

**Minutes
Town of Waldoboro
Planning Board Meeting
September 16, 2015**

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Roll Call

The meeting was called to order by Chairman Seth Hall at 7:02 p.m. in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Joyce Dupuis, Moose Genthner, Ed Karkow, and Bo Yerxa. A quorum was present throughout. Planning and Development Director Emily Reinholt and Code Enforcement Officer Stan Waltz were present. The audience included Chuck Campbell, Kirsty Karkow and Jann Minzy, plus applicants Tyler Overlock, Brian Devlin of Lepage Bakeries and John Kuchinski of Harriman Associates, the engineers working with Lepage Bakeries.

1. Welcome to New Members Joyce Dupuis, Richard “Moose” Genthner and William “Bo” Yerxa

Genthner is a member of the Economic Development Committee and Broadband Subcommittee. Yerxa is a former Planning Board member.

2. Minutes of August 12, 2015

On motion of Karkow/Boardman the Board voted unanimously (Dupuis, Genthner and Yerxa abstaining) to approve the minutes of August 12 as distributed at tonight’s meeting.

3. Approval of Site Plan for Lepage Bakeries Addition, Country Kitchen, 2956 Atlantic Highway (Tax Map R13 Lot 5B)

Brian Devlin of Lepage Bakeries and engineer John Kuchinski of Harriman Associates were in to describe plans for a 1680 s.f. addition to the existing building to add three more loading docks. There will be no increase in the number of trucks entering and leaving the site daily, and no additional employees. No additional parking spaces are required. There will be no change to the existing landscaping or the sign. The addition is on the rear of the building, no closer to the neighbors than the existing building.

Chairman Hall had a copy of the December 10, 1997 Planning Board minutes giving the terms of the original site plan approval.

Hall went through the Site Plan Submission Checklist. The application is for a land use requiring site plan approval in Route 1 Commercial A land use district. The following items have been received: 1) 12 copies of the plan and application; 2) fee paid; 4) locus map, location map, and boundary survey. The following was found not applicable: 3) department head sign-off sheet. 5) Existing conditions plan: The following have been received: a) title block; b) land use district; c) existing contours; d) buildings; e) existing driveway; f) existing utilities (CMP power; no public sewer or water); g) significant features including drainage facilities; i) existing surface water drainage; j) existing signs; m) name and registration number of professional who prepared plan. The following elements of the existing conditions plan were found not applicable: h) wetlands delineation; k) easements; and l) location of nearest fire hydrant or firefighting water supply.

6) Proposed conditions plan: The following have been received: a) title block; c) 1-foot contours; f) locations, dimensions and proposed use of building expansion; h) soil erosion and sediment control plan; i) stormwater management plan; m) professional certification; n) approval block. The following were found not applicable: b) lot lines, temporary markers; d) design plans and sight distances of roads, parking areas, driveways; e) easements, rights of way and legal restrictions; g) information about signs (no new signs are proposed); j) location and condition of dedication of parcels dedicated for public use (none); k) utility plan (no change to existing utilities); l) landscaping plan, buffering and screening (no change from existing).

7. Written documentation: The following have been received: a) right, title or interest in the property; b) description of proposed use; c) evidence that soils are suitable for the intended use; d) subsurface disposal system report; f) evidence of technical capability; g) evidence of financial capacity; h) construction schedule; i) estimated volumes of water and sewerage (no change from existing). The following were found not applicable: e) traffic impact analysis; j) statement from the utility providing water or sewer services (none).

VOTE: On motion of Karkow/Yerxa, the Board voted unanimously to find the Lepage Bakeries site plan submission complete.

Chairman Hall then went through the Site Plan Worksheet for Planning Board Review, that had been made out in advance by the applicants, and distributed to Planning Board members in advance of today's meeting. The application is for a land use requiring site plan approval. Under Article 4 General Performance Standards, the following were found applicable and conforming: A. air and/or water pollution; B. buffer areas; C. construction standards; D. electrical disturbances; G. lighting and glare; H. net developable acreage calculation (lot is 3 acres); I. noise; J. parking and loading; L. refuse disposal; M. sanitary provisions; N. signs; O. soils; P. soil erosion and sedimentation control; Q. storage of materials; R. stormwater management; S. street access, driveways; W. aesthetic, cultural and natural values; X. financial and technical capacity; EE. sufficient water; FF. conformity with Town ordinance and plans. The following items were found not applicable: E. Historic Village District architectural standards; F. Hydrogeologic assessment of groundwater impacts; K. phosphorus control (not in a lake watershed); U. traffic impact analysis; V. water quality impacts; Y. flood zone; Z. freshwater wetlands; AA. river, stream or brook; BB. spaghetti lots; CC. adjoining municipality; DD. access to direct sunlight.

Under Article 5 Specific Performance Standards, the only applicable standard is N. Industry/ manufacturing, warehousing, trucking, which was found conforming.

VOTE: On motion of Karkow/Boardman, the Board voted unanimously to approve the Lepage Bakeries site plan for an addition to the Country Kitchen building as presented. Planning Board members then signed one copy of the site plan. Devlin said he will send a copy of the signed sheet for the Town Office file.

4. Pre-Site Plan Review Conferences

a) Automotive Repair and Towing Business, Tyler Overlock, 2880 Atlantic Highway (Tax Map 13 Lot 5-2)

Tyler Overlock was in for preliminary discussion. He seeks a building permit for a 40' x 60' x 16' steel building to be used for towing service and automotive repair on a parcel two lots west of the Country Kitchen building on Route 1. He has cleared most of the trees from the site. It was suggested that he meet soon with his residential neighbors, the Grovers, and offer to transplant some young trees into a buffer strip along the lot line between his business and the neighboring residential structures. The lot is 5.2 acres, about 900' deep by 250' wide. There are no wetlands. He has been given a copy of the sign permit application form. He will need to provide a site plan and utility plan showing power pole locations and the location of any outside lighting. He already has a driveway permit from MDOT. He was told that he needs to submit all site plan application materials by 21 days in advance of the Planning Board meeting at which he wants to appear. The next meeting is Wednesday, October 14.

He was told that he cannot pour the slab or start putting up the building until he has a building permit from the Town. He was told that if he wants help in preparing the site plan application, there are people in town with experience who could help him, such as Chuck Campbell, an architect and former Planning Board member.

b) Additional Self-Storage Units, 1691 Realty LLC, 1691 Atlantic Highway, Tax Map U 5 Lot 12

Chuck Campbell was in representing Lynn and Robert Dains, owners of a self-storage facility on Route 1. They are considering adding two, or perhaps five, more self-storage units on Lots 12 and 12A. This would involve removing a vacant single-family house and barn. The first two units would go on Lot 12 and the next three units on Lot 12A downslope from Lot 12.

They need to get a stormwater permit from DEP. Campbell said that DEP regulations have changed since the Waldoboro Land Use Ordinance was written. Our ordinance requirements no longer meet the DEP standards. Holding stormwater runoff in a pond to minimize erosion results in warmer water, which encourages algal growth, which is undesirable. It may be possible to use existing fields to retard the runoff without creating a detention pond.

Campbell may try to present the Dains application at the November Planning Board meeting.

5. Chairman's Report

Copies were given out of an article from a recent Lincoln County News, about a planning workshop in the Town of Newcastle, "The Nuts and Bolts of Comprehensive Planning and Character-Based Coding", which will explore how comprehensive plans can lead to action and how a local character-based code can strategically guide development. The workshop will be led by personnel from Maine Design Workshop.

The contract with the firm that will lead Waldoboro's comprehensive plan revision was received today and will be signed this week.

6. Old Business

a) Cider Hill Event Center

Three local residents have contacted Hall asking whether the operation of the Cider Hill event center is in compliance with the terms of the permit. Hall said that such questions really should be addressed to Stan Waltz as Code Enforcement Officer. The issues are unresolved. The citizen's concerns are regarding the off-premise signage, which is illegal, and the presence of an ice cream truck on site, which is not in agreement with the Recreational Event permit from the Planning Board. The ice cream truck will be gone for the season soon. The permanent Cider Hill sign now includes mention of an on-going event, disc golf, available on a daily basis by payment of \$3 per player to a box on site. This is not in compliance with Cider Hill's permit, which is for six large events per year. The owners need to come before the Planning Board requesting to amend their permit.

b) Recommended Changes to Sign Ordinance – for Town vote in November? or defer?

The Planning Board has made a written recommendation to the Select Board for changes to the Land Use Ordinance sign ordinance section, to be placed on the warrant for Town vote in November. Copies were given out at tonight's meeting. Jann Minzy, chair of the Select Board, was present at tonight's meeting. She said that the Select Board will discuss the Planning Board's recommendation at its meeting next Tuesday. She also believes that the Planning Board must hold their own Public Hearing on the proposed changes before sending them on to the Board of Selectmen for consideration. She believes that at this time there are no other items for Town vote in November. It would cost \$1,000 to have a vote for just the sign ordinance changes. The Select Board may decide to postpone the vote.

7. Town Planner's Report

a) Nonconforming Signs

Reinholt spoke about the issue of nonconforming signs. More than half the signs on Route 1 are nonconforming. Since she started work here last fall, she has gotten more feedback and expressions of concern about the local sign ordinance than anything else. The Comprehensive Plan we have now is outdated. We had a visioning process four or five years ago. Reinholt is concerned that the changes suggested by the Planning Board do not reflect the priorities of townspeople. The Town is supposed to be encouraging businesses along Route 1. It won't help the Town's reputation in the business community if we make businesses replace their signs, many of which have been in place for a long time. She has the impression that business owners feel anxious and unwelcome when they appear before the Planning Board. They feel that the Planning Board does not want to work with local businesses.

Boardman said that we plan to have community meetings during the process of revising the Comprehensive Plan. We can deal with the issue of sign size as part of that revision.

Reinholt said that the Planning Board's suggested additions to the Sign Ordinance, proposed for vote in November, are not in line with a flexible, forward-looking spirit. Hall asked Reinholt whether she would speak at the next Select Board meeting in support of the Planning Board's suggested additions to the Sign Ordinance. She does not think it is appropriate for her to say what she thinks the sign ordinance changes ought to be. Reinholt said that the process began several months before she was hired. She felt that any significant changes should be postponed until the Town has a new Comprehensive Plan in place. She does not want to put the Town in a position where more businesses have nonconforming signs. She would recommend that the material the Planning Board collected some months ago be part of materials looked at during the Comprehensive Plan Review process. If the proposed language is not voted on this November, she suggests that the sign ordinance be looked at in a more thorough way in the future.

b) Comprehensive Plan Review

Reinholt said that she has met with the outside consultant who will work with the Comprehensive Plan Committee. The Committee will start to meet soon. She does not know how soon. She will issue a press release.

c) Non-compliant Signs

Chairman Hall said that he had a talk with Town Manager L.-J. Briggs and Reinholt yesterday. The Town Manager gave him the impression that the Town is resource-constrained, and that enforcement of nonconforming sandwich-board signs is not a high priority for a town with limited resources. Reinholt said that was not her take on the conversation. There is a history of non-enforcement of the sign ordinance.

Code Enforcement Officer Stan Waltz reported that he is drafting a letter on letterhead of the Town Manager, to be hand-delivered to every business in town with a non-compliant sign. He will refer the owners to the Waldoboro Land Use Ordinance Article 4 General Performance Standards, section N Signs, subsection 12 a

and b regarding removal of unlawful signs. Owners must remove such signs within 30 days from the date of receipt of a notice to remove from the Code Enforcement Officer. If the owner fails to remove the sign, the Code Enforcement Officer shall remove the sign at the expense of the owner, and may recover the expense of the removal from the owner (p. 4-16, LUO as amended Feb. 25, 2014). Hall asked Waltz whether there is money in the Town budget to pay for sign removal. Waltz said that many more sign permits were written this year than last.

8. New Business

Karkow announced that he is resigning from the Planning Board, effective tomorrow. Reinholt thanked him for his time on the Board and said his experience will be greatly missed. The Planning Board now needs to find two more members.

Reinholt said that she has met with George Seaver, owner of the Waldoboro Business Park. He will make a presentation about the construction of a large new building in his Park at the next Planning Board meeting.

9. Next Meeting: Wednesday, October 14, 7:00 p.m.

Adjournment: The meeting was adjourned at 9:05 p.m.

Certificate of Approval

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

(date)

Seth M. Hall, Chairman
Waldoboro Planning Board

Submitted by:

Susan S. R. Alexander