

Minutes
Town of Waldoboro
Planning Board Meeting
October 26, 2016

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Roll Call

The meeting was called to order by Chairman Seth Hall at 7:10 p.m. in the meeting room at the Municipal Building. Other members present were Joyce Dupuis, Sara Hotchkiss, Laura Mewa, Scott Simpson and Ted Wooster. (Ms. Mewa has just been appointed to the Planning Board. Tonight is her first meeting.) Planning and Development Director Emily Reinholt and Code Enforcement Officer Stan Waltz were present. The audience included Andrew Benore, Robert Butler, Elizabeth Foley, Becky Grover, Jerry Grover, Leona Grover, Mark Hallowell, Gina Hoffses, Judith Imm, Martin Imm, Jann Minzy, Nancy Noyes, Sandra Overlock, Elizabeth Petruska, George Seaver, Kathryn Tomaselli and Nancy van Vuuren. Also present were applicants Dan and Suzanne Goldenson and engineers Will Gartley and David Starr from Gartley & Dorsky, for the Reed Mansion site plan review; and applicant Tyler Overlock.

1. Minutes of Sept. 14 and Oct. 12 Planning Board Meetings and Oct. 4 Reed Mansion Site Visit

Consideration of the minutes of the September 14 and October 12 Planning Board meetings and the October 4 site visit was postponed to the next regular Planning Board meeting.

2. Adjustments to the Agenda

On motion of Wooster/Hotchkiss, Planning Board members voted 5 – 1, Simpson opposed, to move the agenda item Citizens' Comments to before Old Business, and to add a Chairman's Report after Town Planner's Report. (Both reports were later omitted due to time constraints.)

3. Citizens' Comment

Nancy Noyes of 20 Shady Avenue, a member of the Waldoboro Board of Appeals, asked why citizen comments should be heard before site plan applications. Chairman Hall explained that it is good to allow people to give general comments before review of site plan or subdivision plan applications, so that people who wish to speak do not have to wait until lengthy reviews have been completed. During site

plan or subdivision review, all comments are welcome.

4. Site Plan Review, Reed Mansion, 60 Glidden St. (Tax Map U4 Lots 46-4 and 46-5) – Goldenson Partners LLC

Applicants Dan and Suzanne Goldenson were present, along with engineers Will Gartley and David Starr of Gartley & Dorsky Engineering & Surveying. Chairman Hall read summary comments about the application. Article 2 C of the Waldoboro Land Use Ordinance requires a permit from the Code Enforcement Officer for any new use of a property that expands or changes an existing use. Hall asked CEO Waltz whether a permit had been issued before September 2016 for any work performed at the Reed Mansion this year. Mr. Goldenson replied that he had obtained a plumbing permit, but no permit for earthwork. **CEO Waltz stated that he could not issue permits without an approved site plan.** The original Goldenson LLC site plan application is dated August 31, 2016, and was for re-use of the property as a bed- and-breakfast. Since the Goldensons will not be living on the property, the requested use needs to be changed to an inn, run by a resident manager. Hall has not seen a new application, if one has been submitted. He asked whether a new application has been submitted. Engineer Starr said a new form was not submitted but that the application narrative states that the property will be used as a four-bedroom Inn.

By the time the original application was received, most of the site work had already been done, without a permit. Board members visited the site on October 4 along with Goldenson and some interested neighbors. Provision has been made for on-site parking for 15 vehicles, and a new circular driveway has been added off Glidden St.

Under Land Use Ordinance Article 6 Site Plan and Subdivision Review, D. Review Procedures, c. Planning Board Review, 6) decide on public hearing, the Planning Board may hold a public hearing once the application is deemed complete (LUO p. 6-8). **Chairman Hall stated that** the Reed Mansion site plan application is not yet complete. Chairman Hall asked Planning Board members to decide whether to hold a public hearing at tonight's meeting. With the consent of the Board, he invited the applicant to make a presentation. **The Findings of Facts submitted by Planning and Development Director, Emily Reinholt found the application to be complete.**

Mr. Goldenson said that he and his wife were interested in the Reed Mansion because of its great historic significance. Col. Isaac G. Reed was a town leader for over 40 years. He completed building the house in 1814 - 1816. In 1820 the Maine State Seal was designed there by his step-daughter Bertha Smouse. The Goldensons purchased the abutting one-acre lot to the south (Lot 46-5) and turned the upper part into on-site parking for 15 cars, below which they created a level site for outdoor events. They did not apply for a permit for this work, thinking that they were making no changes to the exterior of the building and that a permit was unnecessary. The abutter to the south, Kathryn Thomaselli, had a boundary line dispute with the prior owner of the lot between her house and the Reed Mansion. The Goldensons gave her the disputed 20' strip running from Main St. to Glidden St.

The house has four guest bedrooms. The Goldensons have added two new handicapped-accessible bathrooms. The property had been a bed-and-breakfast, and the Goldensons believed that their intended use was a continuation of an existing use, not requiring a new permit. Two

months ago the Goldensons invited all their neighbors to visit the property and tour the inside and outside of the building and the site.

Audience comments

- a) Nancy Noyes lives at 20 Shady Avenue, which runs between Glidden St. and School St., behind the Waldo Theatre and Ted Wooster's house.

She has lived in Waldoboro for 10 years and has served on the Waldoboro Board of Appeals for six years. She is concerned that the Reed Mansion is proposed to become an inn and an event venue. Her understanding is that the owner of a commercial property has to provide adequate parking either on-site or on the street. The proposed event use at the Reed Mansion may generate more vehicular traffic than did A. D. Gray when it was in use as a school. She said that the Town web site is no longer user-friendly, and it was hard for her to find out about tonight's meeting.

Town Planner Reinholt said that any event involving over 100 people requires a special event permit including plans for vehicle parking, submitted at least two weeks ahead of the event. There can be a limit on the number of events per year. Special event permits are issued by the Planning Board.

Ms. Noyes asked whether neighbors would be informed about the special events ahead of time. Reinholt said that the Town and the Goldensons working together can come up with guidelines so that neighbors and abutters are notified ahead of time. Police, Fire, EMS, and Public Works can come up with a plan to cope with a large number of vehicles and parking.

- b) Nancy van Vuuren, 16 School St., at the intersection of School and Glidden Sts.

Ms. van Vuuren presented a two-page written statement expressing her concerns about buffering of adjacent residential uses, parking, site lighting, frequency of special events, and use/rental of the commercial kitchen. She called for opaque evergreen buffers along property lines. There are no sidewalks on Glidden St. If two-way traffic is permitted, she is concerned about pedestrian safety. She said that currently only four residents of Glidden St. use cars.

- c) Laura Mewa, 24 Glidden St.

Ms. Mewa said she is all for economic development in Waldoboro. She bought her house a year ago, when plans for the event center were not yet common knowledge. She did not get an invitation to the Reed Mansion when the Goldensons invited neighbors several months ago. She is very concerned about the prospect of loud music outdoors, lights, alcohol consumption, public drunkenness, and lowering of property values for adjacent houses. She said that a homeless person has been living in a car on the Reed Mansion property. Planning Director Reinholt said that the Planning Board cannot use a possible increase in the crime rate as the basis for their decision about a proposed use. She encouraged people to talk with the Police Dept. about increased police patrols.

- d) Kathryn Tomacelli, 32 Glidden St.

Ms. Tomacelli called for an effective evergreen buffer between the Reed property and neighboring homes. The previous owner of the vacant lot next to the original Reed lot (now on-

site parking and outdoor events) illegally cut down trees on her property. Goldenson told her he would be happy to plant evergreen trees as a buffer.

e) Elizabeth Foley, 195 Jefferson St.

Ms. Foley said she is very supportive of the planned re-use of the Reed Mansion. She supports new businesses in town. When the Reed property was last used as a bed-and-breakfast, guests used to come down and picnic on her land on the west side of Jefferson St. next to the American Legion hall. She asked if the Goldensons can do something to inform their guests about respecting private property in the neighborhood. Tell them where they can walk without trespassing. Medomak Valley Land Trust is developing a public park along the river behind Bear Hill Hardware. She is concerned about noise levels from outdoor events, especially at night. There is a noise ordinance that should be observed. Will outdoor events include firecrackers and release of balloons?

f) Mark Hallowell, 68 School St.

He is concerned about overflow parking during events. A neighbor has a chronic condition that requires visits from the EMS. People may park in the driveway; an ambulance might not be able to get through. Hallowell does not want to see the Reed Mansion made into an event center.

What is the expected maximum occupancy for an event? Will neighbors be notified about events in advance? He bought his house in a quiet neighborhood and does not want that to change.

Goldenson said that they are not looking to have events involving 150 - 200 people. Their original idea was to have a modest bed-and-breakfast type of use with four bedrooms, plus small events and not many of them. They are not thinking of the Reed Mansion as an "event center". The business will be closed during the winter.

g) Jann Minzy, 205 Jefferson St.

She has lived across the street from the Reed Mansion for 40 years. She knew the property when it was a three-apartment building that housed a rock-n-roll band. The house has had five owners in the time she has known it. She welcomes the improvements the Goldensons have made.

There used to be five B&Bs in Waldoboro village; now there may be none. It is good for business to have people come to town, stay overnight, and spend money locally. The lot just south of the Reed house, that is now a parking lot and outdoor event venue, looks much nicer now than it did last year.

h) Liz Petruska, 80 Glidden St.

She submitted three-page written comments to the Planning Board earlier today. She states that the Goldensons have failed to meet several performance standards required by the Land Use Ordinance. There is no buffer along the north property line with her property. The LUO calls for a 25-foot buffer strip to separate incompatible uses. There will be increased traffic involving caterers and delivery vehicles. Her quiet enjoyment of her yard in the morning has been ruined by increased vehicle traffic and construction activity starting before 7 a.m. Off-street parking and loading areas are supposed to be screened from view by a continuous landscape area or fence not less than six feet in height. Special events must observe reduced noise limits between 10 p.m. and 7 a.m. A curb cut was made to accommodate the new oval driveway off Glidden St.

Petruska believes that the new driveway was created illegally, without a permit. She claims that the driveway has insufficient sight distance to the right, and that a low-volume driveway must have a grade of 2% or less for at least 25 feet in from the road. She claims the driveway exceeds this grade. She questions whether the driveway is one-way or two-way; if the latter (there are no signs), then only one entrance off Glidden St. is permitted, not two. The applicant is not following the rules set down in the Land Use Ordinance.

Reinholt showed a plan for the original driveway serving the Glidden St. side of the building. It had two entrances from Glidden St. The driveway the Goldensons have installed is like the original.

i) Martin Imm, 211 Jefferson St.

He and his wife live on the west side of Jefferson St. across from the former vacant lot that is now the parking lot and outdoor event venue for the Reed Mansion. The lot used to be a jungle; now the view is greatly improved. The Goldensons are doing a great thing for the town, caring for a lovely old historic property, and bringing new business activity to town. We should all be pleased and grateful.

j) A woman asked about erosion down the sides of the flat field on the newly landscaped lot south of the Reed Mansion. Reinholt also had concern about erosion. She had the Public Works Director look at the site and he found no cause for concern about erosion. Work has been done to mitigate erosion. Engineer Will Gartley said that one area of erosion has now been stabilized.

k) George Seaver asked about making Glidden Street one-way during large events. He recommended that the applicant should address this.

There were no further questions or comments from the audience.

Wooster said that the Planning Board needs more information about the numbers of people expected at events, an alternative parking plan for vehicles, and more information about off-site parking. He asked whether the applicants can address the questions raised at tonight's meeting in time to appear with a complete application at the November Planning Board meeting.

Simpson said that Petruska's comments about the new driveway need to be addressed, including the curb cuts, sight line distances, and grade. Hall said that Goldenson may need to request a waiver of the requirement for a 2% grade within 25 feet of Glidden St.

Goldenson said that many of the comments tonight from neighbors were new to him. He wants to meet the needs of the Town, the Planning Board, and neighbors. He is willing to enhance buffers along property lines. He is not expanding the capacity of the inn. There are still only four bedrooms, plus a manager's apartment. He is not planning any public events this fall. He will address buffering, expected size of events, and the number of events requiring off-site parking.

Chairman Hall said that he and the Planning Office can give Goldenson a summary list of items that need to be addressed in order to have a complete application.

Goldenson asked whether the proposed licensed commercial kitchen should be part of site plan review at the next meeting. Chairman Hall said that the kitchen was not part of the original

application. He suggested that Goldenson omit the commercial kitchen from the current application.

VOTE: On motion of Simpson/Wooster, Planning Board members voted 5 – 0 – 1, Mewa abstaining, to table review of the Reed Mansion site plan until the next Planning Board meeting.

5. Approval of Site Plan for Tyler’s Towing, 2880 Atlantic Hwy. (Map R13 Lot 5-2) – Tyler Overlock

Tyler Overlock was present to describe his plans to build a 40’ x 60’ steel building at 2880 Atlantic Highway for use in his towing business and for automotive repair. He will build a house on the back part of the property. The lot is in Route 1 Commercial A land use district, zoned for commercial business/residential. He will keep his tow truck in the building and have two lifts for automotive work. There will be no floor drains. Waste oil will be collected and burned in an approved furnace. Antifreeze will be stored temporarily in a barrel, to be recycled.

Chairman Hall went through the site plan submission checklist. The application is for a land use requiring site plan approval for a new non-residential building. The following items have been received: 12 copies of plan and application; department head sign-off sheet (received from Code Enforcement Officer, Public Works, EMS; Police and Fire waived); locus map, location map and boundary survey. The fee is to be paid at tonight’s meeting.

Existing Conditions Plan

The following items have been received: a) title block; b) land use district; c) existing contours; e) existing streets and driveways; f) existing utilities (none; three-phase power available); g) significant features; l) location of nearest fire-fighting water supply. The following items are not applicable: h) wetland delineation; i) existing surface water drainage; j) existing signs; k) easements; m) name and registration number of professional who prepared plan. (Overlock prepared the plan himself.)

Proposed Conditions Plan

The following have been received: b) lot lines (rear lot line missing); c) 2ft contours; d) design plans for roads, parking and loading areas, driveway; f) location and dimensions of building; g) location of proposed 4’ x 8’ sign; h) soil erosion and sediment control plan; i) storm water management plan; k) utility plan: CMP will set a pole on the lot; l) landscaping plan including buffering and screening (treed buffer strip on each side of property).

The following items have not been received: a) title block; b) rear lot line; d) sight distances at Route 1 (must be 250’ - 300’ in both directions); e) easements, rights-of-way and legal restrictions affecting the property: CMP easement for overhead transmission line is anticipated; n) approval block.

The following items are not applicable: j) parcels dedicated to public use; m) professional certification.

Written Documentation

The following have been received: a) property deed; b) description of proposed use; c) evidence that soils are suitable for intended uses; d) subsurface disposal system report, including satisfactory soil test for septic system; f) evidence of technical capability; g) evidence of financial capacity; h) construction schedule.

The following item is missing: septic design.

The following items are not applicable: e) traffic impact analysis; i) estimated volumes of water and sewerage (property is on individual septic system and well, not public water and sewer); j) statement from utility providing water or sewer services.

Overlock requests a waiver of the requirement for a minimum of 400' of road frontage. His lot has 250' of frontage. He has researched 14 businesses in the Commercial A land use district from the Warren town line to Wink's Auto, and finds that only five of them meet the requirement for 400' of road frontage. VOTE: On motion of Simpson/Wooster, Planning Board members voted unanimously to waive the requirement for 400' of road frontage.

VOTE: On motion of Simpson/Wooster, the Board voted unanimously to find the Tyler's Towing application complete, conditional upon satisfactory submission of the following: evidence of adequate sight distances at driveway entrance; soils information; an approved septic system design; and payment of the required fee.

Chairman Hall then went through the worksheet for site plan review. The application is for a land use requiring site plan approval. The following Article 4 General Performance Standards were found applicable and conforming: a) air and water pollution; b) buffer areas; c) construction standards; d) electrical disturbances; g) lighting and glare; h) net developable acreage; i) noise; j) parking and loading; l) refuse disposal; m) sanitary provisions (conditional upon submission of a satisfactory septic system design); n) signs; o) soils (conditional upon submission of report from soil scientist; p) soil erosion and sedimentation control; q) storage of materials; r) stormwater management; s) street access, driveways; v) water quality impacts; w) aesthetic, cultural and natural values; x) financial and technical capacity; dd) access to direct sunlight; ee) sufficient water; ff) conformity with Town ordinance and plans. The following general performance standards were found not applicable: e) Historic Village District architectural standards; f) hydrogeologic assessment of groundwater impacts; k) phosphorus control; u) traffic impact analysis; y) flood zone; z) freshwater wetlands; aa) river, stream or brook; bb) spaghetti lots; cc) adjoining municipality.

Chairman Hall then went through the Article 5 Specific Performance Standards checklist, finding all not applicable.

Jerry and Rebecca Grover and Jerry's mother Leona Grover were present. They own abutting land on the east side of the Overlock property (Map R13 Lots 5-3 and 5-3A). Mr. Grover said that Overlock started to build the building without the necessary permits. Abutters were not notified when building construction began. The Grovers request buffering and screening of their property from Overlock's commercial property. They want to know which way the bay doors will face. If the doors face east, lights will shine onto the Grover property. The Grovers are concerned about hours of operation, noise, lighting, and vehicles coming onto the property at all hours of the night.

Code Enforcement Officer Waltz said that customers coming in late at night is permitted in a commercial zone. The problem of lights could be mitigated by a 6' opaque barrier, such as a wall or a dense planting of evergreen trees and shrubs. Reinholt said there are already trees along the property line every 15 or 20 feet. Overlock could transplant white pines from the back part of his property to create an evergreen buffer along the property line. Overlock said he will agree to provide tree screening if he and the Grovers can agree on where the property line is.

Hall said the alternative is a 6' opaque fence, or an 8' fence in the case of incompatible uses.

The location of the common property line is in dispute. Overlock claims that Grover has been planting trees on Overlock's land. He wants screening to be on the property line, not 25' onto his land. Overlock claims that he has had his lot surveyed. Leona Grover said that she and her husband had their land surveyed years ago, and the survey stakes are still in place. Chairman Hall said that the property owners must resolve the boundary dispute themselves.

Mr. Grover said that Overlock's original application was for a towing business. Now he wants to do automotive repair as well. The Grovers are concerned at the prospect of junk vehicles and parts thereof stored outdoors on site. Hazardous wastes spilled or leaking onto the ground could contaminate their well water. Grover said that three or more junk vehicles on a parcel is classified as a junkyard by definition.

Discussion ended at 10:25 p.m.

VOTE: On motion of Wooster/Dupuis, Planning Board members voted unanimously to approve the site plan for Tyler's Towing, conditional upon satisfactory submission of the following: evidence of adequate sight distances at driveway entrance; soils information; a septic system design; and payment of the required fee.

6. Tabling Town Planner's Report, Chairman's Report

On motion of Simpson/Wooster, Planning Board members voted unanimously to table the Town Planner's and Chairman's reports. It was suggested to discuss having written reports at the next Planning Board meeting, under New Business.

7. Next Regular Planning Board Meeting: Wednesday, November 9, 7:00 p.m.

Adjournment: The meeting was adjourned at 10:30 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