

**01/03/05**

Minutes  
Town of Damariscotta  
Planning Board Meeting  
January 03, 2005

**Contents**

1. Review draft of minutes of December 06, 2004 meeting
2. **Public Hearing** – Romeo's Pizza Site Review Application to erect a second building at 436 Main Street –part of which is to be leased to a Dunkin Donuts Franchise.
3. Preliminary Site Review Discussion – Hannaford Brothers Supermarket expansion – Main Street Damariscotta
4. Site Review Application – Christine DeOnis – Change in Use - Pastry Shop – 212 Main Street
5. Preliminary Discussion – Dean Knott – Change in Use – House on School Street – conversion to commercial use – possible new location of Candy's Kitchen
6. Site Review Application – David Wase (George Parker Representing) – Change in Use – Geoff Powell, Owner of property to rent space off Powell Lane for use as office space

**Roll Call**

Acting Chairman Fred Sewall called the public hearing to order at 7:01 p.m. George Parker was representing Romeo's Pizza. The regular meeting of the Damariscotta Planning Board began immediately following the public hearing at 7:40 pm. There was a quorum present throughout. Members present were Fred Sewall, Paul Stevens, Jonathan Eaton, Wilder Hunt, and George Parker. The audience included:

- Mary Gamage, Representative of Hannaford – P O Box 1000 Portland, ME 04104 – store expansion, Main St
- Doug Boyce, Representative of Hannaford – P O Box 1000 Portland, ME 04104 – store expansion, Main St
- Chris Osterrieder, Consultant – Hannaford store expansion, DeLuca – Hoffman Associates, 778 Main Street, Suite 8, South Portland, ME 04106
- Alison Sirois, Applicant, P O Box 538 Damariscotta, ME 04543 – proposed pastry shop, Main Street
- Crissi DeOnis, Applicant, P O Box 1432 Damariscotta, ME 04543 – proposed pastry shop, Main Street
- Chester Rice, P O Box 99 Damariscotta, ME 04543 – abutter to applicant – Hannaford
- Don Pierce, P O Box 357 Damariscotta, ME 04543 – abutter to applicant - Hannaford
- Jeff Pierce, 577 Egypt Road, Damariscotta, ME 04543 - abutter to applicant - Hannaford

- Steven Pierce, 1182 Alna Road, Alna, ME - abutter to applicant - Hannaford
- Ellen Peterson, 188 School Street, Damariscotta, ME – Concerned Citizen
- Sherwood Olin, Reporter, Lincoln County News
- Dean Knott, 116 School Street, Damariscotta, ME 04543 - owner / applicant- preliminary discussion - change in use – School Street property
- Dave DaRosa, 34 Cushnoc Lane, Brunswick, Maine 04011 – representative – Dunkin Donuts
- Dimitrios Mihos, P O Box 608 Scarborough, Maine 04074 – Owner / Applicant, Romeo’s Pizza, 436 Main Street, Damariscotta
- Robert Strong, 86 Elm Street, Damariscotta, Maine 04543 – Abutter to applicant – DeOnis, 212 Main Street
- Charlotte Peterson, 188 School Street, Damariscotta, ME – Concerned Citizen
- Matthew Doughty, P O Box 761 Damariscotta, ME – Concerned Citizen
- Ryan Cox, 146 Church Street, Damariscotta, ME – Abutter to applicant – Romeo’s Pizza, 436 Main Street
- Andrea Cox, 146 Church Street, Damariscotta, ME – Abutter to applicant – Romeo’s Pizza, 436 Main street
- Peter Powell – Concerned Citizen – David Wase project on Powell Lane
- Brent Hallowell – Concerned Citizen – Board Member, Damariscotta Selectmen
- Art Meyers, Reporter, Lincoln County Weekly

## **1. Minutes of December 06, 2004**

The Board reviewed the draft of the minutes for the December 06, 2004 meeting. On a motion from Fred Sewall and a second by Paul Stevens, the Board voted 3-0 to approve the minutes as submitted.

## **2. Public Hearing – Romeo’s Pizza Site Review Application to erect a second building at 436 Main Street –part of which is to be leased to a Dunkin Donuts Franchise.**

Acting Chairman Fred Sewall called the public hearing to order at 7:01 p.m. George Parker was representing Romeo’s Pizza. Sewall asked Parker to put the plans up for the audience to see and to explain the project. Parker told the citizens present that the original application was submitted back in November for review. He pointed out the location of the existing Romeo’s building, as well as the new building. He showed the direction of inbound traffic and the location of the drive up window and lane and existing and proposed parking. Parker told the audience that a site visit was preformed with the Board, applicants, and abutters present. He went on to discuss some of the issues brought up and told the Board that what he felt came out of the site visit was that the abutters wanted a fence tall enough to block the view to the back of the property as well as some plantings. Parker stated that there were plantings

on the property at this time, but acknowledged that they were not very big as of yet. He felt the proper plantings could negate the need for the fence once they were full-grown and providing adequate screening, but that would remain to be seen. He stated that another issue brought up by abutters in November was the early morning hour traffic & noise from both deliveries and customers.

Parker then asked property owner Dimitrios Mihos if 5:30 am was a fairly typical time of opening. The Dunkin Donuts representative confirmed this was their usual opening time. Parker stated that there was also concern regarding deliveries at the rear and the noise of those large trucks. He told the Board that it had been agreed that all deliveries would be made through the front doors to avoid this issue. Parker showed the Board the location of lighting on the site plan. He told them the lights would be on a timer and set to go off at 10pm. He went on to say that the style of the new building would mimic the basic style of the current Romeo's building, but that some of the specific requirements by Dunkin Donuts remain to be decided. Parker advised the Board that the DOT application for traffic moving permit had been submitted just before Christmas and they've not heard back regarding the application at this point.

At this time, Acting Chairman Fred Sewall opened the floor for public questions & comments. He asked members of the audience to please raise their hands to be recognized and speak one at a time. Sewall recognized Andrea Cox who asked about the DOT application process. She wanted to know what the next steps were before any decision was made. She asked if there would be another Planning Board Meeting. Sewall told her there could be a decision made at the next Planning Board Meeting if the applicants have everything required. Parker told her that he had never been through a DOT traffic moving permit process, so he was not sure exactly how long that will take. He went on to tell Ms. Cox that once the State received the application they would first decide whether or not it was a completed application. If deemed complete, they would set up a scoping meeting with the parties involved and then they do their part. Parker told Ms. Cox that it could very well be several months before the State was done with the application. Ms. Cox then asked if the Planning Board was waiting to hear a decision from the DOT at this point. Sewall agreed that the DOT permit results were all that was missing from the application at this point. Sewall told her it would be address at a regular monthly Planning Board meeting, the first Monday of each month. Parker stated that in all fairness to everyone involved the applicant would probably send out notices to abutters again notifying them of the next meeting.

Ellen Peterson expressed concerns about the large amounts of trash that comes from the types of businesses that have drive ups. She went on to say that there was a tremendous amount of litter on the sides of the roads after McDonald's came into town. Jonathan Eaton stated that the Board could not account for the piggery. The business could not be held accountable for that, the police should bust violators. Sewall stated that he would assume that Dunkin Donuts has outside receptacles for trash just as McDonald's does. Eaton stated that one seldom sees trash & litter around the places of business because they have people to pick it up and keep it picked up; most of the litter

is off site. Ms. Peterson asked if the Board could require an agreement with the businesses that they be responsible to clean up the sides of the roads within a specific distance from the offending business. Eaton stated that he doubted it, there was nothing like that in the ordinance and they could only enforce the ordinance as written.

Andrea Cox asked about the voting process since George Parker was involved in the project and would not cast a vote. The Board told her it was majority vote of the 4 remaining members of the Board. Charlotte Peterson asked how the Board decides to approve or disprove an application. Sewall explained that the application had to meet the criteria of the ordinance in order to be approved. He went on to say that an application could be denied if any single part of the ordinance cannot be satisfied. He continued on to say that some parts of the ordinance are left up to the Board's judgment and the Board usually makes that judgment based on past experience and what is considered reasonable. Ellen Peterson stated that she always thought of the Planning Board as protecting the best interest of the Town and help to economically foster growth in the right areas of town. She went on to say she felt the businesses should be kept in the downtown area so that traffic would be drawn to the other businesses already in the downtown, instead of a business that encourages zooming in and zoom out. Sewall explained to her that the Board only interprets the ordinances – those things could be considered for future planning, but they would not come into play for this project. Ryan Cox read from the ordinance and stated that he felt strongly that a Dunkin Donuts would adversely affect his property values as an abutter. He told the Board that in his opinion the project did not meet the criteria of the ordinance on several points, including reasonable hours of operation, adverse effect on surrounding properties, undue noise, visual characteristics of the town, general health & welfare of the community...etc He told the Board he felt this was within their authority to deny this application. He went on to tell the Board that he had a concern about setting a precedent for big box stores when they start coming to town, that they will all start opening up at 5am because the Board allowed this project to move forward. Sewall told Mr. Cox that he bet several business already do open at 5am and he did not see how the Board would prove that it was unreasonable to do so. He went on to say that if the Town wants business to survive in Damariscotta, they couldn't be too hard on them; they have to find a reasonable middle ground. He told the audience he could understand their somewhat bias opinions on this project. Mr. Cox told him there was no question they were bias. Sewall went on to tell them that the Board has to establish what reasonable middle ground is and that is how they make a decision. He told them that it was something the Board struggles to answer each time and they work hard to establish a buffer where both residential and commercial properties can co exist, there is no clear line.

Andrea Cox told the Sewall that she hears the Board's concerns, she understands that the Board cannot just give in to the abutters, but she stated that she hoped the Board would not allow Dunkin Donuts to do whatever they wanted either. She stated she agreed with Sewall about there being a middle ground and buffers are definitely part of that, but she felt strongly that hours of operation should also be a part of it. She went on to say it is written in

black & white that the Board is trying to balance the two worlds in a number of different ways. She stated that she hoped that the Board would work with all of them in helping maintain their current quality of life. Ms. Cox mentioned the plowing and sanding of the parking lot and that it has occurred at 3am or earlier already this season. She went on to tell the Board that she hoped they would not say too bad it's something she has to just deal with, she hoped they would work with them to find that middle ground. Sewall told her that would all be part of the process. He then asked if anyone on the Board had anything further to say about it. Eaton agreed that there was more work to be done on it. Paul Stevens stated that in his opinion roads need to be plowed and are plowed on a daily or weekly basis, with the same kind of noise in the same general area. Ms. Cox told him that plows on the road do not stop for 20 + minutes and go back & forth – it takes quite a bit of time for them to clear the parking lots. She went on to say that if Dunkin Donuts is to get deliveries at 4am and it snows, then she can expect no exception to being woken up at 3am and being kept awake. She further stated it would be quite a different story if they were to open at 7am and needed plowing and or deliveries at 6am – that translates to being awakened early on occasion instead of being awakened in the middle of the night. Stevens stated that he hoped the owner in their wisdom would try to cooperate with abutters on this matter. At this point Stevens invited the owner, Dimitrios Mihos to stand and speak about it. Mr. Mihos told the Board that he has a concern that when you contract a company to do plowing and sanding, he the owner has very little control over when the contractor will show up to do it, he told them it is the same with any business in town. He said it would be hard for him to say the lot would never be plowed before 7am, as he did not control it. Sewall told the room that the Board must treat this business the same as every other business in Damariscotta. They must be fair as a lot of other business abut residential land. Paul Stevens stated that he understood the Cox's point but that area was experiencing tremendous growth and it was not likely to get any better.

Ms. Cox stated that she feels the Planning Board has control over the growth. Stevens agreed they do, to whatever degree they can, based on the ordinances in place. He went on to say Main Street on the whole is growing fast and there will be more activity. Mr. Cox stated that other planning boards place stipulations on businesses to protect the appearance of the community. He gave examples of the McDonald's in Freeport and the Rite Aid in Camden. He told the Board those are really nice storefronts that fit in with their surroundings very well. Charlotte Peterson stated that this Town survives primarily on tourism and therefore must be protected so that it stays different from other towns so that the people will still want to come to the town. Sewall told them that this Board did not write the ordinances; they only enforce what is written. He stated that they did not necessarily disagree with what was being said but the place to make those changes to the ordinances was through the town. He stated that they had to use their best judgment in enforcement. Alison Sirois asked if an environmental impact study is required in regards to storm water run off as it pertains to the project. Sewall stated that he assumed it was part of the plan as required by ordinance. Charlotte Peterson agreed it would be a good idea – more cars means more oil etc going into the river. Parker stated he did not believe this would be an issue with this project

because of the size of the development, he indicated under 3 acres did not require this type of study. Ms. Peterson asked if there would be any restrictions on the type of use of the rest of the building. Sewall told her not at this time, it is only specified as far as retail. Parker stated it was a fairly small space. Ryan Cox asked who did the traffic study. Parker told him that Bill Eaton, a traffic engineer out of Brunswick did the traffic study; DOT has to review his study to see if anything needed to be changed or improved to ensure the safety of all. Andrea Cox asked when the “peak” hours of 330 trip per was expected to be. Representatives from Dunkin’ Donuts stated that they expect peak hours to be between 7:30 am – 9:30 am. They went on to explain how the 330 number is arrived at. When a vehicle comes into the drive and leaves that is counted as 2 trips.

Acting Chairman Fred Sewall asked if there were any other important questions from the audience. There being none, he brought the public hearing to a close at 7:40 pm.

### **3. Preliminary Site Review Discussion – Hannaford Brothers Supermarket expansion – Main Street Damariscotta**

George Parker updated those present on the site visit that occurred last month. He told everyone that he had been able to obtain a topographical map from before the original Hannaford Supermarket was built. He showed the map to the Board and went on to say that it showed fairly clearly that the whole property drained in the same general direction as it does now, it did not go across the street. Only the Warner property and a few properties at the beginning of Biscay Road drained across the road. He stated that there was some implication that Hannaford’s being built changed the course of the water, and this map clearly shows it did not.

Chester Rice asked when the topographical map was made. Parker read from the map – 1978. Rice argued that the lot was filled in long before that, and the before that the water never went the way it is now, it went to the river by way of a culvert under what is now Main Street, and down by Yudy’s, this being the same argument Mr. Rice has presented at the last 3 preliminary discussions. Parker told him that they can only go by what is in writing and that was the situation when Hannaford purchased the property. Mr. Rice agreed, but further stated that he has dug ditches in that area for over 40 years and he knows what direction the water drained in before that.

Parker told the room it was not a formal meeting and that the Hannaford Representatives have come back to them for another preliminary site review discussion primarily because they would like to present another idea toward a solution regarding the storm water management.

Doug Boyce told the Board that after the last meeting and the site visit; they felt they were charged with taking a harder look at the water drainage; where it was coming from, in what quantities, and what if anything they could do about it. He told the Board that what they’ve come up with is essentially creating a

larger pond and reducing the parking at the side of the building. The pond in the new size will collect 100% of the drainage created by the entire developed property. He stated that they were addressing it as if they were just developing the raw property today. The pond will be in the same general location as shown before, but would be a lot larger and deeper. He showed the Board on the site plan that in an attempt to regain some of the parking lost by increasing the size of the pond, they are going to do away with the fire suppression water storage tank that currently lies between Main Street and the Hannaford parking lot. He showed the Board how they plan to cut down the mound and create additional parking in that space. It would not get used on a regular basis but during peak summer times it would be available. He assured the Board that with the work the Water District has done over the years; they now have sufficient pressure and flow to bring the direct line off the main into the store as demonstrated by a recent flow test.

Doug Boyce told the Board that Chris Osterrieder from Deluca-Hoffman Associates has done the calculations for the storm water, using what they knew from 1978. He stated that the pond will have a flow control device on it and the discharge pipe would take it to the same stream it goes to today, but they will relocate the discharge pipe, still on Hannaford's property, but further down stream in order to avail themselves of the extra depth of the pond. He stated that if the Board agrees that this is an appropriate solution, they will submit a copy of the completed storm water management report required by DEP with their application for Site Review with the Town. Boyce felt by making the post development peak discharge rates less than or equal to but no greater than what was occurring on that land in 1978, in raw land state is definitely something they can accomplish with this plan.

Wilder Hunt asked Boyce for clarification on the statement that the run off using the new pond size & system would be similar to the run off before the land was developed. Boyce explained how storm water management works, where the numbers come from. He told Hunt they will keep the peak rate in the storm water pond. It does not mean the same amount of volume over time, any time pervious land or green space is converted to impervious land there is more water running off that property over time. There is nothing that can change that fact. DEP regulations have dictated that it be held for a period of time and release it at a controlled rate so that anyone down stream does not see a surge of water in large velocities. Mary Gamage reminded the Board and the audience members that their original plan, submitted at the previous month's meeting was a plan that DEP had preliminarily approved, so they did not have to go any further, but the company chose to go above and beyond the DEP requirements to try to address some of the concerns brought up at the last meeting.

Boyce told the Board that they have completed a traffic study since the last meeting as well and that copies were available for them. He went on to say that it just confirms what Hannaford has told the Board verbally regarding the extent of the improvements necessary and that they are prepared to make. These consist of widening the road directly in front of the entrance to allow for turning lanes in both directions. There will be a left turn lane in the center for

use by Southbound traffic to enter Hannaford as well as Northbound traffic to enter the Chasse complex. There will also be a right turn / de-acceleration lane. He went on to explain that the road will begin to widen at Biscay Road and continue on past the store to taper gradually back to 2 lanes near Caldwell Banker. Most of the true widening of the road occurred in front of the Hannaford property. There also proposals for striping and realignment. Jonathan Eaton asked if he understood the drawing correctly to be 4 lanes in front of the store. Boyce told him he was correct; there would be a total of 4 lanes. Eaton then questioned a gray area on the drawing. Boyce told him it was a stippled area – a small median raised concrete of approximately 1”. He went on to say it was meant to be driven on, it’s more of a reminder that the road is changing and cause the through traffic to adjust their positions. It will also allow for a more formal delineation of the 2 lanes headed North at the traffic light, it’s been painted on the pavement for a few years, their plan will formalize that. He went on to explain that the driveway across the street, into the Chasse complex is going to be realigned to match what Hannaford does, so those entrances will be directly across from each other, this will also do away with the 4 way or T in the Hannaford parking lot. Eaton asked what the surrounding businesses thought about the plan; it seemed it may block Northbound traffic from turning left into Yudy’s. Both Boyce and Gamage told him that the “median” can be driven across so traffic can cross over into those business; Puffin Stop, McDonald’s, Yudy’s, etc. They informed the Board that these were DOT’s requirements, not theirs and that is fairly standard in this type of area, in years past they would just do a “painted island” in that area, but they are finding those are not all that effective.

Wilder Hunt asked to return to the issue of the pond. At this time Doug Boyce turned to Chris Osterrieder, an Engineer with Deluca-Hoffman, Associates. Hunt asked how the amount of water that will come out of the pond compares to the pipe that is currently there now, in terms of the amount of flow. Osterrieder told the Board that the pond, as previously designed, would only capture 10% of the run off of the entire site. This new design would allow the pond to capture 100% of the run off of the entire site. Osterrieder explained that in order to bring that peak back down you could expect the pond to fill and then release water over a period of 3-5 days, as opposed to the smaller pond, which may have filled and then drained over a number of hours, not days. He reminded the Board that this all depends on the type and length of the storm. His estimations were based on a “25 year” storm, which is A-typical. Parker asked Osterrieder what kind of difference he would estimate on the culverts and wet areas down stream, once the pond is built. Osterrieder stated that the last time they looked at it they came up with a baseline condition for a flow number, if they increase the size of the pond and get everything captured by it, they are looking at reducing that rate of flow from what it would be today, by roughly 70% to get back to the mid 70’s conditions. Previously the numbers were in the high teens, now it will be low 3-4 cubic feet per second, depending on the storm. Osterrieder told the Board there were a couple of logistics that still need to be worked out, understanding that everything can be “tweaked” a little bit.

Parker asked Osterrieder to share with the Board and the others present some of the opinions of the DEP on the other ideas mentioned at last month's Planning Board Meeting. Osterrieder agreed. He told the Board that after site walk, they had a pre-application meeting with DEP on December 21st. They walked the DEP through the project and some of the history of the site, some of which they were aware of. They told DEP that they had met with the Town and briefed them on some of the issues raised by abutters. Osterrieder went on to say that they mentioned to DEP about possibly relocating the stream and also the potential of doing something at the culverts, which to Osterrieder were really the 2 prime options. Osterrieder told the Board that the DEP gave them a letter stating that stream relocation is something they absolutely will not support under any circumstances. The DEP did give them the option of possibly improving the culverts at the road, Osterrieder stated that they felt that was an option they could not control because the DEP is quite specific that it would have to be done by the applicant (owner) it could not be done on Hannaford's behalf. Osterrieder told the Board that the DEP stated that they would not force Hannaford to go back to the conditions of 1978 and the level that they personally were proposing tonight with the Board, but this new plan is the direction DEP would foresee Hannaford going if this project were starting new today. Wilder Hunt told the Hannaford Representatives that he thought this was a great idea; this is what he had hoped to see as a possibility.

Chester Rice told the Board that once you did a hole in a swamp, it's going to fill up immediately, and stay that way, so there won't be any room for run off. Osterrieder stated that there was some geotechnical work being done at this time, such as test boring to establish the ground water level. Osterrieder went on to say that Hannaford had some constraints with the plan they brought forward last month, because they were trying to re-use the existing outfall. This time around they will actually create a new outfall, causing Hannaford to go through far more DEP permitting than before. He also told the Board that DEP requires test pits when constructing a pond, he also told them the pond is intended as a dry pond – it will drain down very low.

Charlotte Peterson asked about the level of the pollutants entering into the soil as a result of this expansion. Osterrieder explained about the water filtration system. A water quality unit exists, and they are proposing a second unit that will handle all hydrocarbons, etc. Another member of the audience stated that if they are increasing impervious area and decreasing peak flow, and proposing a dry pond, then what will happen to the total volume of water leaving the site. Osterrieder told him it would increase. The audience member asked for specific numbers on that. Osterrieder stated that they did not have that at this time, but it would certainly be included with the final application. The same audience member expressed concerns about lowering the natural water table. Osterrieder stated that he did not think so, if that were so their plan would not work, and they would be starting over. The audience member asked if they would be evaluating the effectiveness of said pond. Osterrieder agreed, they absolutely would be doing that.

George Parker stated this was only a conceptual meeting at this point. Chester Rice asked who would get flooded if he went out there and removed those 2 30"

culverts and replaced them with a single 12" culvert, as was there originally. He asked what's going to happen to the water. Rice was adamant about the single 12" culvert handling the total run off prior to 1999. Jeff Pierce asked if it was just a coincidence that when the Hannaford store did a parking lot expansion in 1999, 2 30" culverts showed up in place of the single 12" culvert and all the extra water began to run through the abutting properties. All 3 Hannaford representatives present at the meeting stated they did not have first hand knowledge of when or why those culverts were put in, and there is nothing mentioned in the history of the development of that property and no way to know the truth.

Gamage ensured Rice that the situation will be improved. Rice stated it would only be an improvement if Hannaford took some of the suggestions given at the last meeting and removed the water off the property. Gamage stated that they really did try to take all that they heard into consideration with this project, she reiterated that there was a lot of other development that added to the problem, it was not solely Hannaford.

A member of the audience asked why Hannaford needed to expand. If they wanted to be "good neighbors" why not just reorganize things. Gamage explained that they had gotten a lot of feed back stating it was good for the store to expand at this time. The audience member stated that it was good for the store maybe, but not good for Yellowfront. Gamage stated that the customer benefits from healthy competition. Parker told the audience that this was not a public hearing and the floor had not been opened to public statement, there would be opportunity for comment at another date.

Chester Rice stated that he thought it was said that they would all meet with DEP abutters included before anything was decided. He said he was under the impression that the abutters would be invited. Osterrieder told him that DEP said they would certainly come for their own site walk, and all abutters would be invited to attend. Osterrieder told him that they have not submitted a formal application at this time, no action has been taken, they had only a pre application meeting just to start the process and obtain a point of contact. Pierce brothers brought up the 2 culverts on their property again. They stated that Hannaford should remove them, immediately. Gamage stated that they could not do that because it was not their property and they have no idea how they got there. Chester Rice stated that he will go take them out and will replace with 1 12" culvert, he stated that he absolutely will do it. Osterrieder stated that in their documentation all they have is a letter from 1979 from DEP stating there was some concern of storm water. A recommendation was made by DEP to place a 2<sup>nd</sup> 24" culvert, referencing the existence of 1 already. There were some correspondence back and forth with the rifle club and that was about it, that's all they have. Osterrieder said he can't profess to have any knowledge of what happened back then.

Chester Rice then made reference to a pond at Damariscotta Hardware that did not function properly and he did not believe Hannaford's would either. Doug Boyce explained some of the history of Hannaford and the water run off direction that they know to be a matter of written fact. Chester Rice stated

that he did not have any problem with Hannaford store; he has a problem with the water. He stated that he told them how to handle it, even gave permission to use his property to accomplish it, but no one is listening. Jonathan Eaton asked Chester Rice what that option was. Rice stated he proposed a culvert that went all the way across the field and straight into the brook. Osterrieder stated that DEP would not approve that – he produced a letter from DEP stating this fact. Parker stated the pond will definitely slow the flow down; it won't come out with the same velocity.

At this point Chris Osterrieder stated that they were looking to the Board for some direction. Parker stated that he thought enlarging the pond was a great idea. Sewall stated that he felt this put DEP on the hot seat – it's not all Hannaford water running through those culverts. Hunt stated that he hoped that the larger pond would be a viable direction for Hannaford to go in. He went on to say that they were still a long way from any resolution pleasing to all involved. Parker explained to the abutters that once a formal application has been filed with the DEP the abutters are notified regarding site visits, public hearings, etc. Sewall stated that maybe if Rice wanted to expedite the process, perhaps he should invite the DEP down to look at the site.

The Pierce brothers started on the culverts that appeared on their property without permission. Jonathan Eaton stated that it was indeed a problem for the whole area, not just Hannaford. He went on to say that he still thinks the Town should somehow get involved. Jeff Pierce stated that he felt that his property values dropped with each expansion of Hannaford's store. Osterrieder conceded that there certainly is no magic answer.

Parker stated that he was more comfortable with Hannaford handling 100% of their water from their site; it's a great effort to remedy the problem. The Board felt all complaints should go before the Town Manager and let it be the Town Manager's responsibility to ask DEP to come for a site visit to address the whole issue.

Doug Boyce asked if the Board would like the traffic engineer present at the next meeting. Parker asked when they anticipate a formal application coming before the Board. Osterrieder stated that there were still a few conversations they'd still like to have with DEP.

#### **4. Site Review Application – Christine DeOnis – Change in Use - Pastry Shop – 212 Main Street**

Christine DeOnis & Alison Sirois came before the Board with a Change in Use Application for the purpose of turning part of a house they own at 212 Main Street into a pastry shop. Ms. DeOnis & Ms. Sirois had been before the Board the previous month to hash out details and answer questions on their project in detail. Ms. DeOnis reminded the Board that they plan to renovate part of the barn attached to the house as well for the kitchen / bakery. They presented an updated site plan showing parking spaces at the rear and a new patio proposed at the front of the building. She told the Board she was able to

add 3 more spaces if needed for a total of 9 parking spaces. Fred Sewall asked if fill would be needed to gain the extra 3 spaces. DeOnis stated that she did not know for sure. There was a lawn area there now. She also told the Board that there was no parking at the rear of the house initially and she had gravel brought in to make the 6 that exist, so she would assume she would need gravel to make 3 more. Sewall asked if the property would need to be built up at all. DeOnis stated that she did not think so; it's a fairly gradual, small slope.

Abutter Bob Strong was present at the meeting and told the Board that he loved pastry. Mr. Strong did have a concern about foot traffic somehow creating a public right of way through his property. He went on to say that he did not mind casual walking through the path, his concerns were more about droves of people wearing the path down and waking up some day to find out that somehow that made it a right of way for the public. The Board encouraged Mr. Strong to use signage stating clearly Private Property and that should cover any public misconceptions about right of ways.

Jonathan Eaton asked how many tables would be in the shop. DeOnis stated that she had not decided that yet. It depended on how many bathrooms she needed to put in. Sewall stated that it made a huge difference to the Board with regard to parking etc. DeOnis stated it would not be many, because there was not a lot of room. She indicated on the plan a front room that was to be the only space for seating. She estimated maybe 12 at the most. She stated that there may be 2 tables out on the patio at the front. All customers would come in by way of the front door. Sewall felt for the sake of the application DeOnis should determine the number of seats planned for the space. DeOnis again stated that it depended on the number of bathrooms. She went on to say that she really did not see that there was room for more than one bathroom, so she figured she would not be allowed any more than 12 and even that number may be too high, she conceded it may be more like 9 or 10. DeOnis stated that a lot of what she does in the bakery is off site, she does a lot of wedding cakes etc. Sewall told her he would be prepared to move the application if she would stand on 10 seats. DeOnis agreed.

The Board reviewed the application for completeness. There was a letter from the Sanitary District forwarded to Parker. Mary Bowers, Superintendent of Great Salt Bay Sanitary District and author of the letter stated that she determined there would be an increase in the usage, but had not received anything from Ms. DeOnis yet to allow her to assess the impact. DeOnis stated this was correct, because she was waiting to see if this would even be allowed first. She stated that she was fine the way she was, but if the project was approved then she would need to pay more, and she was fine with that. DeOnis stated that if the Planning Board said ok, then she would go to Mary and pay. Parker stated that generally what they do, to ensure that people really do go pay, it to make their approve contingent on receipt of notification of impact fees paid. DeOnis agreed with that.

Ms. DeOnis also told the Board that she could not make contact with the Fire Chief prior to this month's meeting. She stated that she had left a couple of messages for him, but that they had not been returned. She agreed to seek out a letter from the Fire Department and forward it to the Board as soon as possible. The Board felt they Fire Department would not require anything out of the ordinary with regards to this project, probably just a knock box.

Being that there were no new issues with this project since the last meeting Fred Sewall made a motion to accept the application pending no more than 10 seats; pending payment of any impact fees to Great Salt Bay Sanitary District; and pending receipt of a letter from the Damariscotta Fire Department, all forwarded to Planning Board as soon as possible. Jonathan Eaton seconded the motion. The Board voted 4-0 to approve the application.

Parker asked DeOnis if she'd submitted or received a building application permit. DeOnis stated that she did not. She said that she spoke with Neil Campbell and he stated that he would talk with George Parker regarding the project. DeOnis stated that she had never heard back from Campbell.

**5. Preliminary Discussion – Dean Knott – Change in Use – House on School Street – conversion to commercial use – possible new location of Candy's Kitchen**

Dean Knott of 116 School Street brought to the Board a preliminary plan for a change in use of a residential home located on School Street. Knott told the Board he was looking into changing the old Grover house that he now owned, into a commercial business space for rent. He told the Board that the garage on site would not be used for any part of this project. The Board asked what type of use. Knott stated that Candy's Kitchen had approached him about doing this project. He went on to say that she may do a little bit of sit down breakfast, but primarily staying as she is now, take out, over at her Newcastle site. The Board conceded that the building is definitely located in the commercial zone, so that should not be a problem. Knott showed on the preliminary plan where he was looking at placing parking on the site.

Knott told the Board it was currently on town water and that he was thinking about drilling a well. Eaton stated the only draw back with that was that she'd need to test the water constantly and report to the state. Parker asked if the building was hooked into town sewer. Knott said no, and he indicated on his drawing where the existing system is located. He told the Board it measures approximately 15' x 40' and there is a plastic 1000 gal tank. Eaton asked how old the system was. Knott stated that he believed it was less than 10 years old. Parker asked if Knott knew what was going to be cooked in the kitchen because he'd have to consider the amount of grease etc going out into that septic system. Parker told him he may need to put in a grease interceptor. Knott stated that they had discussed that and he agreed that may need to happen. The Board encouraged Knott to check on the requirements regarding a private septic system in this type of use, prior to going too far with the project. Knott stated that he definitely would. Eaton stated perhaps Codes Enforcement Officer Neil Campbell could answer those questions on the septic. Knott stated

he did not think so, because Campbell told him to ask the Planning Board. Parker stated that he was a plumbing inspector, he must have some information. Parker stated Campbell would probably require Knott to go get a disposal system engineer to review the system to get those answers.

Fred Sewall asked how many parking spaces Knott felt he could get in there. Knott stated that he had spoken with Neil Campbell a little bit about that issue, but was confused about exactly how many were required and how the number was determined. Parker told him it depended on the number of seats initially, then a space needs to be provided for each employee; and then the guide in the Site Review Ordinance states 1 space per every 2 seats. Knott stated it was not that big of an operation. Currently, Candy's Kitchen has 4 seats, and this building is close to the same size so there would not be many more. May be able to crowd another 4, depending on how it is set up possibly a max of 12.

Knott stated he had a concern regarding site distances on that road. Parker stated that it would need to meet certain requirements for site distance. School Street in that area is approximately 35 mph and that figures into the site distance requirements. Parker also indicated that Knott will probably have to apply to the State DOT because that portion of School Street is a state aid road.

**7. Site Review Application – David Wase (George Parker Representing) – Change in Use – Geoff Powell, Owner of property to rent space off Powell Lane for use as office space**

George Parker representing David Wase brought a completed application for Site Review / Change in Use for the Powell property off Powell Lane. Geoff Powell, owner wants to rent space in the building to a counselor for office space. Peter Powell was present at the meeting because he heard through several channels that something was going on and did not know what it was. He stated that there was a concern regarding some bushes at the end of the lane that are actually located on the neighbor's property. The bushes make it very dangerous for pulling out onto Bristol Road. Parker stated that DOT told them that they would issue a permit once those bushes were cut back to the pole. Parker indicated that the neighbor's stated no problem. Powell told him there were new owners now. Previous owners would never cut those bushes; he and his family had tried for years.

Sewall asked about a letter from the Fire Department. Parker stated that he had sent a letter requesting one, but had not yet heard back from them. After some further conversation, not necessarily pertaining to the project proposed, Sewall made a motion to approve the application, contingent on DOT entrance permit and letter from Fire Department and receipt of a check to the Town. The Board voted 4-0 in favor of the motion.

**Adjournment:** The meeting was adjourned at 10:00 PM

Fred Sewall made a motion to adjourn the meeting – Paul Stevens seconded the motion. The Board voted 4-0 in favor.

---

George Parker, Chairman

---

Jonathan Eaton

---

Wilder Hunt

Respectfully Submitted by:

---

Paul Stevens

---

Rebecca J. Bartolotta

---

Fred Sewall

DAMARISCOTTA PLANNING BOARD