

Draft 11/10/17 for review by SS, then PB members. Approved on December 12<sup>th</sup>, 2017.

Minutes  
Town of Waldoboro  
Planning Board Meeting  
November 8, 2017

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Roll Call

The meeting was called to order by chairman Scott Simpson at 6:04 p.m. in the meeting room at the Municipal Building. Other members present were Barbara Boardman, Sara Hotchkiss, Tara Pelotte, and Ted Wooster. Planning and Development Director Max Johnstone and planning consultant Bill Najpauer were present. The audience included Lawrence Allen, Judith Gifford, Frank Hill, Linda Mahoney, Carolyn Mott, Dominika Spetsmann, and reporter Alex Violo. Audience members except Violo left the meeting after the Waldoboro Store agenda item.

1. Minutes of October 11, 2017

Secretary Alexander suggested two corrections to the Oct. 11 minutes. Near the bottom of p. 1 in the first line under Audience questions and comments, Lawrence Allen's first name should be spelled with a **w**. On p. 4, in line 8 of the second paragraph in the Moose Crossing agenda item, the initials DEP should be changed to DOT. It is the Maine Dept. of Transportation that grants driveway entrance permits, not the Dept. of Environmental Protection. Johnstone said he will make these changes in the file copy of the October 11 minutes. With these two corrections, on motion of Wooster/Boardman, Planning Board members voted unanimously to accept the October 11 minutes as amended.

2. Waldoboro Country Store, 4 Bremen Road (Tax Map U11 Lot 41) – application withdrawn

34 signatures were submitted in advance of the meeting on a statement of neighborhood opposition to development plans for a tavern and game room on the lower level of the store at 4 Bremen Road.

Owner Dan Goldenson was present. He said that after listening to neighbors' concerns, he is withdrawing his application for any type of a bar in the lower level of the building. He will let the upstairs restaurant mature, and evaluate whether there is need for a downstairs extension of the restaurant. He may re-submit an application at a later date.

Chairman Simpson reported on the history of accidents at the intersection of Bremen Road and West Main St. /Old Route One. Between 2010 and 2017 there have been 16 vehicular accidents, with six personal injuries but no fatalities. The Maine Dept. of Transportation will look at the intersection in future. Najpauer said that DOT works on a two-year cycle. We can be persistent in urging DOT to review the intersection and consider actions to make it safer. The current speed limit on West Main St. is 35 mph. We can ask DOT to re-evaluate the speed limit. People can write letters and send them to the Town Office for transfer to DOT. On Route 32 in Bremen there is an electronic sign that displays vehicles' actual speed. Najpauer said these signs come from the Sheriff's Office. We can ask for one. A member of the audience asked for a sign "Dangerous Intersection". The volume of traffic has increased greatly in recent years.

Audience members left the meeting at the end of this agenda item. Simpson thanked them for attending.

3. Approval for Campground and Agriculture-Related Buildings, Pike, Tops'1 Farm, 364 Bremen Road (Tax Map R5 Lot 12)

Joshua and Sarah Pike own Tops'1 Farm, consisting of 83 acres on the east and west side of Bremen Road (Rt. 32). The Pikes' house and a guest house are on the east side of the highway, and are not part of the application. The land east of Bremen Road is in the Residential land use district, as is the first 400' west of the highway; beyond that, the land west of Bremen Road is in the Rural District. The ten individual campsites and bathhouse are in the Rural District, but the 30' x 40' event barn and a 20' x 25' addition are in the Residential District, as is event parking.

The Pikes live in Portland, and their children, ages 11 and 7, go to school there. The main season for events at Tops'1 Farm is from May to October, although there may be winter events and winter camping in future. The Pikes will be in residence in the summer and will raise animals and food crops. Paying guests can stay on the farm and experience and participate in farm-related activities. There are five A-frame cabins and five canvas tents on platforms, providing accommodations for 20 - 40 guests. The bathhouse is not open this winter. Sarah's mother will manage the property when the Pikes are not in residence. The new educational and event barn, which is heated, will provide space for educational gatherings and food-related events for up to 120 people. These special events will require individual mass-gathering permits. The Pikes estimate there may be up to 15 such events per year. They consider that their business is part hospitality, part farm, and part education, but more a campground than a commercial farm operation.

Fire Chief Paul Smeltzer has inspected the property and written a letter dated Nov. 8 to the Planning Board. He is requiring installation of additional fire extinguishers throughout the property, as detailed in the letter. Each of the campsites must have a Class A extinguisher. He recommends Class ABC extinguishers in the barn and bathhouse, in size and quantity based upon the National Fire Protection Association standard, NFPA 10, 2007 edition, copy attached to his letter. He also wants a sign at the road, "Tops'1 Farm". This will help both guests and first responders to find the property. The Pikes agreed to comply with the recommended and required items specified in the Fire Chief's letter.

A letter dated Nov. 8, 2017, from the Trustees of the German Protestant Society expressed concern about visual impact of the proposed parking lot serving the campsites. The Society owns and manages the German Protestant Cemetery on Bremen Road. They own Lot 10A immediately south of the church and just north of the Pikes' campground. Lot 10A may some day be needed for burials. They request that the Pikes' proposed parking lot be located further away from the lot line, in order to preserve quiet tranquility and visual appeal. Instead of relocating the parking lot, Planning Board members suggested visual screening. The Pikes agreed not to cut existing trees and bushes close to their north boundary line with Lot 10A, and/or to plant new trees along the property line if the Society so requests.

There is ample space for event parking around the event barn. There is a parking lot for 30 cars, and overflow parking can go in the field.

Hotchkiss said that the farm description is vague. She asked how the Pikes define a "farm". Najpauer said that the State defines a working farm as one that makes ~\$2,000 per year from crops and/or livestock. Farming can include experiential activities to supplement the revenue stream.

Planning Board members consulted the Schedule of Uses in Article 3 Land Use Districts in the Waldoboro Land Use Ordinance. On p. 3-7 under Open Space and Rural Uses, "agriculture and related businesses" and "farm operation, small-scale" are allowed in the Rural and Residential Districts. On p. 3-8, under Commercial Uses, a campground or tenting ground is allowed with Planning Board approval in the Rural District, but not in the Residential District. A "farm, garden, commercial" is allowed with Planning Board approval in the Rural District, but not in the Residential District. This category is intended to apply to large commercial operations. The Pikes say that what they are planning is more a campground than a commercial farm operation. They plan to have a farm stand, intended to serve mainly their campers, although they

probably could not exclude other customers. Farm stands are allowed with a permit from the Code Enforcement Officer in all land use districts except the Industrial District.

Boardman said the parking lot for the event barn should have visual buffers between it and Bremen Road. Hotchkiss said it would be helpful if the site plan showed the location of neighboring houses. Pike asked if Planning Board members would like to make a site visit to the property.

Simpson asked whether the Pikes would be required to get a separate permit for each event. Najpauer said not if the event were related to farming. An event unrelated to farming, such as a wedding, would require a separate permit. The definition of "mass gathering" on p. 16-16 of the Land Use Ordinance is "the gathering of more than 100 people for an event other than a birthday party, wedding, or similar family gathering at a location not already approved for such a gathering". Najpauer suggested that the Planning Board could in this case decide to require a mass-gathering permit for all events involving more than 100 people, or involving more than a specified number of cars parked on-site. Pike said they would schedule large events on one side of the road only, so that large numbers of pedestrians would not be crossing the highway.

The Pikes plan to sell wine and beer at the camp store for their guests to take to the campsites. This requires them to have a retail liquor license. Neighbors have been concerned about people other than farm guests buying liquor at the camp store. A wedding party or similar event in the barn would be catered, and the caterer would have the appropriate license. The location of the camp store should be added to the site plan. (The written application says it will be in the basement of the event barn.)

Boardman asked about the farm stand. She asked to have the location of the farm stand put on the site plan. She said there are two types of farm stand: one that sells only products raised on the premises, and one that can sell other produce also. Hotchkiss said that a farm stand is required to be a certain minimum number of feet back from the public road. CEO Waltz can advise the Pikes about these requirements. Pike said their intent is to have the farm stand mainly for people staying at the farm, but they cannot prevent members of the public from using it also.

Sarah Pike summarized missing material that they need to supply: the location of the 12' x 10' camp store and the farm stand, and the required liquor license. The written application material states that the farm stand will be by the parking lot at the south end of the new barn. They have a campground license from the State of Maine. They seek approval from the Town for the bathhouse, sleeping cabins, farm stand and event barn. They have a sign permit from CEO Waltz.

Hotchkiss was troubled about having an event center with a commercial kitchen located in the Residential land use district. Once approved, the business could get bigger and bigger, and less and less agricultural. Boardman said that having an event center in a Residential District is a fundamental incompatibility. Wooster said that the whole State of Maine has small farms that have branched out into other activities in order to remain financially viable. Pike said they built their barn in good faith with a permit from the Town of Waldoboro for agricultural and related uses. Najpauer said that the Waldoboro Land Use Ordinance does not have a definition for "agriculture-related uses". The LUO does not give us any guidance.

With regard to the request from the German Protestant Society to move the campground parking lot further away from the north property line, Pike said he is willing to plant new trees along the common lot boundary if the Society wants this. Boardman suggested putting a note on the site plan, "Existing screening to remain".

Najpauer asked for a signature block to be added to the site plan, for Planning Board members to sign and date the approved plan. He said that the Tops'l Farm site plan application is complete, and has been checked by both him and Johnstone. Boardman pointed out that at least one of the proposed uses is apparently not allowed, according to the Schedule of Uses in Article 3 of the Land Use Ordinance: "Farm, Garden, Commercial" is not an allowed use in the Residential District (p. 3-8). If the barn is to be used for educational events, public and private schools are not a permitted use in the Residential District (p. 3-9).

Chairman Simpson called for a motion on which to vote. The Pikes are applying to operate an agriculture-focused campground and event center on the west side of Bremen Road (Route 32). They will need to get individual mass-gathering permits from the Town for each event that involves more than 100 people. They need to provide a site plan that shows the location of the campground, campground parking, the camp store, the farm stand, the barn/event center, the driveway, event parking, and setbacks from Bremen Road, and that has a title block for signatures of Planning Board members and the date of approval. The site plan should also include a note about maintaining existing vegetative screening between the campground parking lot and the north property line with Lot 10A belonging to the German Protestant Society. Planning Board members agreed to limit the number of events requiring a mass-gathering permit to 15 events per year having more than 100 people attending. This could be five private weddings, five curated weekends, and five themed dinners.

VOTE: On motion of Wooster/Pelotte, Planning Board members voted 3 - 2, Boardman and Hotchkiss opposed, to approve the application of Joshua and Sarah Pike to operate an agriculture-focused campground and event center at Tops'1 Farm, 364 Bremen Road, on the west side of Bremen Road, with the following requirements and restrictions: a separate mass gathering permit is required for each event that is expected to have more than 100 attenders, and there shall be no more than 15 such events in any calendar year. The applicants shall provide a site plan that shows the location of the campground, campground parking, camp store, farm stand, barn/event center, driveway, event parking, and setbacks from Bremen Road, and a title block for signatures of Planning Board members and the date of approval. The site plan should include a note about maintaining existing vegetative screening between the campground parking lot and the north property line with Lot 10A belonging to the German Protestant Society. The Pikes must follow Fire Chief Smeltzer's recommendations regarding the number, type and location of fire extinguishers.

#### 4. Town Planner's Report

Johnstone reported that Hotchkiss and Smolin will attend the workshop for new Planning Board members at 5:30 p.m. on Tuesday, Dec. 5 in Lewiston.

Johnstone knows of no new applications for Planning Board action at the December meeting. If no complete applications are received by the deadline, the agenda for the December meeting will include continued revision of the Shoreland Zoning Ordinance and consideration of Land Use Ordinance Article 10, Non-Conforming Uses.

Pelotte requested copies of maps given out by Emily Reinholt at her last meeting with the Comprehensive Plan Revision Committee, containing suggested changes to land use district boundaries.

#### 5. Comments from the Planning Board Members

Simpson said there will be a meeting of Dutch Neck residents this Saturday, Nov. 11, to discuss a proposed public/private aquaculture project possibly involving clams and oysters. This is a pre-public meeting intended for local residents. A formal public hearing will be needed if the project is to move forward.

#### 6. Next Regular Meeting: Wednesday, Dec. 13, 6:00 p.m.

Adjournment: The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Susan S. R. Alexander

#### Action Item:

Johnstone to make two corrections to file set of Oct. 11 Planning Board minutes (see p. 1, item 1 above)

Johnstone to make copies of Land Use maps at the request of Pelotte