He would also like to receive copies of minutes of other boards and committees. He realizes that some of these may be available online, but would like to receive them routinely, either as hard copy or as e-mail attachments. Hall said he will ask for Select Board minutes to be provided with Planning Board packets for the Sept. 10 meeting.

3.6 Items for Town Web Site

Town Manager Briggs has asked Hall what Planning Board related material he wants added to the public portal. This will be a discussion item at the next Planning Board meeting.

3.7 Planning Board Checklists

Hall has requested copies of the most current versions of all Planning Board checklists. He wants blank checklists to be sent to Planning Board members as part of Board packets for meetings, so that Board members can evaluate whether applications are complete. Campbell has sent copies of what he thinks are the most current Planning Board checklists.

4. Next Meeting: Wednesday, September 10, 7:00 p.m.

Adjournment: The meeting was adjourned at 8:53 p.m.

Certificate of Approval

I hereby certify that the above minutes were approved by vote of the Planning Board on

(date)

Seth Hall, Chairman
Waldoboro Planning Board

Submitted by:

Susan S. R. Alexander