

Minutes

Damariscotta Planning Board 09/08/08

9/8/08

Town of Damariscotta
Planning Board Meeting
September 8, 2008
Minutes

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B. REVIEW MINUTES
- August 4, 2008 Meeting

C. OLD BUSINESS

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2. Janice Hay – (MAP 5 LOT 16) Sketch Plan discussion on a site plan for a Possible gymnastics facility located at 6 Hammond Road, in the Commercial II district.
3. Town of Damariscotta, Fire Station Property (MAP 1 LOT 62-1) Final Site Plan review for a new sand/salt shed at 27 Massasoit Drive (Heater Rd. and Biscay Rd) in the Commercial II District.
4. Scott Connell –(MAP 15 LOT 13) Preliminary plan for a change-of-use of 619 Biscay Road – Lot 15/13 overlaying the Rural District.
- 5.A. Hancock Midcoast LLC - Preliminary Site Plan for expansion of outdoor storage of lumber for Hancock Lumber Company – 362 Main Street (Route 1B) on leased land of rear abutting Lot 7/4 owned by Damariscotta Storage LLC, 33 Chapman Street; Lot 7/4 in the Commercial II District.
- B. Mason Sears, Damariscotta Storage LLC – Preliminary Site Plan for expansion of existing building for indoor storage – 33 Chapman Street on portion of Lot 7/4 in the Commercial II District.

D. NEW BUSINESS

1. Sebbie Susso, Mye Day Care Center – (MAP 7 LOT 41) Preliminary Site Plan for change of use from a residence to a children’s day care facility – 21 Hodgdon St. ; in the General Residential District.
2. Cabell Curran, Coveside Condominiums – (MAP 6 LOT 40) – Preliminary Shoreland Zone permit application for expansion within the 30% Expansion Rule

within the Shoreland Zone at 62 Elm St.

E. OTHER BUSINESS

F. ADJOURNMENT

A. **ROLL CALL:**

Chairman of the Board, George Parker called the meeting to order at 7:00PM. There was a quorum present throughout. Members present were Pande “Paul” Stevens, Fred Sewall, George Parker, Jonathan Eaton, and Wilder Hunt. Also present was Town Planner, Anthony Dater.

The audience included:

Frances Hutchings, 28 Heater Rd Damariscotta, ME – Abutter to Town of Damariscotta salt/sand shed project.

Greg Zinser, Town Manager – Representative for Town of Damariscotta salt/sand shed project.

Ann Trepanier - 648 Main St. Damariscotta, ME – Applicant.

Scott Connell – 648 Main St Damariscotta, ME – Applicant.

Roger Bintliff – Representative for Coveside Condo project at 62 Elm St.

Sebbie Susso –Applicant for day care approval

Eric Dolloff – Business Rt 1 Damariscotta, ME - Representative for Hancock Lumber project.

Mason Sears – Applicant – 33 Chapman St project

B. **MINUTES**

The board was presented with the Minutes from the August 4, 2008 meeting. It was decided to table the minutes to the end of the meeting to give Jonathan Eaton time to review them.

C. **OLD BUSINESS**

1. Rising Tide – (Map 11 Lot 2) Change of Use Preliminary Site Plan Application for autodealership to retail food store and Preliminary Subdivision Application for other commercial uses located at 323 Main Street in the Commercial II District.

There was no new information and no representative present at this meeting for this item.

2. Janice Hay – (Map 5 Lot 16) Sketch Plan discussion on a site plan for a possible Gymnastics facility located at 6 Hammond Road, in the Commercial II District.

There was no representative available for this project. George Parker asked what was decided at the Selectmen’s meeting of September 3, 2008. Greg Zinser noted that the property was mostly in the Commercial Zone. Janice Hay is looking into subdividing the property into three parcels, but would need to put in a road for access from Back Meadow Road to maintain proper frontages and it would need to go over property owned

by the Town of Damariscotta. The Board of Selectmen requested that Janice Hay submit drawings, and a more concrete plan so that the impact of selling land to her can be looked at.

3. Town of Damariscotta (Map 1, Lot 62-1) Final Site Plan Review for a new sand/salt shed at 27 Massasoit Drive (Heater Rd and Biscay Rd) in the Commercial II District.

Formal hearing was tabled at August 4 2008 meeting due to lack of notification to Frances Hutchings, Abutter. She has now received proper notification of the project and George Parker reopened the hearing to allow Frances Hutchings to ask questions and voice any concerns. She questioned if the project would consist of two separate buildings and requested that the salt shed be located further back if possible. Greg Zinser responded that there will be two separate sheds, and that the salt shed will be further back. Greg Zinser stated that the light fixture at the building will be shielded to prevent light from shining into Frances Hutchings bedroom window at night. Frances Hutchings stated that she had given a copy of the letter to all residents of the mobile home park at the request of Greg Zinser. She stated that her concerns had been answered. George Parker closed the hearing. Wilder Hunt moved to accept the application as complete. Fred Sewall seconded the motion. The Board voted 4-0 to accept the application as complete. Wilder Hunt then made a motion to approve the application contingent upon correcting the lighting issue. Jonathan Eaton seconded the motion. **The board voted 4-0 in favor of approving the application as submitted with the above contingencies.** There was nothing available at this meeting for the Board to sign.

George Parker mentioned waiver requests, and reopened hearing to discuss. There are 4 Site Plan Ordinance waiver requests for this project.

1. To waive the requirement of 10E 3D that requires a formal boundary survey.
2. To waive the requirement of 10E 3K requiring a professional topographical survey pre-and post development.
3. To waive the requirement of 10E4, 11 L, which requires a professional stormwater management plan.
4. To waive the requirement of 10E5 11M which requires a professionally prepared stormwater management plan because the construction site is far from any lot lines.

Anthony Dater agreed that these are the items that need to be supplied by the applicant or waived by the Board. George asked for a separate motion. Jonathan Eaton made a motion to approve the waiver requests. Wilder Hunt seconded. Voted 4-0 to approve the waiver requests.

4. Scott Connell- (MAP 15 LOT 13) Preliminary plan for a Change-of-Use at 619 Biscay Road – Map 15/Lot 13 overlaying the Rural District.

Mr Connell came before the Board looking to change a seasonal cottage he owns on Biscay Pond to year round use, and to enlarge it under the 30% Rule. George asked if the Board had

concerns from the prior meeting. Vice Chairman Sewall stated that the Board did not find any discrepancies in the calculation, but questioned if the cottage could be moved further from the water. Jonathan Eaton stated that if it could be moved further back that it should be done. He would also like to see some certification that there is a functioning septic system on the property and could it accept the increase in size. Mr Connell stated that he had Ken Cotton out to the site. George Parker asked Mr Connell if he were increasing the number of bedrooms. Mr Connell stated no. Jonathan added that there will be a new foundation. Mr Connell stated that he had talked to Neil Campbell, and there were two issues. One issue is there is no other suitable soil on the property than where the septic system is. The other issue is cutting trees. George Parker questioned if it were possible to move the cottage back 10'. Mr Connell stated that it is 13' from the lake according to the survey. Jonathan Eaton stated it was about 5'. Jonathan Eaton asked if Mr Connell had anything in writing from Ken Cotton. Mr Connell stated that he did not. Eaton questioned if Neil Campbell had looked at the site. Mr Connell stated that he did not know. Fred Sewall had talked with Neil. George Parker stated that the Planning Board does not get involved in the permitting process. Their only involvement is on a handshake basis to look at the 30% calculation so that Neil is not the only one looking at it. Mr Connell stated that the sketch he had provided the Board had all of the information on it, including the location of the septic. George Parker stated that the board should take a vote on whatever is decided regarding the relocation. Jonathan Eaton agreed. The Board looked at the plans. George Parker commented that it looked as if the septic tank would have to be moved if the cottage was to be relocated. Mr Connell agreed, stating that it was probable that the tank and the pumping station would both need to be relocated. The Board discussed the location of the current system. Jonathan Eaton commented that when cottages that close to the water are upgraded, they should be brought as close to compliance as possible.

Tony Dater stated that State law is very specific on conversion of seasonal cottages to year round use, requiring that onsite septic systems be brought up to par. Jonathan Eaton suggested that Neil Campbell take a look at the site and decide how far the septic system could be moved and that the ordinance needs to be followed. Tony Dater suggested that the Board make a motion requesting that Neil go look at the property as soon as possible. Fred Sewall made a motion that the Board recognizes that the 30% calculations are accurate and that the Board recommends that if Neil decides that the cottage needs to be moved, that it be set back as far as possible from the lake. Jonathan Eaton seconded the motion. Jonathan Eaton recommended that the Board require written proof be submitted that the septic system is adequate. **The Board voted 4-0 to approve the motion.** A request was made that the minutes be given to Neil before he went to look at the property.

5A. Hancock Midcoast LLC – (Map 7 Lot 4) – Preliminary Site Plan for expansion of outdoor storage of lumber for Hancock Lumber Company-362 Main St(Rt 1B) on leased land of rear abutting Lot 7/4 owned by Damariscotta Storage LLC, 33 Chapman St.; in the Commercial II District.

Eric Dolloff came before the Board representing Hancock Lumber LLC. The Board reviewed the plans. The Board was presented with additional plans. Mason Sears stated that the building had been used in the past for storage by David Stackhouse. There will be a 6' chain link fence around property. Chairman Parker asked about drainage because the area is low and flat. Eric

Dolloff stated that 2 inches to 12 inches of gravel has already been graded. Mason Sears said drainage will follow existing water path. He questioned the drainage from the new Mobius project next door.

George Parker said that the drainage from that project will be going to a new, larger culvert.

The current one is too small. Tony Dater said that he thought the Mobius project was approved with a pipe along the side of their lot to collect along Chapman St which the Board suggested they cover for aesthetic reasons. Board suggested that Mr. Sears go to the Town Office and check the records for the Mobius project. Mr Dolloff stated that lumber will be stored outside only. There would be no lighting. The building has a barn door front. Tony Dater brought up that there had been a suggestion by an abutter that the property be screened from view. Fred Sewall stated that one concern is the screening of the chain link fence.

The Board discussed how the fence could be disguised by vegetation. Mason Sears stated that the fence will be vinyl, with plantings and evergreen trees on the lot. The Board reviewed the plans. Tony Dater suggested that the Board review the checklist to see if all requirements have been met. Mr Dolloff stated that they will be doing seeding and riprap on the property.

Tony Dater stated that the information provided in conclusion number 7 of the paperwork said the change of use of this area from earthworks storage area to lumber storage area will not significantly impact the downstream properties as a result of stormwater runoff. This information was signed by an engineer. Tony Dater commented that a lumber fire could get out of control quickly. He questioned if the number of cubic yards of fill had been recorded.

Chairman Parker stated that it is 20000 square feet that triggers site review. Tony Dater said that this project is 18000 square feet, and that is not what triggered site review. Neil Campbell referred it to the Board as change of use. Paul Stevens asked if any complaints had been forthcoming. Mr Dolloff stated that there were only compliments.

Paul Stevens questioned if approval had been obtained from the Fire Dept. Mr Dolloff replied that he had left two messages for Neil Genthner, and had not had a response. He pointed out that Neil Genthner currently has a key to access the lumberyard through a locked gate. Access will not be changed, there will be no access to Chapman St. All use will be during the day.

George questioned what the screening is between the Mobius project and this property.

Wilder Hunt stated that there is significant natural screening. Mason Sears stated that the

Lumber piles will be 12 to 16 feet high. Jonathan Easton commented that it would take a 30 foot fence. Tony Dater commented that there needs to be 10,000 square feet of space for each lot if they have town water and sewer; but 40,000 square feet if on-site sewered.

Mason Sears verified that his lot was greater than 10,000 square feet. George Parker asked for a motion. Wilder Hunt made a motion to accept the application as complete and approve it.

Jonathan Eaton seconded the motion and added that it should be contingent upon Fire Dept Approval. May want to revisit this if any complaints are received. Fred Sewall recommends

that the natural vegetation be allowed to screen the property. **The Board voted 4-0 in favor of approving the application as submitted with the above mentioned contingencies.** The Board then signed copies of the Site Plan.

5B. Mason Sears – Damariscotta Storage LLC (Map 7 Lot 4) Preliminary Site Plan for expansion of existing building for indoor storage at 33 Chapman St.; in the Commercial II District.

Mason Sears was present and outlined his project for the Board. He bought the building a couple of years ago, and would like to turn it into private storage. Tony Dater verified with Mr Sears that this is a commercial venture, with storage units for rent. Mr Sears pointed out that it would be cold storage, although there is an existing furnace and existing plumbing. George Parker asked if he would be using existing water lines. Mr Sears said he will be. He stated that the water district suggested that he hook into the water line tap which is up the road at an abandoned trailer property which is owned by Mobius. That will prevent the street from being opened.

George Parker questioned what the building was constructed of. Mr Sears responded that it is a wood framed building with steel beam and a metal roof with two skylights. There would be T-111 on two sides, with pine barn boards on the front. The fence will run along the road. Tony Dater commented on the proximity of Mobius, and questioned Mr Sears if he would be screening that side of the property so that they would not see the lumber piles. Tony stated that the units will have a 20 foot setback. Mr Sears asked if Mobius would be screening their property from his. Tony Dater suggested that Mr Sears check the plans at the Town Office to prevent duplication.

George Parker asked if the checklist had been gone over. Tony responded that it has not. He told Mr Sears to come in and he would go over the checklist with him. Mr Sears asked if he had to wait to begin the project. George Parker responded that Neil does not approve the application until the Planning Board has approved the project. Mr Sears asked if he could pour inside concrete. George Parker said that he could. Mr Sears asked if he could pour concrete on the outside of the existing slab, and George Parker referred him to Neil Campbell for permission. Tony Dater informed the applicant that there may be parking standards to be met per ordinance. Mr Sears will return to the October 6, 2008 meeting.

D. NEW BUSINESS

1. Sebbie Susso, Mye Day Care Center – (MAP 7 LOT 41-1) Preliminary Site Plan for Change of Use from a residence to a children’s daycare facility at 21 Hodgdon St. in the General Residential District

Tony Dater stated that the applicant had turned in the application this evening, and it was presented to the Board. George Parker asked the applicant to explain what they were planning. Ms Susso’s husband spoke on her behalf. He explained that they would like to turn a one bedroom residence into a daycare for up to 6 children and 2 employees. They currently have a State license, which is due to be renewed in November. They have not had a business, but have been fixing up the building to specifications, including hard wired fire alarms and getting the fire inspection. Dept of Human Services recommended that they file as a small facility for up to 6 children, because they no longer qualify as an in-home facility because they do not reside there. No changes will be made to the structure. An outdoor play area will be fenced in. He questioned if there are any specific concerns of the Board, because the only mention of daycare facilities in the Site Plan Ordinance deals with parking. George Parker questioned if this is a leased building. He responded that it is leased. Ms Susso’s husband provided the Board with a sketch of the property and pointed out which building he will be using. The Board went over the sketch with him. Tony stated that he had gone over the

checklist with the applicant. He also checked with Neil, who mentioned that under the boarding house rules in the ordinance were broad enough to cover a daycare, but it does need approval from the Planning Board as a Change of Use. He suggested that the applicant provide the rest of the requirements on the checklist, and notify abutters. George Parker clarified that an abutter is the property owner of physically abutting properties and suggests he notify the property owner across the road. He told the applicant that he would need to provide letters from the

Sanitary District, the Fire Chief, and the Police Chief regarding fire protection, increased traffic, etc. He questioned if the Fire Marshall had required a sprinkler system. Tony Dater asked if it was a DHS requirement. The applicant stated that the Fire Marshall had already signed off, but he would be required to get a new inspection from the same Fire Marshall for this project. George Parker said the applicant needed to get a letter from Mary Bowers stating that the number of users it is currently certified for is adequate. Paul Stevens questioned if there would be an outside play area, and what the materials would be. The applicant responded that it would grass and specially treated wood chips. Tony Dater asked how close the fence is to the road. He responded that it is eight feet. George Parker suggested that the applicant find out where the property lines are, perhaps talk to the Road Commissioner. Tony Dater stated there is no setback requirement in the ordinance. George Parker suggested that the Sanitary District may have boundary surveys.

Paul Stevens questioned how many toilet facilities there are in the building. The applicant responded that there is one full bathroom and a full kitchen. Tony Dater questioned DHS regulations. Applicant stated that they allow up to eight. George Parker questioned if there would be only two employees. The applicant responded yes, he and his wife would be the only employees. There are three parking places in front of the house and one across the driveway. Paul Stevens asked if this is the first venture as a daycare. The applicant responded yes, although both he and his wife had experience with large families. George Parker reminded the applicant to fulfill all requirements on checklist. The applicant stated that John Andrews, owner of the property had signed the application as owner, and he is okay with changes to the property. Mr. Parker remarked that the regulations are more stringent for 6 children. The applicant asked what the Police Chief had to do with a building permit. George Parker explained that it is on the checklist, dealing with traffic issues. The Fire Chief may require a Knox Box, and a letter is required before approval. The applicant stated that the Fire Marshall had required a fire extinguisher. Ms. Susso stated that she has a State License for 2 children currently. The applicant asked if they were allowed to have 2 children without town approval. He will need a answered that any more than two would require planning board approval. When the expansion is started, that is when the Planning Board approval is triggered. DHS requires a fence for more more than two children. Paul Stevens asked what type of fence would be installed. The applicant stated that it will be a picket fence, two to two and one half inch apart, and four feet high. George Parker stated a fence that meets state regulation should satisfy the Board. The applicant explained that the gates will open inward, latches will be on the outside. Drawings were returned to the applicant. Tony Dater reminded the applicant that 10 copies will need to be provided to the Board.

2. Cabell Curran – Coveseide Condominiums (MAP 6 LOT 40) Preliminary Shoreland Zone Permit application for expansion within the 30% Expansion Rule within the Shoreland

Zone at 62 Elm Street overlaying the Commercial II District.

Roger Bintliff appeared before the Board representing Coveside Condominiums. He presented the Board with some sketches. He stated that it is a two prong issue. He ran it by Neil who said to run it by the Planning Board. First and foremost is a proposed 8 foot by 10 foot shed with a 15 foot setback from the parking lot. It is outside the seventy five foot Shoreland Zone. It is for the storage of rubbish receptacles and lawn mowers. He is unsure if that triggers the 30% expansion rule. The shed has been staked out. George Parker commented that his concern is the twenty percent lot coverage rule in the Shoreland Zone. He is sure that all of the existing buildings exceeds that. Mr Bintliff questioned if the shed is considered a permanent structure if it is on skids. George Parker responded that it probably would be. Mr Bintliff said that Neil Campbell said it would be okay as long as it is outside the seventy five foot setback.

Mr Bintliff stated that the second part of this is a letter that Neil wrote. There is a shed dormer which went from one angle to another, which is probably two percent cubic volume expansion. The second floor of the existing structure where the roof went down to a closet, and by straightening it out, it is a cubic volume issue. Carl has done the calculations. Neil sent it back to the Planning Board.

Jonathan Eaton commented that for town records, the volume of the building should be considered, it may not affect this project, but may affect future projects. He questioned if the turret is on the original plan, and that should be considered additional height. The Board discussed the original plans for the project with Mr. Bintliff. Jonathan Eaton stated that someone should calculate the actual increase in volume and document it. He does not think that the underneath of the building should be included in the calculations. George Parker agreed that as it exists, it should not be included. George Parker stated that we need an accurate calculation Jonathan Eaton compared it to a cottage on posts, is it counted as useable space. Roger Bintliff agreed to get a cubic volume study done. Mr Parker said to have Carl give him a call and he will explain what is needed.

Mr Bintliff requested that they revisit the shed issue. George Parker stated that it is Neil Campbell who has the final approval of the shed, as licensed Code Officer. Mr Bintliff explained that he has a sale pending, and he would like the Board to sign the plans contingent upon Neil's approval. Tony Dater questioned if anyone had figured the lot coverage. George Parker stated that it might be okay, because the Shoreland and Land Use Ordinances are at odds over which zone this is in. Paul Stevens asked if Neil signs off, if the Board is satisfied. Jonathan Eaton voiced concern that if the Board signs the Mylar, are they signing off on the entire project. Mr Bintliff explained that the footprint of the building has not changed, and that the Mylar only shows the physical footprint of the building with the shed. Their potential buyer wants assurance that accommodation has been made for rubbish disposal. The Board discussed which Zone the lot is in, and checked the zoning map. The Board concluded that this lot is in the Shoreland Zone with the 20 percent lot coverage area. Tony Dater suggested that someone measure the impervious surface. He suggested that if the paved walkway out front were switched to pervious asphalt, which allows water to go through, that there may be no net increase in impervious surface. Roger Bintliff stated that it is not asphalt, it is stone. As a condition of approval, he would be willing to create 80 square feet of pervious walkway in exchange for the 8'x10' shed on the property.

Chairman Parker stated that there are two separate issues. Roger Bintliff agreed to come back to revisit the volume issue. The shed is the important issue today. The lawyer for the buyer is insisting on a signed copy of the Mylar. George Parker asked if a vote by the Board subject to the approval of Neil Campbell would be sufficient. The Board signed the Mylar with conditions. **Jonathan Eaton made a motion to approve shed project for condominium in exchange for replacing at least 80 square feet of the front walkway with a pervious surface. Seconded by Paul Stevens. The Board voted 4 – 0 in favor.**

Roger Bintliff told the Board that he would contact a company in Boothbay to do the volume calculations for the entire building. The Board signed the Mylar and three copies, and noted the conditions on it

E. ADJOURNMENT

Paul Stevens made a motion to adjourn at 9:23PM Wilder Hunt seconded. The Board voted 4-0 in favor of adjournment.

George Parker, Chairman

Jonathan Eaton

Wilder Hunt

Pande Paul Stevens

Fred Sewall

DAMARISCOTTA PLANNING BOARD

Respectfully submitted by:

Cynthia L Sykes

Dated _____