

06/06/05

Minutes
Town of Damariscotta
Planning Board Meeting
June 6, 2005

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Roll Call

Chairman George Parker called the meeting to order at 7:30 p.m. There was a quorum present throughout. Members present were Fred Sewall, Paul Stevens, Jonathan Eaton, Wilder Hunt, and George Parker. The audience included:

- Anthony Bernard, 158 Church Street, Damariscotta, ME -4543
– Concerned Church Street resident
- Ellen Bernard, 158 Church Street, Damariscotta, ME 04543 –
Concerned Church Street resident
- Andrea Cox, 155 Church Street, Damariscotta, ME 04543 –
Concerned Church Street resident & Abutter to Romeo's
- Ryan Cox, 155 Church street, Damariscotta, ME 04543 –
Concerned Church Street resident & Abutter to Romeo's
- Samuel L. Belknap, 147 Church Street, Damariscotta, ME
04543 – Concerned Church Street resident & Abutter to
Romeo's

- Barbara Belknap, 147 Church Street, Damariscotta, ME 04543
– Concerned Church Street resident & Abutter to Romeo's
- Nicholas Chasse, Damariscotta, ME 04543 – Church Street Business Owner
- Nancy Freeman, Church Street Damariscotta, ME 04543 - Concerned Citizen
- George Freeman, Church Street Damariscotta, ME 04543 - Concerned Citizen
- Rosalie Campbell, 186 Church Street, Damariscotta, ME 04543
– Concerned Church Street resident
- Rhonda Pendleton, 194 Church Street, Damariscotta, ME 04543
– Concerned Church Street resident
- Pat Dembroski, 399 East Neck Road, Nobleboro, ME 04555 – Change in Use Applicant
- Stormy Boisvert, P O Box 295 Nobleboro, ME 04555 – Interested Party – Dembroski Change in Use
- Susan Dadmun, 164 Lewis Hill Road, Newcastle, ME 04553 – Interested Party – Dembroski Change in Use
- Dimitrios Mihos, Main Street Damariscotta, ME 04543 – Applicant – Site Review Application – Dunkin Donuts
- Dave DaRosa, Brunswick, ME Friend of Applicant
- Larry Sidelinger, 1 Midcoast Place, Damariscotta, ME 04543 – questions for Board
- Anthony Seccarriccio, 594 Main Street, Damariscotta, ME 04543 – Owner Oystershell Motel – questions
- Jane Creamer, 53 Chapman Street, Damariscotta, ME 04543
- Roderick Craib, Walpole, ME – Surveyor/interested party
- Art Mayers, Lincoln County Weekly - press reporter

Prior to taking up the official agenda items, George Parker told the Board that George Freeman contacted him approximately 30 minutes before the start of tonight's meeting with a possible "issue" with regards to the Church Street discussions. George Freeman told Parker there may be a glitch in the descriptions of the zone boundaries - basically a difference between what was actually approved at town meeting and what is actually included in the ordinances. Parker felt Freeman's find may affect the Romeo's proposed project, and thought perhaps that should be brought up first.

Parker asked George Freeman if he managed to find the old town report. Freeman indicated that he had - he told Parker that the warrant for town meeting listed in the town report is the same as the map. Parker felt this forced the Board to review the entire ordinance

that's being printed now to ensure it is accurate. Parker went on to tell the Board that a couple of years previous, when he was making some revisions pertaining to the North end of town, he discovered some huge omissions, and felt he had to pull them all together himself to avoid problems. He stated that he felt he knew what happened, perhaps what's being printed now is actually still a prior ordinance, before changes, someone using the wrong file to print from.

Parker then reiterated what he thought he heard Freeman say; that what was voted and approved in 1997 does jive with the map, what's in the ordinance now, does not. Freeman agreed, that was what he'd found to date. Parker confirmed that it was something the Board definitely had to untangle, before too long.

1. Minutes

Due to a series of events, the secretary was unable to complete the May minutes for Board review.

2. Romeo's – Site Review Application – Dunkin Donuts expansion Main street Damariscotta

Chairman of the Board, George Parker recused himself from the discussion as he was representing Dimitrious from Romeo's in this project. Fred Sewall will be acting as Chairman during this item. George Parker presented to the Board the final plans for the addition of a separate building on Romeo's property, for lease, part of which was to house a Dunkin Donuts franchise. Parker told the Board the plan was the same as what they had previously looked at, with the exception of the changes on Main Street, which came as a direct result of the State of Maine Department of Transportation's traffic study. Parker highlighted some of the changes for the Board, including widening the Main Street, implementing a left turn lane and continuation of the concrete "islands" that Hannaford was implementing in front of their store.

Jonathan Eaton asked who was responsible for the cost and whose idea the concrete islands were. Parker told him they were the result of the DOT traffic study. Parker went on to say that the islands were really flush to the road, just done out of a different material than the rest of the road, and delineated with paint. Motorists will still be able to drive over them to turn. He told Eaton that Romeo's was 100% responsible for the cost associated with the improvements to Main Street.

Parker reminded everyone that there was a fence planned between abutters. Parker also told the Board all the lighting would be "cut off" lighting angled downward. Fred Sewall asked if that meant replacing the existing light at the rear of the building. Parker confirmed that it did. Sewall also asked if there were plantings planned as well as the fence. Parker told him that there were some plantings in place already and the fence was planned for behind those. Sewall asked if the existing plantings were showed on the site plan. Parker told him no. Parker then asked Dimitrious if he could remember if there were additional plantings planned. Dimitrious told the Board that he had spoken with Andrea Cox and planned to put the fence in place to give the plantings time to grow. Dimitrious also stated that although not indicated he planned to plant and fence along Sam Belknap's property line as well.

Jonathan Eaton asked if there was any way to put the fence in prior to the start of construction. Parker thought it probably could - he would just hate to see it damaged in anyway during construction. Eaton thought it would go a long way to making the process as unobtrusive as possible. Sam Belknap, an abutter in the audience asked if there was a time line on the construction. Dimitrious thought +/- 6 months. Dimitrious told the Board that he had no problem placing the fence prior to the start of construction. Andrea Cox, another abutter in the audience asked how tall the fence will be. Parker told her he was putting it on the drawing as 8' tall. Wilder Hunt asked if there were any details on the fence and the plantings enclosed with the application. Parker talked about adding some trees to the existing trees for added screening.

Parker submitted a letter from the Fire Department. He told the Board the Fire Chief had requested sprinklers in both buildings due to the proximity of the 2 buildings. Parker indicated that there is nothing at the state level requiring the buildings to be sprinkled. Parker indicated they could however make the wall facing the other building a 1 hour fire suppression wall. He told the Board that the current fire chief felt that was adequate. The Fire Chief did express a concern about 1 area of the project where there was only 19 feet of clearance. He felt that it may be tight to get 2 fire trucks by each other. Parker indicated that in the case of a fire, they probably would not be going by each other; one would leave and let the other come in. Sewall asked if the Fire Chief was ok with that explanation. Parker indicated so and referenced the letter.

Fred Sewall asked about the solid waste disposal. Parker indicated

that there was a letter stating that Pine Tree Removal took Romeo's solid waste.

Wilder Hunt questioned Parker on an item in the application about no deliveries prior to 7am and all deliveries made through the front door. He asked Parker how to enforce that. Parker indicated that he felt the neighbors would let them know. The Dunkin Donuts Representative stated that it was quite common for deliveries to take place at the front door. Wilder Hunt asked about deliveries to Romeo's prior to 7 am. Dimitrious stated no, they were not even open at that hour, so there would not be any deliveries. Andrea Cox asked for Romeo's to receive deliveries at the front door as well. Dimitrious felt this was unnecessary as he did not receive deliveries at 7am. He stated he could not completely control when the deliveries showed up, however there would not be anyone in the store at that hour to accept deliveries. Parker went on to tell the Board that that was part of the reason for the extra screening, because there will be some headlights, and that cannot be helped.

Andrea Cox then told the Board that she read in the ordinance that the Board can attach conditions to their approval if the proposed conditions were not adequate. She spoke of changing the fence if it ended up not being tall enough, if the noise was excessive and the hours of operation too early to suit her, they could be changed. Parker stated she should get out and check the fence out before they are done building it. Cox noted that she had a connection and just purchased 3 15 foot trees for \$20 each. Dimitrious indicated if she could get him that kind of deal he would purchase 100 of them. She asked if she could get that in writing, Dimitrious stated yes, if he could get the price in writing. Andrea indicated that she would contact him with the number of the place. She told the Board that is really what she wanted to see, no so much the number of trees, but the density of evergreen material. Dimitrious told the Board that he had no problem if the price was reasonable; he just balked at spending \$150 - \$200 per tree.

Ellen Bernard asked about the distance between Church Street and the back of the proposed Dunkin Donuts building. Parker asked if she meant from the building itself. She asked if the road was coming in behind the building and wrapping around it. Parker confirmed this. She then stated she only needed to know from Church Street to the road behind the building. Parker looking it up on the drawings and told her approximate 200' from the center of Church Street.

Fred Sewall stated that he was concerned that there was no official planting schedule included in the application, yet the discussion tonight was including a planting plan of sorts. He stated he was hesitant to get in the middle of what type of density the planting needed to be when there was nothing more than a verbal agreement regarding the plantings. Parker felt it could be something stipulated within the Board's approval, giving specifics, such as "planting of a minimum height tree, a certain distance apart..." etc. Parker then asked Dimitrius if he knew how far apart the trees he planted previously were. Dimitrius thought it was 8 - 10 feet apart. Paul Stevens asked what kind of trees they were. Dimitrius thought they were cedar, the Cox's disagreed, stating it was closer to a pine or some other type of balsam. Wilder Hunt agreed with Sewall about the lack of specific planting plan for the project. He did not feel they Board could take the discussion from the meeting and assume it will happen. Dimitrius stated he would like to resolve the issue tonight, because he did not want to plant and then have someone come back to him and say it is not enough and then he wondered where that would stop. Parker told the Board that they could follow up with a written plan consistent with the discussion tonight if the Board could see their way clear to approving the application. Parker stated that if they could come up with a plan everyone agreed on, he would come up with a sketch to depict that plan and submit it to the Board. Andrea Cox stated that she planted her trees at 6' apart and she feels they are a bit crowded but they will not die. Ryan Cox told the Board 6-8 feet apart sounded great to them, and the higher the better. Sam Belknap stated that if a minimum height and maximum distance apart could be agreed upon, that sounded good to him too. Dimitrius stated that he hoped the Board would be somewhat reasonable, he really did not think it fair to require him to spend \$40,000 on just trees. Hunt told him that was exactly his point as well; a planting plan on paper would work to protect Dimitrius as well. Hunt felt the Board should not get into the business of determining what is appropriate for the space, he stated he felt that he was being asked to design this plan and he did not care to design it. He also reminded Dimitrius that cost is not the issue to Hunt as a member of the Planning Board. Dimitrius needed to sort that out ahead of time so the cost was decided. Dimitrius asked why they can't give him a guide, because he did not want to come back to the Board with 8' trees planned and have someone say no, we want 12'.

Paul Stevens stated he thought perhaps it was an issue between abutters. He did not feel there was a need for the Board to get in between. The parties should get together and resolve it between

themselves. Dimitrious proposed to the Cox's that he would do 8' apart and minimum of 6' high. Andrea Cox stated that she'd like a taller tree. Ryan Cox stated 12' would work. Dimitrious then stated if the price was reasonable he would do 12' trees. He then proposed a minimum of 8' apart and 8' tall, evergreen trees and he agrees to go taller if he can get her price. Ellen Bernard asked if the trees will go all along the perimeter of the Romeo's property. Dimitrious clarified that the trees will go along the Cox property line and then along the Belknap property line.

Fred Sewall stated that he did not see any other issues other than the planting. They still did not have Fire Marshall's approval, but that was only needed for the building permit. He stated he would like to see an agreement on the planting schedule submitted in writing to be included in the minutes to fall back on.

Ellen Bernard asked what the hours of operation would be. The Representative from Dunkin Donuts stated opening at 5:30 am to 10 pm. Ryan Cox then stated that he would like the hours spelled out before Board approval. He stated he would feel better if the hours were iron clad. Fred Sewall felt it was unfair to tie the business' hands by imposing unreasonable hours. He then asked when Big Dave's opened. Eaton answered 4:30 - 5:00 am. Cox reminded the Board that the ordinance does mention unreasonable hours. He then asked what that was. Sewall stated it was very ambiguous. Cox just wanted to make sure the hours did not start creeping earlier and earlier.

Fred Sewall told the Board any motion would have to be contingent on a planting schedule. Hunt agreed, but stated he wanted to see more of a statement than just a planting schedule. He also stated the planting needed to be maintained as well. Dimitrious questioned the word maintain - he asked if that meant replace under any circumstances. Eaton stated yes, he had a responsibility to keep that buffer screen. Dimitrious asked about things outside of his control. Sewall stated that after any agreement made, it would be a matter for the court to determine.

Wilder Hunt made a motion to approve the application for Site Review contingent on a planting buffer agreement between abutting parties, contingent upon Fire Marshall's approval, contingent on the DOT permit approval. Jonathan Eaton seconded the motion. The Board voted 4-0 to approve the application.

3. Freeman Sub Division Application – Main street Damariscotta

Roderick Craib presented drawings to the Board for a sub division of Freeman property located off Main Street, at the current location of the Damariscotta Montessori School known as lot D2 on the sub division plan. Craib told the Board there would be 3 lots all together out of the original lot D. George Parker asked if they were looking for a final approval tonight, he asked if abutters had been notified and the notice put in the paper. Nancy Freeman stated that they had and produced the notices. She further stated everything had been done. Parker asked if access to the back lot had changed. Craib indicated it had not; the road proposed was approved at a previous meeting. Wilder Hunt asked if it was the 10,000 square feet ruling. Parker indicated he thought it was on town water & sewer. Nancy Freeman confirmed it was. Parker asked if any state issues were triggered by doing all these subdivisions. Craib stated that it was done over a long enough period of time so as not to trigger anything by the state.

Jonathan Eaton made a motion to accept the sub division plan as submitted. Fred Sewall seconded the motion. The Board voted 4-0 to approve the sub division as presented.

The Board then signed 5 copies + an original copy of the plan.

4. Manchester Property – Change in Use Application – formerly Foster’s Trading Post – Main street Damariscotta

Pat Dembkaski, co-owner of Nick’s Pizza in Wiscasset presented the Board with plans to remodel the old Seacoast Auto Building on Main Street into a restaurant. She told the Board since her original application she’s had to revise it. She stated that she recently found out that the gas tank has to be 10 feet from the building, so she plans to do that and enclose them and plant around them so they are not an eye sore from the municipal parking lot. She went on to tell the Board she was adding an exit onto the deck as well as stairs off the back of the deck and she planned to close up the exterior doors to the rest rooms but still utilize the restrooms from the inside only.

George Parker asked how many seats she planned. Ms. Dembkaski told him she did not know yet. She went on to say she’d spoken with the Fire Marshall’s office and if it is under 50 seats, it is considered a mercantile. She stated she knew for sure it would less than 40. Parker questioned parking; she indicated she had 10 parking spaces

along Water Street and approximately 5 in front of the building for a total of 15 parking spaces. He stated he thought the only real issue was going from a retail shop to a restaurant. Ms. Dembkaski told the Board with the DOT Project coming through town she did not want to place a sign at the sidewalk until after they were done, so for now the signage will be in the windows only.

Paul Stevens asked if she will serve beer & wine. Ms. Dembkaski stated no, not right away. The Board reviewed the plans. Parker asked if the Fire Marshall was going to require a construction permit. She stated he did not mention anything like that to her during their conversation. Parker made sure she had received a copy of the letter from the Fire Chief.

Fred Sewall made a motion to approve the application for Change in Use application as submitted. Jonathan Eaton seconded the motion. The Board voted 4-0 to approve the application.

5. Church street Re-Zoning issue

George Parker reviewed an issue from last month's discussion regarding how taxes are assessed on commercial property versus residential property. Parker told the Board that he did not think about calling the Town Office until that morning, and the assessor was not due in until Tuesday morning. Parker told the Board that the Administrative Assistant, Bill Post told him he thought the property was assessed at current use.

Parker then told the Board that George Freeman had been talking to people, to try to come up with a solution that everyone could be happy with. He then asked George Freeman if he was ready to talk about that at this point. Freeman indicated he was not, he told the Board that he wanted to, but had not had the time to formulate it enough to talk about. He also stated that he got somewhat sidetracked with the discrepancy they found. Nick Chasse asked what the discrepancy was that was being talked about. Parker told him that somewhere along the line, amongst all the changes by special town meeting, the file the Town used to issue copies of the valid ordinance was the incorrect one. Parker indicated that the boundary descriptions written do not jive with what was approved in 1997. He told the room that the Board will not have to pull those files and go through everything to make sure it is all accurate. Chasse asked if it was on Church Street. Parker stated that it did, among other places. He further stated they will probably just need to go over the whole town to ensure there are no more errors.

Parker stated that the description in the old Town Report voted on at Town Meeting matches the zoning map. Ellen Bernard corrected Parker in saying the vote was actually in 1998, the process started in 1997, but the actual vote was not until 1998.

Parker stated that someone has to take the time to go through all of those files and correct any errors found. He further stated he did not feel it was intentional, just someone used the earlier edition. Wilder Hunt asked if what Parker was stating was that they may not know what the boundary lines truly are. Parker stated no – if the Board goes back to the 1998 Town Meeting, that was what was approved for boundaries and that does match the zoning maps – just that in issuing copies of the ordinance, somehow they got a hold of an old copy and those boundaries do not match.

Ellen Bernard asked about the plan to reconsider the re-zoning of the entire town. Parker stated not the entire town, but to address a couple of things, one of which is the potential of commercial, big box stores as well as to take a look at the business district going out toward U S Route 1. Bernard then asked what the Board was waiting for on the Church Street decision. Parker stated that he hoped everyone could come to a mutual agreement that the Board could take to the Board of Selectmen. Parker stated that as far as last meeting, the Board was in general agreement that they needed to move toward leaving the zoning boundaries where they are and putting in place some strong language on buffers between zones and having no commercial traffic come out onto Church Street. Parker stated that he believed they needed to talk about it some more as a Board. Ellen Bernard and Andrea Cox both stated they did not remember coming to that agreement. Parker told them that they wanted the zone lines moved, but that may not necessarily be the best thing, the Board did not necessarily agree with Ms. Bernard.

Parker then asked Andrea & Ryan Cox how they would feel if their property were to be divided into 2 zones. Both Coxes's stated they did not know. Andrea stated that she did not think they were 100% on board with it yet. Parker then asked Nick Chasse what he thought if his lot was also divided. Parker asked if that would be a deal breaker for him, or would it be better for him economically speaking. Nick expressed his wish to keep it as all commercial. He told the Board that he has had many offers on the property, as commercial use, with access to Church Street. Parker then stated that he heard the Varick's place was under contract already, as residential use. Bernard told the Board that this issue has dragged on for so long and she feels that the

resident signers of the petition deserve some resolution. She then stated that if they had to, they could get a petition together and force the issue forward, but then stated that it would be a chore and she only really wants to see progress on the issue.

Parker asked the rest of the Board how they felt about the issue. Fred Sewall stated that he had not heard anything compelling enough to make him want to change it. Bernard was surprised that the Board did not think that the residents having to deal with the potential commercial growth right across the street meant anything. Sewall stated this type of thing happens everywhere that 2 different zones met up. Bernard questioned how many other places in town that actually happens that the line for the zones goes right down the street. Sam Belknap told the Board that he abuts commercial zone. He stated that he has to have faith in the system. Whatever commercial growth there is has to be presented to the Planning Board for review, the abutters get to come and voice their concerns, and the Board will work with the ordinances and the parties to come to a resolution that will protect everyone involved. Parker stated that he definitely felt the buffers could be strengthened; stating that what the Board required for Romeo's could work anywhere. Parker stated that ultimately what will happen, and happen relatively quickly, the Board will come up with a recommendation for the Selectmen and if people do not agree with that recommendation, they can petition the selectmen to do something different according to the system. He reminded Mrs. Bernard that the Planning Board was not the end of the process. Parker stated he felt they really needed to get together as a community and come up with a solution, and he would give them another month if they thought it would help.

George Freeman spoke from the audience about the value of commercial vs. residential property, and which was worth more, in his opinion. Nick Chasse felt the issue could be resolved and property would be worth more if both sides of the Street were completely commercial. Parker stated that he would be opposed to that idea. Wilder Hunt stated that he felt the ordinance works – the zones should be left as is and work on the safeguards between the zones. Parker stated that was primarily his stance at this point. Nick Chasse stated that he felt it was reasonable to ask him to follow the rules and steps contained in the ordinances, but it was not reasonable to allow the person across the street to decide how best he should use his property. Andrea Cox stated that she did not think there would be a decision tonight unless the Board was willing to hash it out for another hour. No one on the Board wanted this. Nick Chasse asked what more

the Board needed to make a decision. Fred Sewall stated nothing was missing in his opinion to make a decision. Parker stated he could make a decision if forced to. Jonathan Eaton agreed, further stating nobody would like his decision. Wilder Hunt told Mr. Chasse that all the facts were on the table, politically it was time. Ellen Bernard asked the Board if they decided tonight against the petition, was their next step in fact to present a petition with enough signatures to over ride the Board's decision and take it to the Board of Selectmen, who in turn will need to take it to the Town. They confirmed this was the next step if the Board voted against her. Bernard stated that she gathered that the Board was going to that decision. They again confirmed this. Andrea Cox and Ellen Bernard felt that the residents really needed to get together and talk more about the options. George Parker told them the Board will make a decision one way or the other next month. This matter was tabled for another month.

5. Sidelinger questions regarding change in use

Larry Sidelinger came before the Board at the request of the Town Code's Enforcement Officer. Mr. Sidelinger told the Board that he runs a trucking company and is leasing property from Jim Phillips on Midcoast Road to park his trucks on a month to month basis. He told the Board he has been leasing the property for a number of years with out a problem. He told the Board he has added a small office trailer and a port-a-potty and this apparently triggered a visit from the Codes Enforcement Officer. Mr. Sidelinger told the Board there was no running water or any facilities other than the port-a-potty. George Parker stated he felt there needed to be a more permanent form of plumbing solution. Jonathan Eaton asked why? Parker asked if the Board needed to make an issue of it at all. Parker stated he was just trying to see how the issue would fit into the ordinance requirements. Fred Sewall stated that the lot could not get any larger unless the trailer park was removed. Mr. Sidelinger agreed. Wilder Hunt asked Mr. Sidelinger how many trucks are stored there. Mr. Sidelinger stated that there could be as many as 4 -5 trucks parked there on the weekend. During the week it was 1-2 at most. Sewall asked what zone that was in. Parker answered C2. Parker then stated the Board needed to consider the neighbors. Mr. Sidelinger answered that Jimmy Phillips IS the neighbors. He stated that Mr. Phillips abuts the property on all sides. Parker asked how the Codes Enforcement Officer got involved. Sidelinger told him that he submitted a building permit request to build a 12 x 12 shed to store tools in.

Fred Sewall asked if there was a code that said he could not utilize a port-a-potty on this type of basis. Parker stated he did not know, he was unfamiliar with the plumbing codes. Jonathan Eaton spoke up and stated that he was actually quite familiar with the plumbing codes and would Chairman Parker like to ask questions about a specific part of the codes. Parker asked if a port-a-potty was a permanent solution in this situation. Eaton stated why not? He went on to say that this port-a-potty was not servicing a building; it was a land rental situation, there was no domicile, no building. Sewall interrupted and stated that there actually was an office trailer on the premises. Mr. Sidelinger stated that it was on wheels, so therefore could be somewhat temporary.

Parker stated that if the Board said they were not interested in acting on this situation, the Codes Enforcement Officer would be happy with that, that's all he was looking for. Parker stated he felt site review was too heavy for the situation, but that would be all they as a Board could classify Mr. Sidelinger into.

The Board unanimously decided that this was not a Planning Board issue and in a temporary situation, (month to month lease) the current use would be acceptable.

6. Oystershell Issue – questions from owner

Tony Seccareccio, the owner of Oystershell Motel came before the Board with a few questions/issues. Mr. Seccareccio told the Board that his property was up for sale and it was actually sold, but they found a couple of problems, mainly the sale of the property when he originally bought it was contingent upon the 2nd development. Seccareccio told the Board that when he went in to the Town for the 2nd development, he was sent to the Appeals Board first, not the Planning Board. He told the Board that they went through the Appeals process, then to Superior Court, and then to Maine Supreme Court who ruled that Mr. Seccareccio must start at the beginning and go to the Planning Board before the court would get involved.

Parker asked if this stipulation was in the condominium documents. Mr. Seccareccio stated it was. He stated that the lawyers find these items when you try to sell. Mr. Seccareccio told the Board 1 condominiums are sold and that person is a part owner of the land. He further stated that there was only approval for 20 condominiums, no approval for a motel to be built on that property within the condominium document. Mr. Seccareccio stated that his lawyer told

him the word condominium was very vague anything could be a condominium. Mr. Seccareccio told the Board that he wanted to build 10 units with an open concept, bedroom, bathroom, and kitchenette. Parker stated that he found that previous discussions with the Board showed that they approved the motel as long as they did not have kitchens. Parker then asked what it was that made it a kitchen. He thought it was the stove that made it a kitchen. Mr. Seccareccio stated that most motels have that now anyway. Parker asked Seccareccio if he was trying to make efficiency apartment type of motel. Seccareccio agreed. Parker then stated that the Codes Enforcement Officer will then view those as 10 dwelling units, and that changes everything. Seccareccio stated he could go back to the Board with the original 20 unit proposal he had and have the Board rule on that, then he could go to the Appeals Board and then he would be able to take the members of that Planning Board, that sat a number of years ago, to court and then let the Supreme Court rule.

Parker stated that the problem he has with this is that the approval from before was for only the current project. He stated there was no approval for the future stuff only mere mention of any future development. Seccareccio stated that at that meeting, Nick Chasse, who was on the Board, says the 2nd development was in fact approved. Parker stated that was incorrect. Seccareccio stated that he would rather come to some type of agreement, rather than go through all those channels. So he asked the Board to tell him what could be in the units. Parker stated that if it has a kitchen, it would be considered a dwelling unit. Seccareccio asked what a dwelling unit was specifically; he asked if a motel is a dwelling unit. Parker stated no as long as the units were not equipped with a kitchen. Seccareccio stated that it made it difficult on him. He stated he needed to get something to offset his expenses. He went on to tell the Board about all his expenses. Fred Sewall asked who determines what a dwelling unit was. Parker stated that it was in the ordinance.

Parker asked the Board what they thought of the issue. The Board felt it still hinged on the meaning of kitchen. Parker thought perhaps Seccareccio needed to go back to the Codes Enforcement Officer to start the process over again and see how it goes. The Board did not feel they could do anything at this level at this point.

7. Puffin Stop Possible Project – Preliminary?

George Parker told the Board that Puffin Stop wants to put on an addition for the purpose of a cooler. The addition would be the width

of the building, out approximately 14' for storage. He told the Board that Patrick Coughlin was the architect on the project and he applied for a building permit and that triggered the Codes Enforcement Officer to get the Planning Board's opinion. Fred Sewall asked if it would impact the flow of traffic around the rear of the building at all because the fire dept will have something to say. Parker stated that he asked that question and he did not measure but there is probably 25' or more before the addition. Wilder Hunt stated that would also be his concern. Parker stated that they could send the applicant to the Fire Dept directly if the Board felt it did not fall into the purview of Site Review. The Board felt it needed to be building permit issue where the Fire Dept gets consulted.

Adjournment: The meeting was adjourned at 10:30 PM

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

George Parker, Chairman

Jonathan Eaton

Wilder Hunt

Respectfully Submitted by:

Paul Stevens

Rebecca J. Bartolotta

Fred Sewall

DAMARISCOTTA PLANNING BOARD