

04/04/05

Minutes
Town of Damariscotta
Planning Board Meeting
April 4, 2005

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Roll Call

Chairman George Parker called the meeting to order at 7:05 p.m. for an informational meeting regarding Church Street zoning issues. The discussion was ended at approximately 7:40 p.m. Chairman George Parker called the regular meeting of the Damariscotta Planning Board to order at 7:40 p.m. There was a quorum present throughout. Members present were Fred Sewall, Wilder Hunt, and George Parker. The audience included:

- 17 Dean Knott, 116 School Street, Damariscotta, ME 04543 - Representative / applicant- change in use – School Street property
- 18 Kevin Benner, 506 Biscay Road, Damariscotta, ME 04543 – representative for Storer Subdivision – Egypt Road - Preliminary Discussion
- 19 Tom Raymond, 174 Church Street, Damariscotta, ME 04543 – Concerned Church Street resident
- 20 Anthony Bernard, 158 Church Street, Damariscotta, ME -4543 – Concerned Church Street resident

- 21 Ellen Bernard, 158 Church Street, Damariscotta, ME 04543 – Concerned Church Street resident
- 22 Andrea Cox, 155 Church Street, Damariscotta, ME 04543 – Concerned Church Street resident
- 23 Ryan Cox, 155 Church Street, Damariscotta, ME 04543 – Concerned Church Street resident
- 24 Samuel L. Belknap, 147 Church Street, Damariscotta, ME 04543 – Concerned Church Street resident
- 25 Barbara Belknap, 147 Church Street, Damariscotta, ME 04543 – Concerned Church Street resident
- 26 Nicholas Chasse, Damariscotta, ME 04543 – Concerned Church Street Business owner
- 27 Betsy Vander Ploeg, Damariscotta, ME 04543 – Applicant – Preliminary Discussion – Change in Use
- 28 Dr. Vander Ploeg, Damariscotta, ME 04543 – Applicant – Preliminary Discussion – Change in Use

1. Informational Discussion – re-zoning Church Street

Chairman George Parker called the meeting to order. He told the room that this portion of the meeting was requested by a group of citizens on Church Street. He stated it was actually a carry over from a discussion that began in late 2001 regarding a concern over the potential development in the commercial zone on the East side of Church Street. He went on to explain that a group of people wanted to relocate the district boundary from the middle of the street to wind through other properties that currently exist. He told the group that the Board went over it for well over a year and finally decided as a Board that they would be in favor of limiting the commercial development on Church Street, increasing the set back requirements, and make sure any development had a very adequate screening to shield the neighbors. Parker stated that the ordinance never did get officially amended. Parker turned the floor over to Ellen Bernard.

Mrs. Bernard told the Board that the abutters last heard about this topic back in 2001, when it was tabled. Parker stated it had not been tabled. Bernard argued that it certainly was. Parker stated that may have been when she was involved, but that the Board did pick it up again with George Freeman, and that is when the Board decided that the change of the set backs, screening, and limitation of development on Church Street would be a good idea. Bernard stated there was only 1-2 meeting with the Board at that time. Parker reminded her that George Freeman, who is also an abutter, came before the Board with another proposal. Bernard indicated that they the residents of Church

Street knew nothing of George Freeman's proposal. She went on to state that no one has informed the original signers of the petition were not informed of any of this. She asked about the rest of the citizens. George Freeman did not speak for the rest of them.

George Parker told her that the Board has taken no action on these decisions. The Ordinance needs to be modified by town vote, and with that comes public hearings, so they will all be heard. Parker went on to tell Bernard that as a Board they were not in favor of changing the zoning lines the way Bernard had proposed. Parker stated that if she wanted to bring her proposal forward again, the Board can take action on it again, even if it means just ratifying their previous decision. Bernard stated that was exactly her intention, and she made reference to the latest petition circulated by her and signed by the residents of Church Street.

Parker stated he would like to hear from other residents present this night.

Mr. Raymond spoke up from the audience. He told the Board that the house across the street from him was going on the market soon. He stated he was very concerned that a commercial entity would go in there and he would be stuck looking at it. Mr. Bernard stated it did not seem fair that people who have lived on Church Street for years and years suddenly find their homes in the middle of the commercial zone without any say. Parker stated that there was a lot of discussion when the town went to zoning initially.

Mrs. Bernard stated that when the whole zoning ordinance was being written up they had requested that it be re-visited before it was voted on, because they were afraid they would be stuck with it as written. She went on to say that Mr. Parker stated that it could always be modified in the future.

Mrs. Bernard stated that she felt it would greatly impact their property values for the worse as well as their quality of life. She stated that she presumed the other members of the community present felt the same way.

Ryan Cox told the Board that they were new to the neighborhood and therefore were just catching themselves up on the issue. Andrea Cox told the Board that obviously it would benefit them to be placed in a residential zone.

Parker felt the same task could be accomplished without chopping the lots up into small pieces. He stated he felt the Board's decision to modify the ordinance would put into place the same protections without the confusion of new delineation.

Nick Chasse spoke up about the value in commercial property. He stated that the whole town would be better off if that whole neighborhood was commercial. The objective should be to build tax value. Chasse stated that the most valuable property in town is under valued. Mrs. Bernard argued against his point of view. Ryan Cox felt that was a debatable point that they could spend all night discussing. He stated that personally, as a resident, he'd like to see his property stay as residential. Mrs. Bernard argued that Church Street should all be residential. It would have a severe impact on the area if it were to go all commercial.

At this point in the discussion, Chairman Parker explained to Mrs. Bernard that they had only allotted 30 minutes for the discussion at this meeting, so they needed to wrap up for this month. Mrs. Bernard asked him if the Board will be prepared to come to a decision at their next regular meeting to bring to the Selectmen. Parker told her they would take it up at their regular meeting, and plan to come to a decision. He further stated it was time to finish this issue as it had been going on long enough. He went on to reiterate that the ordinance needs to be changed. Mrs. Bernard asked if that would go before the town for a vote of the people. Parker stated it would. He also told Mrs. Bernard she was more than welcome to attend the next meeting.

2. Minutes of February 07, 2005

The Board reviewed the draft of the minutes for the March 07, 2005 meeting. Wilder Hunt made a motion and Fred Sewall seconded the motion to accept the minutes as written. The Board voted 3-0 to approve the minutes.

3. Site Review / Change in Use Application – Dean Knott, Representative. Property located at 60 School Street, Damariscotta – change from residential use to commercial use.

Dean Knott came before the Board with an application for Site Review for property currently owned by Barry & Anne Knott, located at 60

School Street. The plan is to turn the house currently located on the property into a bakery, Candy's Kitchen.

Knott presented the Board with a completed application and the additional items requested from last month's meeting. Parker stated that the missing items were a letter from the Fire Chief, a letter on the septic system, and Fire Marshall approval. Parker stated that they did not need Fire Marshall approval on this level. Knott told the Board he had received a letter from the Fire Chief and he submitted this letter for their review. Knott further stated that he had spoken with the Fire Marshall and they have a meeting on Friday. Knott stated that with the budget crunch on the State level, the Fire Marshall would not be inspecting his project, because of the nature of the project. Knott told the Board that Dough Meservey came and inspected the site. The plan was now to put an additional 1,000 gal tank & a grease trap in and extend the leaching field. He told the Board that because it was under 12 seats, the state told them they did not need a public restroom.

Parker stated it appeared that they had everything they needed. Since the majority of the discussion took place at the previous meeting, he stated he could entertain a motion.

Wilder Hunt made a motion to accept the application as submitted, contingent on the Fire Marshall Approval. Fred Sewall seconded the motion. The Board voted 3-0 to approve the application.

4. Preliminary Discussion – Richard Storer Subdivision – Kevin Benner representative – off Egypt Road

Kevin Benner brought before the Board a preliminary plan for subdivision. He told the Board the location of the subdivision was on Egypt Road, just past Cathedral Pines Road. He showed the Board where he was keeping a 50 foot right of way to the back of the property. He sold one lot to Doug Clark and someone is interested in another piece that will make it necessary for a subdivision. Parker asked Benner if he was planning to come in next month for final approval. Benner stated he was. He stated that he planned to meet with Terry Sutherburg about an opening permit. He went on to say that he did not have any concerns because he could see forever in both directions. Benner asked if the Board needed him to locate the Clark house on the plans. Parker stated no; just locate the well & septic.

Benner then asked if there was anything else he should be getting. Parker went over the list – he told Benner to make sure he sends his notices to abutters and gets a notice in the paper. Parker then returned all the items submitted to Benner for submission at next month’s meeting.

5. Preliminary Change in Use Application Discussion – Dr. & Mrs. Vander Ploeg – relocation of medical office to Back Meadow Road

The Vander Ploeg’s came before the Board to get information about changing the use of a house they were purchasing on the corner of Back Meadow & Hammond Streets. They told the Board they plan to change the house into medical offices for their practice. Dr. Vanderploueg showed the Board a sketch of the property and the layout of the house on the property with his rendition of a parking area.

Parker told them to make sure they notified abutters and brought the notices. He showed them in the ordinance the list of items required for an application for change in use. He also told them they would need a copy of the deed. He stated some things do not apply but anything that does, they need to address it.

Mrs. Vanderploug told the Board that Ken Cotton was coming out at the end of the week to check the septic. She asked the Board if they should include the septic report from Mr. Cotton. Parker told her that would be a good idea.

Fred Sewall asked what the depth of the commercial zone was at that location. After checking the map, it was determined that the entire lot was in commercial zone.

Parker told them to be sure to submit their application packet a minimum of 2 weeks ahead of time at the town office. He also told them to talk to Terry Sutherburg to be sure they have the site distance required.

Adjournment: The meeting was adjourned at 8:15 PM

Wilder Hunt made a motion to adjourn the meeting – Fred Sewall seconded the motion. The Board voted 3-0 in favor.

George Parker, Chairman

Jonathan Eaton

Wilder Hunt

Respectfully Submitted by:

Paul Stevens

Rebecca J. Bartolotta

Fred Sewall

DAMARISCOTTA PLANNING BOARD