



Town of Damariscotta  
Planning Board Meeting Agenda  
Monday, February 6, 2023 – 6:00PM  
Hybrid Meeting: Town Office & via Zoom

Join Zoom Meeting: <https://us02web.zoom.us/j/88985249796>

Meeting ID: 889 8524 9796

Passcode: DamaPB

1. Pledge of Allegiance
2. Call to Order
3. **Public Hearings:**
  - a. Site Plan Amendment Application to install two double EV chargers (2 poles, 4 chargers) in the southeast corner of the parking lot at **323 Main Street** (Tax Map 10 Lot 11-2)
    - Applicant: Rising Tide Co-Op
    - Zone: C-2
  - b. Minor Subdivision Amendment to the previously approved Abbie Lane Subdivision, to divide Lot 2 (aka **79 Abbie Lane**) into two separate lots (Tax Map 4 Lot 73-5)
    - Applicant: Peter R. Bruun, being represented by Boothbay Region Surveyors
    - Zone: Rural
4. Review of Meeting Minutes: January 3, 2022
5. Other Business:
  - a. Housekeeping (signature of previously approved findings of fact and notices of decision)
  - b. Questions from the public (an opportunity for the public to ask questions on items not on the agenda)
  - c. Planner's Report
6. Adjournment



AGENDA ITEM #3A  
Meeting of February 6, 2023

Site Plan Amendment – Rising Tide Co-op EV Chargers

323 Main Street – Rising Tide Co-op  
PID #2206

## INTRODUCTION

---

Rising Tide Co-Op has filed a Site Plan Amendment application with the Town of Damariscotta in order to add two double EV chargers (2 poles, 4 chargers) in the southeast corner of their parking lot at 323 Main Street. The parcel is further identified as Assessor's Tax Map 10, Lot 11-2 and it is located within the C-2 Zoning District.



Notices of the pending application were mailed on January 4, 2023 to 8 property owners abutting the subject property and were posted at the Town Office. No abutters objected to the application and therefore a public hearing is not required, per Sec. 102.5(G) of the Damariscotta Town Ordinances.

This submission is being reviewed pursuant to Chapter 102, Sec. 102.6: Performance Standards [Site Plan Review].

---

## SUBMISSION CHRONOLOGY

---

Application Received:	December 14, 2022
Pre-Application Date:	N/A
Deemed Complete for Planning Board:	January 4, 2023

## PROJECT DATA

---

<b>Zoning:</b>	C-2	
<b>Land Area:</b>	1.53 acres	
<b>Existing Land Use:</b>	Retail store	
<b>Proposed Land Use:</b>	No change	
	<b>Allowed:</b>	<b>Proposed:</b>
<b>Max. Building Height:</b>	40 feet	N/A – no change
<b>Min. Front Yard:</b>	20 feet, or the average of existing setbacks on abutting properties	N/A – no change
<b>Min. Side Yard:</b>	15 feet	N/A – no change
<b>Min. Rear Yard:</b>	15 feet	N/A – no change
<b>Min. Water Setback:</b>	N/A	N/A – no change
<b>Min. Off-Street Parking*:</b>	4/1000 s.f., or 36 spaces	Conversion of existing spaces into spaces for electric vehicles

\*Pursuant to 102.6(H)(7)(i).

## REVIEW PROCESS

---

The Site Plan application for Rising Tide was originally approved by the Planning Board during their meeting of December 1, 2008 (minutes attached). In the summer of 2018 complaints were received regarding the (presumably newly painted) color of the market. The Code Enforcement Officer at the time issued a notice of violation (attached) outlining steps that the market could take to rectify the issue.

Rising Tide then submitted a request that the Planning Board amend the 2008 approval by granting a waiver of Sec. 102.6(V)(3), which reads, “Building facade colors shall be non-reflective, subtle, neutral or earth tone. The use of high intensity colors, metallic colors, fluorescent colors or black on facades shall be prohibited ...” At the October 7, 2019 meeting, the Planning Board voted to table further consideration of Rising Tide’s request until such time as the applicants could complete and submit a long-term facilities plan (by no later than May 2020).

Previous Town staff contacted the applicant in July of 2020, following the onset of the COVID-19 pandemic, asking for an update of the facilities plan referenced previously. The applicant asked for an extension of the previous requirement to submit a long-term facilities plan by May 2020, and the Planning Board voted during their meeting on August 3, 2020 to extend this requirement until May 2021, noting that no other permits will be allowed until this issue is addressed.

---

At issue at this time is the Planning Board's ability to deny an application for Site Plan Amendment based on a known and long-standing violation. There is case law surrounding this issue (see *Town of Gorham v. Bauer, Cum. Cty.*, CV-89-278 (11/21/89)), which essentially states that, even if the property is already violating an ordinance or statute, that fact cannot be used to deny a permit application unless authorized by the ordinance under which the application was filed.

Given the absence of any language in the Site Plan Review ordinance to deny an application if there is already an existing violation on the property, the Planning Board cannot use this evidence to deny this application. Standards for approval and denial are only those as outlined in Sec. 102.6 et. seq.

Separately, there is an enforcement section of the Site Plan Review Ordinance that is relevant for the Town. Section 102.14(C) notes, "When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the town. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage."

I have communicated the above with the Code Enforcement Officer, Town Manager, and have engaged the Town's attorney to discuss next steps separate from this review.

## **ANALYSIS OF PROJECT**

---

Site Plan Amendment applications are subject to the review standards outlined in Chapter 102, Sec. 102.6: Performance Standards [Site Plan Review].

Staff's analysis of the Site Plan Review standards are organized by topic below, with references to the corresponding provisions.

**1. Sec. 102.6(A): Preserve and Enhance the Landscape**

No changes to the existing natural landscape are proposed as part of this application, as the conduit for the chargers will be run from the existing building and the chargers are proposed to be located within the existing parking lot. No expansion of impervious areas are proposed.

**2. Sec. 102.6(B): Relationship to Environment and Neighboring Buildings**

Changes to the building's space and bulk are not proposed as part of this application. The EV chargers will be located in the rear parking lot behind the building. Expansion of the existing parking area is not proposed.

---

**3. Sec. 102.6(C): Air Quality**

There are no air quality concerns due to the nature of the project being proposed.

**4. Sec. 102.6(D): Lighting and Glare**

No additional exterior lighting is proposed as part of this application.

**5. Sec. 102.6(E): Noise**

All noise during construction and once in operation will be required to adhere to the provisions of this section, including staying below the sound level limitations as described. For a project abutting other commercial uses, the sound level limits are 65 dBA between the hours of 7 a.m. and 7 p.m. and 55 dBA between the hours of 7 p.m. and 7 a.m. Condition #4 reaffirms this requirement.

**6. Sec. 102.6(F), (G), (H), and (I): Traffic, Circulation, and Access**

Trips

Additional trip generation is not anticipated as a result of this amendment.

Access

No changes to the existing site access as approved in the 2008 Site Plan are proposed with this application.

Parking

Site Plan Review Ordinance Section 102.6(H)(7)(i) requires that retail stores provide 4 parking spaces per 1,000 s.f. of floor area, therefore Rising Tide Co-Op requires 36 parking spaces. The site currently has 72 parking spaces, including 2 ADA-compliant parking spaces. The EV chargers proposed will not remove any parking spaces, but instead will designate 4 parking spaces as reserved for electrical vehicles utilizing the chargers. As designed the parking supplied meets the requirements of Section 102.6(H).

**7. Sec. 102.6(J): Existing Public Utilities and Services**

Increases in sewer demand are not anticipated as a result of this application.

Increases in solid waste generation are not anticipated as a result of this project.

As noted above, changes to existing site accesses are not proposed as part of this application and therefore emergency access continues to be adequate for the site.

**8. Sec. 102.6(K): Water Quality**

The proposed project will not adversely affect the quality or quantity of groundwater, consistent with Sec. 102.6(K) and Sec. 102.6(L), given the limited scope of the project and the placement of the chargers in the existing developed parking lot.

**9. Sec. 102.6(L): Stormwater Management**

Changes in stormwater management are not proposed or needed with this application, given that the parking spaces reserved for EV-chargers are in the existing parking spaces on the property. There will be no increase in impervious area.

---

**10. Sec. 102.6(M): Erosion & Sediment Control**

Given the limited scope of this project, an erosion and sediment control plan is not required and these standards are not applicable.

**11. Sec. 102.6(N): Water Supply**

Changes in demand on the water supply are not anticipated as a result of this application.

**12. Sec. 102.6(O): Natural Beauty**

Given that the application is to install EV chargers in the previously developed parking lot, changes to natural beauty are not anticipated with this application. Similarly, wetlands will not be impacted by the proposed development.

**13. Sec. 102.6(P): Historic and Archeological Resources**

No documented archeological or historic resources will be impacted by the proposed development.

**14. Sec. 102.6(Q): Filling and Excavation**

All excavation will be incidental to the proposed development, will be limited in scope to the undergrounding of the conduit, and are not part of an excavation or filling operation. Thus, this standard is not applicable to this project.

**15. Sec. 102.6(R): Sewage Disposal**

Changes in sewage disposal or increased demand for public sewer are not anticipated as a result of this application.

**16. Sec. 102.6(S): Phosphorus Control**

The subject property is not located within the watershed of a great pond, therefore this standard is not applicable.

**17. Sec. 102.6(T): Buffer Areas**

Changes in the required buffer areas are not proposed or required with this application. The existing parking spaces will simply be designated as reserved for electric vehicles.

**18. Sec. 102.6(U): Signs**

Changes in signage are not proposed with this application. Future signage is required to obtain a permit from the Code Enforcement Officer in accordance with the provisions of Chapter 107, the Damariscotta Sign Ordinance.

**19. Sec. 102.6(V): Building Appearance**

Building or changes in the appearance of the building is not proposed with this application. Therefore, this standard is not applicable.

---

**WAIVERS**

The applicant has not requested any waivers as part of this project.

---

## RECOMMENDATION

---

Based on the review of the project and all information in the record, staff recommends the following action:

Approve the Site Plan Amendment application of Rising Tide Co-op, dated through December 13, 2022, for the Rising Tide Co-op EV Chargers project at 323 Main Street, subject to the following conditions:

### *Conditions of Approval*

	<b>Condition</b>	<b>Staff Assigned</b>	<b>Must be Completed By:</b>
1.	This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.	Town Planner	Ongoing
2.	Prior to the issuance of a building permit, the applicant shall pay all outstanding review escrow account fees.	Town Planner	Prior to Issuing Building Permit
3.	This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.	Code Officer	Ongoing
4.	The applicant shall secure a Building Permit from the Code Enforcement Officer in coordination with the Town Planner and all relevant review authorities, prior to commencing any construction activities.	Code Officer	Prior to Issuing Building Permit
5.	All noise associated with the proposed development shall be regulated in accordance with the provisions of Sec. 102.6. Applicants and their contractors are well-advised to familiarize themselves with that section of the Town's Ordinances.	Code Officer	Ongoing

*Isabelle V Oechsle*

Isabelle V. Oechsle  
Town Planner  
February 5, 2023

---

## ATTACHMENTS:

- |                |   |
|----------------|---|
| Attachment [1] | Application and Corresponding Materials                         |
| Attachment [2] | December 1, 2008 Meeting Minutes                                |
| Attachment [3] | Notice of Violation, dated July 29, 2019                        |
| Attachment [4] | Documentation of Planning Board Decision, dated October 8, 2019 |

---

Attachment [5] Correspondence with Applicant, July 2020  
Attachment [6] Planning Board Meeting Minutes of August 3, 2020



**DAMARISCOTTA PLANNING BOARD  
FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND NOTICE OF DECISION**

Date: February 6, 2023

**Site Plan Amendment Application – Rising Tide Co-op EV Chargers**

**323 Main Street – Rising Tide Co-op**

**PID #2206**

The Town of Damariscotta Planning Board issues the following Findings of Fact and Conclusions of Law at its duly-noticed meeting of **February 6, 2023**:

- A.** The Planning Board considered the Project, the staff report, and received and considered any written and oral public comments on the Project which were submitted up to and at the time of the meeting for the Project; and
- B.** Notices of the pending application were mailed on January 4, 2023 to 8 property owners abutting the subject property and were posted at the Town Office. No abutters objected to the application and therefore a public hearing is not required, per Sec. 102.5(G) of the Damariscotta Town Ordinances; and
- C.** The project description is as follows:  
  
Rising Tide Co-Op has filed a Site Plan Amendment application with the Town of Damariscotta in order to add two double EV chargers (2 poles, 4 chargers) in the southeast corner of their parking lot at 323 Main Street. The parcel is further identified as Assessor’s Tax Map 10, Lot 11-2 and it is located within the C-2 Zoning District; and
- D.** The Project is subject to the following policies and standards of review:
  - a. Chapter 102, Sec. 102.6: Performance Standards [Site Plan Review].
- E.** The core Project Data includes:

<b>Zoning:</b>	C-2	
<b>Land Area:</b>	1.53 acres	
<b>Existing Land Use:</b>	Retail store	
<b>Proposed Land Use:</b>	No change	
	<b>Allowed:</b>	<b>Proposed:</b>
<b>Max. Building Height:</b>	40 feet	N/A – no change
<b>Min. Front Yard:</b>	20 feet, or the average of existing setbacks on abutting properties	N/A – no change
<b>Min. Side Yard:</b>	15 feet	N/A – no change
<b>Min. Rear Yard:</b>	15 feet	N/A – no change
<b>Min. Water Setback:</b>	N/A	N/A – no change
<b>Min. Off-Street Parking*:</b>	4/1000 s.f., or 36 spaces	Conversion of existing spaces into spaces for electric vehicles

F. Based on its review of the entire record herein, the Planning Board has determined that the Project meets the applicable policies and standards of review, and the Planning Board makes the following findings:

**1. Sec. 102.6(A): Preserve and Enhance the Landscape**

No changes to the existing natural landscape are proposed as part of this application, as the conduit for the chargers will be run from the existing building and the chargers are proposed to be located within the existing parking lot. No expansion of impervious areas are proposed.

**2. Sec. 102.6(B): Relationship to Environment and Neighboring Buildings**

Changes to the building's space and bulk are not proposed as part of this application. The EV chargers will be located in the rear parking lot behind the building. Expansion of the existing parking area is not proposed.

**3. Sec. 102.6(C): Air Quality**

There are no air quality concerns due to the nature of the project being proposed.

**4. Sec. 102.6(D): Lighting and Glare**

No additional exterior lighting is proposed as part of this application.

**5. Sec. 102.6(E): Noise**

All noise during construction and once in operation will be required to adhere to the provisions of this section, including staying below the sound level limitations as described. For a project abutting other commercial uses, the sound level limits are 65 dBA between the hours of 7 a.m. and 7 p.m. and 55 dBA between the hours of 7 p.m. and 7 a.m. Condition #4 reaffirms this requirement.

**6. Sec. 102.6(F), (G), (H), and (I): Traffic, Circulation, and Access**

*Trips*

Additional trip generation is not anticipated as a result of this amendment.

*Access*

No changes to the existing site access as approved in the 2008 Site Plan are proposed with this application.

*Parking*

Site Plan Review Ordinance Section 102.6(H)(7)(i) requires that retail stores provide 4 parking spaces per 1,000 s.f. of floor area, therefore Rising Tide Co-Op requires 36 parking spaces. The site currently has 72 parking spaces, including 2 ADA-compliant parking spaces. The EV chargers proposed will not remove any parking spaces, but instead will designate 4 parking spaces as reserved for electrical vehicles utilizing the chargers. As designed the parking supplied meets the requirements of Section 102.6(H).

**7. Sec. 102.6(J): Existing Public Utilities and Services**

Increases in sewer demand are not anticipated as a result of this application.

Increases in solid waste generation are not anticipated as a result of this project.

As noted above, changes to existing site accesses are not proposed as part of this application and therefore emergency access continues to be adequate for the site.

**8. Sec. 102.6(K): Water Quality**

The proposed project will not adversely affect the quality or quantity of groundwater, consistent with Sec. 102.6(K) and Sec. 102.6(L), given the limited scope of the project and the placement of the chargers in the existing developed parking lot.

**9. Sec. 102.6(L): Stormwater Management**

Changes in stormwater management are not proposed or needed with this application, given that the parking spaces reserved for EV-chargers are in the existing parking spaces on the property. There will be no increase in impervious area.

**10. Sec. 102.6(M): Erosion & Sediment Control**

Given the limited scope of this project, an erosion and sediment control plan is not required and these standards are not applicable.

**11. Sec. 102.6(N): Water Supply**

Changes in demand on the water supply are not anticipated as a result of this application.

**12. Sec. 102.6(O): Natural Beauty**

Given that the application is to install EV chargers in the previously developed parking lot, changes to natural beauty are not anticipated with this application. Similarly, wetlands will not be impacted by the proposed development.

**13. Sec. 102.6(P): Historic and Archeological Resources**

No documented archeological or historic resources will be impacted by the proposed development.

**14. Sec. 102.6(Q): Filling and Excavation**

All excavation will be incidental to the proposed development, will be limited in scope to the undergrounding of the conduit, and are not part of an excavation or filling operation. Thus, this standard is not applicable to this project.

**15. Sec. 102.6(R): Sewage Disposal**

Changes in sewage disposal or increased demand for public sewer are not anticipated as a result of this application.

**16. Sec. 102.6(S): Phosphorus Control**

The subject property is not located within the watershed of a great pond, therefore this standard is not applicable.

**17. Sec. 102.6(T): Buffer Areas**

Changes in the required buffer areas are not proposed or required with this application. The existing parking spaces will simply be designated as reserved for electric vehicles.

**18. Sec. 102.6(U): Signs**

Changes in signage are not proposed with this application. Future signage is required to obtain a permit from the Code Enforcement Officer in accordance with the provisions of Chapter 107, the Damariscotta Sign Ordinance.

**19. Sec. 102.6(V): Building Appearance**

Building or changes in the appearance of the building is not proposed with this application. Therefore, this standard is not applicable.

G. The applicant has not requested any waivers of the Site Plan Review standards.

**DECISION:**

H. Based on its review of the entire record herein, including the February 6, 2023 Planning Board staff report; all supporting, referenced, and incorporated documents; and all comments received; the Site Plan Amendment application of Rising Tide Co-op, dated through December 13, 2022, for the Rising Tide Co-op EV Chargers project at 323 Main Street; is hereby:

	YAE	NAE	Absent/Abstain
DENIED			
APPROVED WITH THE CONDITIONS BELOW			

**CONDITIONS**

	Condition	Staff Assigned	Must be Completed By:
1.	This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.	Town Planner	Ongoing
2.	Prior to the issuance of a building permit, the applicant shall pay all outstanding review escrow account fees.	Town Planner	Prior to Issuing Building Permit

<b>Condition</b>	<b>Staff Assigned</b>	<b>Must be Completed By:</b>
3. This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.	Code Officer	Ongoing
4. The applicant shall secure a Building Permit from the Code Enforcement Officer in coordination with the Town Planner and all relevant review authorities, prior to commencing any construction activities.	Code Officer	Prior to Issuing Building Permit
5. All noise associated with the proposed development shall be regulated in accordance with the provisions of Sec. 102.6. Applicants and their contractors are well-advised to familiarize themselves with that section of the Town's Ordinances.	Code Officer	Ongoing

Planning Board Signatures:

---



---



---



---



---

Planning Department  
Damariscotta Town Office  
21 School Street,  
Damariscotta, ME 04543



Isabelle Oechsle  
Town Planner  
Phone: (207) 563-5168  
[IOechsle@damariscottame.com](mailto:IOechsle@damariscottame.com)

## PLANNING BOARD APPLICATION

OFFICE USE ONLY	
Application Fee: <u>\$50</u>	PID: <u>2206</u>
Date Received: <u>12/14/2022</u>	

*Applications may be accepted electronically, though the Planning Board reserves the right to request physical submissions. Please email your full submission binder to the Town Planner.*

### SITE DETAILS

Street Address: 323 Main Street

Deed Book and Page: \_\_\_\_\_

Existing Subdivision Name: \_\_\_\_\_  Not Applicable

Lot within subdivision: \_\_\_\_\_  Not Applicable

Tax Map & Lot: ~~0057~~ 10 | 11-2

Zoning district: COMMERCIAL

Existing land use(s): RETAIL

### PROPERTY OWNER INFORMATION

Property Owner Name: Rising Tide Coop

Mailing Address: 323 Main St. | Damariscotta, ME 04543

Phone Number: 207 563 5556

Email: sergio.c@risingtide.coop

### APPLICANT INFORMATION (IF DIFFERENT FROM ABOVE)

Applicant Name: Sergio Coimbra, Facilities & IT Manager at Rising Tide Coop

Mailing Address: 323 Main St. | Damariscotta, ME 04543

Phone Number: 207 563 5556

Email: sergio.c@risingtide.coop

**CONTACT PERSON / AGENT INFORMATION**

---

*The Planner will only contact one designated person regarding the application. Please identify the primary contact:*

- Property owner       Applicant       Other (fill out section below):

Applicant Name: Rising Tide Coop  
Mailing Address: 323 Main St. | Damariscotta, ME 04543  
Phone Number: 207 563 5556  
Email: sergio.c@risingtide.coop

**PROJECT INFORMATION**

---

Description: Instalation of 2 Double EV Chargers (2 poles, 4 chargers)  
Back of the building by Parking Lot, Southeast Corner

Is the project located within any of the following? *(Please select all that apply):*

- Special Flood Hazard Area       Shoreland Zoning Area  
 Historic District

**APPLICATION TYPE**

---

*Please select ALL that apply:*

- |  |  |
|--|--|
| <input type="checkbox"/> Conditional Use Application               | <input type="checkbox"/> Site Plan Application         |
| <input type="checkbox"/> Small Wind Energy System                  | <input type="checkbox"/> Site Plan Pre-application     |
| <input type="checkbox"/> Conditional Use Application               | <input type="checkbox"/> Preliminary Major Subdivision |
| <input type="checkbox"/> Final Major Subdivision                   | <input type="checkbox"/> Minor Subdivision             |
| <input type="checkbox"/> Sketch Plan Pre-application (Subdivision) |  |
| <input type="checkbox"/> Zoning Map Amendment                      | <input type="checkbox"/> Zoning Text Amendment         |

*Note: Please consult with the Planner if you are unsure about which applications you will need.*

SIGNATURES

---

PROPERTY OWNER'S CONSENT REQUIRED:

I declare under penalty of perjury that I am the owner of said property. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.



Signature of Property Owner

12/13/2022

Date

Heather Burt, GM Rising Tide Coop

I, \_\_\_\_\_, authorize the noted applicant or agent named on this application to file this application on my behalf.

OWNER  
INITIAL

APPLICANT / AGENT CERTIFICATION:

I certify that all of the information provided within this application form and accompanying materials is true and accurate to the best of my knowledge. I understand that any misrepresentation of submitted data may invalidate any approval of this application.



Signature of Applicant

12/13/2022

Date

**Sergio Coimbra, Facilities & IT Manager**

Print Name and Title



**Town of Damariscotta  
Building or Use Permit Application**

*Planning Board*

For Office Use Only	
Permit #	_____
Date:	_____
Fee:	_____
Date Paid:	_____
Approved:	_____

*202  
997 6638*

Property Owner RISING TIDE COOP  
 Address 323 MAIN ST, DAMARISCOTTA  
 Map \_\_\_\_\_ Lot \_\_\_\_\_ Zone \_\_\_\_\_ Lot Size \_\_\_\_\_  
 Property Location \_\_\_\_\_ Road Frontage (FT) \_\_\_\_\_  
 Contractor REVISION ENERGY  
 Contractor's Address 758 WESTBROOK ST. 1 So. PORTLAND

Phone 207 583 5556  
 Zip 04543  
 Sewage Permit # \_\_\_\_\_  
 Water Frontage (FT) \_\_\_\_\_  
 Phone 207 221 6342  
 Zip 04106

Proposed Use	Building Coverage in SQ. FT	Business Information	Special Zones
Single Family Home <input type="checkbox"/>	1st Floor _____	Owner/Lessee _____	Shoreland <input type="checkbox"/>
Mobile Home <input type="checkbox"/>	2nd Floor _____	Email Address _____	Wetlands <input type="checkbox"/>
Modular Home <input type="checkbox"/>	Decks/Additions _____	<u>servic.c@risingtide.coop</u>	Flood Zones <input type="checkbox"/>
Addition <input type="checkbox"/>	Garage _____	Type of Business <u>FOOD STORE</u>	Lowlands <input type="checkbox"/>
Other _____	Total _____		Rural <input type="checkbox"/>
Accessory Building <input type="checkbox"/>			Commercial <input checked="" type="checkbox"/>

**Project Description:**  
INSTALLATION OF TWO EV CHARGERS IN OUR  
PARKING LOT, SOUTHEAST SIDE / CORNER

Estimated Cost of Project: \$45,000

**Property Information**

<b>Lot Size (Sq. Ft or Acres):</b>	<b>Frontage for Road &amp; Water in Ft.</b>
_____	Nonconforming <input type="checkbox"/>
<b>More than one use existing on the Property, Accessory Use:</b>	<b>Setbacks</b>
Nonconforming <input type="checkbox"/>	Nonconforming <input type="checkbox"/>
	Front _____ Side _____ Rear _____
<b>Please List # of Dwelling Units Currently on Property:</b>	<b>Lot Coverage (Percentage)</b>
_____	Present: _____
	Proposed: _____

<b>Number of Stories</b> Present: _____ Proposed: _____	<b>Height of Buildings (Ft.)</b> Present: _____ Proposed: _____	<b>Number of Bedrooms</b> Present: _____ Proposed: _____	<b>Present Septic System is Approved for</b> Bedrooms _____
<b>Year Round</b> Jse: _____ <b>Seasonal</b> Jse: _____	<b>Number of Bathrooms</b> Full _____ Half _____ Present: _____ Proposed: _____	<b>Commercial Use</b> Planning Board Approval Needed <input type="checkbox"/>	

I certify that all information given in this application is accurate. All proposed uses shall be in conformance with this application and the Damariscotta Land Use Ordinance. I agree to future inspections by the Code Enforcement Officer at reasonable hours.

Applicant's Signature \_\_\_\_\_ Date 12/12/2022

NOTE: Please include a plot plan that includes all setbacks & distances from property boundaries, roads, streets, & right of ways; all wetlands & waterbodies; any existing wells & septic systems. Building permits do not include plumbing, septic or any other needed permits. Building permits are valid for one (1) year. Any false information may invalidate a building permit and stop all work.

**Approval or Denial of Application**

The Application is: \_\_\_\_\_ Approved \_\_\_\_\_ Denied

If Approved, the following conditions are prescribed: \_\_\_\_\_

If Denied, reason for denial: \_\_\_\_\_

Code Enforcement Officer \_\_\_\_\_ Date \_\_\_\_\_

**BUILDING PERMIT FEE SCHEDULE**

**Commercial or Industrial:** Charge App fee + Sq Ft

Application Fee: \$30.00

30¢ per square foot

**Change of Use:**

\$125.00

**Residential:** Charge App fee + Sq Ft

Application Fee: \$30.00

25¢ per square foot (No maximum)

**Additions/Accessory: Residential**

Application Fee: \$30.00 Charge App fee + Sq Ft

20¢ per square foot

\*Structures may include but are not limited to: decks, garages, greenhouses, barns, etc.

**Shoreland Zone:**

\$75.00 surcharge + permit fee

**Site Review:**

\$50.00 minimum fee or 02¢ per square foot

**After the Fact:**

2 times the regular permit fee

**Swimming Pools:**

In-ground & above-ground: \$25.00

**Subdivision:** Charge App fee + Sq Ft

Application Fee: \$250

\$50.00 per lot

**\*Advertising may be necessary for Planning Board purposes**

Advertising fee: \$45.00

**Permit Fee Itemization:**

Application Fee: \$30.00

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLOT PLAN**

USE THE SPACE BELOW TO DRAW A PLOT PLAN. PLEASE INCLUDE ALL SETBACK DISTANCES FROM PROPERTY BOUNDARIES, ROADS, STREETS AND RIGHT-OF-WAYS, ALL WETLANDS AND WATER-BODIES, ANY EXISTING WELLS AND SEPTIC SYSTEMS. SHOW ALL PROPOSED DECKS AND PORCHES



2 x EV Chargers will be placed in this corner of the parking lot, back of the lot



EV Chargers will be placed in this corner of the parking lot, close to the building



EV Chargers will be placed here, close to the building, areas already marked as parking spots

The electrical conduit will come from inside the building (between windows and door in the right pic), and then underground till reaching the 2 EV Chargers poles, that will be grounded.

Minutes

Damariscotta Planning Board 12/1/08

Town of Damariscotta  
Planning Board Meeting  
December 1, 2008  
Minutes

**CONTENTS:**

A. ROLL CALL

B. REVIEW MINUTES

- November 3, 2008 meeting

C. OLD BUSINESS

1. Rising Tide Market –(Map 10 Lot 11-2) Change of Use Preliminary Site Plan Application for auto dealership into retail food store and Preliminary Subdivision Application for other commercial uses at 323 Main Street (Rt 1B), in the Commercial II District.
2. Cabbell Curran, Coveside Condominiums – (Map 6 Lot 40) Final Shoreland Zone Permit Application for expansion within the 30% Expansion Rule within the Shoreland Zone at 62 Elm Street overlying the Commercial I District. Review of Code Enforcement Officer's review of the proposed expansion volume and area figures.

D. NEW BUSINESS

1. Carolyn Palmer – (Map 18 Lot 10) Preliminary Shoreland Zone Permit Application for expansion within the 30% Expansion Rule within the Shoreland Zone at 30 Cove Lane overlying the Rural District. Review of Code Enforcement Officer's review of the proposed expansion volume and area figures.

E. OTHER

- Inquiries from the public and questions on sketch plans.

ADJOURNMENT

**A. ROLL CALL**

Chairman of the Board, George Parker called the meeting to order at 6:58 PM. There was a quorum present throughout. Members present were Wilder Hunt, Fred Sewall, and Pande Stevens. Also present was Town Planner, Anthony Dater.

The audience included:

- Travis Pryor, Wright-Pierce representative, 99 Main St, Topsham, ME – Rising Tide Market project.
- Richard Burt, architect, PO Box 1382, Damariscotta, ME – Rising Tide Market project.
- Scott Cooper, 914 Main Rd, Westport, ME – Representative Rising Tide Market project.
- Carolyn Palmer, 121 Boyd Hill Rd Wilmington, VT – Applicant
- Carl Boyd, 121 Boyd Hill Rd Wilmington, VT – Applicant.
- Karl Olson, Land Surveyor, 147 Bradford Rd, Wiscasset, ME – Representative Coveside Condominium project.
- Roger Bintliff, 318 Eddy Rd, Edgecomb, ME 04556 – Representative Coveside Condominium project.
- Daniel Day, Damariscotta, ME – Abutter to Rising Tide Market project.

**B. MINUTES**

The Board was presented with and reviewed a Draft copy of the Minutes for the November 3, 2008 meeting. George Parker and Anthony Dater suggested corrections to the Minutes. Pande Stevens made a motion to approve the Minutes as corrected. Wilder Hunt seconded the Motion. The Board voted 3-0 to accept the Minutes as corrected. A copy of the corrected Minutes to be brought to the January 5, 2009 meeting for signatures.

**C. OLD BUSINESS**

**Rising Tide Market – (Map 10 Lot 11-2) Change of Use Preliminary Site Plan Application for auto dealership into retail food store and Preliminary Subdivision Application for other commercial uses at 323 Main Street (Rt 1B) in the Commercial II District.**

Scott Cooper and Travis Pryor came before the Board with updated plans for the Rising Tide project. Travis Pryor showed the Board some minor changes to the plans, such as grading. He had talked with the DOT. A letter was received from the Fire Chief. He requires that all turning radiuses be a minimum of 50 feet. The Fire Chief will look at the project upon completion. The entrances have been reduced to 26 feet. The plans have been changed to allow for one way traffic. George Parker expressed concern about

Minutes

Damariscotta Planning Board 12/1/08

the island around the power pole needing to have some curbing to prevent vehicles sliding into the pole. Mr Pryor agreed that it was a valid concern.

Travis Pryor explained the lighting plans for the project. They will be replacing some lights with nonconforming lights. Fred Sewall asked if that is the only solution to provide adequate light. George Parker stated that the Site Plan Ordinance has requirements regarding foot-candles. The Site Plan Ordinance requires that the source of any light be shielded so that it is not visible from adjacent properties.

The Board asked abutter, Daniel Day, if he had any concerns with the project. He stated that the light is not very visible when the foliage is out. If the light were shielded, he probably would not see very much. He expressed concern that future development on his property may be closer to the Rising Tide project. Fred Sewall stated that there are 3 lights on the rear of the building. Mr Day suggested that the light could be aimed towards the building to correct the situation. The Board discussed lighting options with the applicant that would satisfy the Site Plan Ordinance requirements.

Rick Burt asked if construction could be started if the applicant agreed to bring an alternate lighting plan to the Board. Wilder Hunt stated that it was a reasonable approach. Chairman Parker agreed that if Neil Campbell signed the building permit, that the exterior lighting issue could be revisited after construction started on the building.

Rick Burt indicated minor changes to the existing building on the floor plans. Public entrance will be on the West side. Existing windows and overhead garage doors will be closed in with concrete block. Two chimneys will be removed. Color scheme to maintain original character of the building as a garage with green exterior walls and red windows. Mr Burt indicated that Rising Tide may return to the Board in the future with plans for canopies to be added to the building.

Chairman Parker asked the Board if they had any further questions or concerns about this application. Wilder Hunt commented that the updated plans for the entrance and exit are a big improvement over the original plans. Mr Parker questioned if the vestibule had been removed. Mr Burt stated that it had not been removed.

Fred Sewall made a motion to approve the application with the contingency that the lighting waiver is not approved, and an alternate lighting plan will need to be brought back to the Board for approval. Pande Stevens seconded the motion. **The Board voted 3-0 to approve the application with the above contingency.** The Board signed 2 copies of the plans.

**Cabbell Curran, Coveside Condominiums – (Map 6 Lot 40) Final Shoreland Zone Permit Application for expansion within the 30% Expansion Rule within the Shoreland Zone at 62 Elm Street overlying the Commercial I District. Review of Code Enforcement Officer’s review of the proposed expansion volume and area figures.**

Chairman Parker read a letter to the Board from Neil Campbell, Code Enforcement Officer stating that the measurements provided by the applicant are okay as submitted. Fred Sewall made a motion to approve the calculations as submitted. Wilder Hunt seconded the motion. **The Board voted 3-0 to approve the calculations as submitted.**

#### **D. NEW BUSINES**

**Carolyn Palmer – (Map 18 Lot 10) Preliminary Shoreland Zone Permit Application for expansion within the 30% Rule within the Shoreland Zone at 30 Cove Lane overlying the Rural District. Review of Code Enforcement Officers review of the proposed expansion volume and area figures.**

Chairman Parker explained that the Planning Board's role is to verify the accuracy of the calculations on this project. Mrs Palmer provided the deed and plans to the Board. She explained that the project is a 16 percent increase in floor space and almost 30 percent increase in volume on a seasonal residence. The dormer roof will be extended and there will be the addition of a 12' by 16' bedroom and bath. The setback from the shoreline will remain the same. The Board checked the calculations. Fred Sewall made a motion to approve the calculations as submitted. Pande Stevens seconded the motion. **The Board voted 3-0 to approve the calculations as submitted.**

#### **E. OTHER BUSINESS**

1. Tony Dater mentioned that a special project discussed during the workshop was the CDBG Grant that the Town is applying for. The Planning Board members agreed at the workshop that the winterization project should not require any permits from the Town of Damariscotta. George Parker stated that a statement from the Town was required as part of the Grant Application. Tony Dater offered to write the statement if the Board approved a motion. George Parker stated that there will be no new buildings, the project is limited to repairs made to the existing building. Fred Sewall made a motion that the Planning Board views this project as probably entailing no new construction, therefore it does not require any permits from the Board. Wilder Hunt seconded the motion. **The Board voted 3-0 to approve the motion.**

2. George Parker has been talking with Mary Bowers regarding a replacement of the existing water supply standpipe by the Great Salt Bay Sanitary District. He explained the project to the Board. Fred Sewall made a motion that the project be viewed as entailing no new construction, therefore it does not need Planning Board approval. Wilder Hunt seconded the motion. **The Board voted 3-0 to approve the motion as stated.**

Minutes

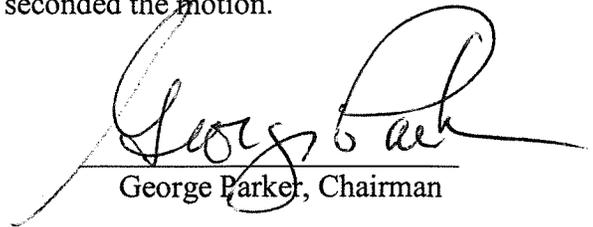
Damariscotta Planning Board 12/1/08

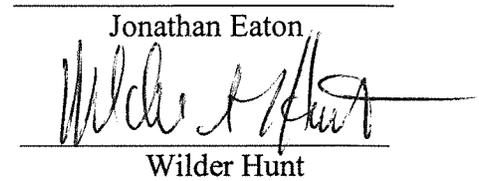
**F. ADJOURNMENT**

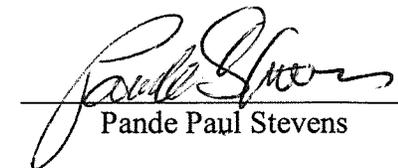
The meeting was adjourned at 8:19PM.

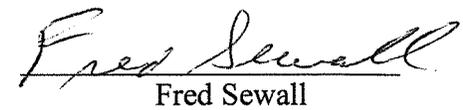
Fred Sewall made a motion to adjourn.. Wilder Hunt seconded the motion.

**The Board voted 3-0 in favor of adjournment.**

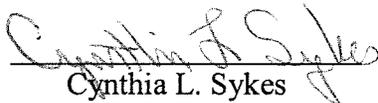
  
George Parker, Chairman

Jonathan Eaton  
  
Wilder Hunt

  
Pande Paul Stevens

  
Fred Sewall

Respectfully submitted by:

  
Cynthia L. Sykes

DAMARISCOTTA PLANNING BOARD

Dated 2-2-09

---

**From:** Robert Faunce <rfaunce8@gmail.com>  
**Sent:** Tuesday, October 8, 2019 11:34 AM  
**To:** hr@risingtide.coop  
**Cc:** 'STANLEY WALTZ'; Bob Faunce; Matt Lutkus  
**Subject:** Planning Board Action

Dear Ms. Burt – at its meeting on October 7, 2019, the Damariscotta Planning Board voted to table further consideration of your request to amend the 2008 conditions of Site Plan Approval for your facility on Main Street until you complete and submit to the Board your long-term facilities plan by May, 2020. If you have any questions, please do not hesitate to contact me. Best Regards, Bob Faunce, Damariscotta Town Planner

---

**From:** Heather Burt <hr@risingtide.coop>  
**Sent:** Monday, July 20, 2020 1:11 PM  
**To:** Robert Faunce  
**Cc:** Matt Lutkus; Graham Walsh  
**Subject:** Re: Appeal Extension Request

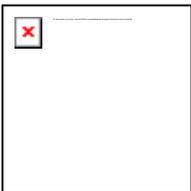
Hi Bob,

Thanks for checking in. As you can imagine, with the various business changes that have been required, and continue to be required, during the pandemic, making plans for large facilities expenditures has not been at the top of my priority list. I have been aware of the timeline for our conversation, and also aware that many meetings and other things have been reconfigured or postponed at the Town level as well. In terms of steps forward, I would like to request that either we look at an extension for further conversation or hope that the 2008 approval could be amended as noted as a possibility in #1 of your email. With all of the uncertainties of the upcoming months, it would not be prudent at this time for me to offer a specific plan forward. It continues to be my hope that we will expand and update the building via the Town's permitting system and that that would include changing the siding as well as the color at that time. Depending on how this fall and winter play out with COVID19, we could be looking at a proposal about a year from now.

Let me know how you would like to proceed.

Best,  
Heather

**Heather Burt**  
General Manager  
Rising Tide Co-op  
323 Main Street  
Damariscotta, ME 04543  
207-563-5556  
[gm@risingtide.coop](mailto:gm@risingtide.coop)  
[www.risingtide.coop](http://www.risingtide.coop)



On Mon, Jul 20, 2020 at 11:33 AM Robert Faunce <[rfaunce8@gmail.com](mailto:rfaunce8@gmail.com)> wrote:

Hi Heather –

I am writing you to see where you are with Rising Tide's facility planning. You will recall that the Planning Board extended the compliance date for the building color until May of this year. I have been reluctant to enforce the May deadline because of the difficulties Rising Tide may be having in coping with issues associated with Covid 19 but I have had some inquiries about the status of the plans. Please get back to me soon for an update of where things stand. Below are the conditions the Planning Board placed on the extension. Thanks, Bob Faunce

1. Amend the 2008 approval to allow the new exterior color to be approved by the CEO to approve future color schemes as long as they are neutral or earth tone rather than have any color-s

- 
2. Permit the existing exterior color to be maintained if the building is completed in May 2020, subject to the applicant making no changes to the building (please note that if the Building Color scheme as suggested in option #1, above, is approved by the CEO to approve it next year as suggested by the

**From:** Heather Burt [mailto:[hr@risingtide.coop](mailto:hr@risingtide.coop)]  
**Sent:** Tuesday, September 10, 2019 4:55 PM  
**To:** Matt Lutkus  
**Cc:** Robert Faunce; Stan Waltz  
**Subject:** Appeal Extension Request

Hi Matt,

As discussed, I am writing to request an appeal extension from the Appeals Board for Rising Tide Co-op. I will be submitting a letter to the Planning Board regarding our plans for addressing the color situation as part of a larger renovation project. I understand that I will need to get you such a letter by September 23rd and it would include a request for an amendment to the original site plan approval from 2008.

Please let me know if you require a more official request for the extension or if it needs further details or clarification.

Have a nice evening,

Heather

Heather Burt

General Manager

Rising Tide Co-op

323 Main Street

Damariscotta, ME 04543

207-563-5556

[hr@risingtide.coop](mailto:hr@risingtide.coop)

**MINUTES  
PLANNING BOARD  
TOWN of DAMARISCOTTA  
August 3, 2020 6:00 P.M.**

**MEMBERS PRESENT:** Jonathan Eaton, Chairperson; Jenny Begin, Neil Genthner, Wilder Hunt and Ann Jackson

**ALTERNATES:** Dan Day and Elizabeth Printy

**ABSENTEES:** Dan Day

**STAFF PRESENT:** Robert Faunce, Town Planner; Stan Waltz, Code Enforcement Officer; Lynda Letteney, Recording Secretary

**PUBLIC PRESENT:** Larry Keef, General Manager of a Medical Marijuana business; Danielle Simmons; Heidi Rosenwald; and, Evan Houk, Lincoln County News

The meeting was called to order at 6:00 p.m. by **Chairperson Eaton** and began with The Pledge of Allegiance.

**MINUTES FROM PREVIOUS MEETINGS:**

**On motion (Genthner/Hunt) to approve the minutes of the June 1, 2020 meeting as distributed.**

**Vote: 5-0-0**

**A. OLD BUSINESS: None**

**B. NEW BUSINESS:**

**1. 464 Main Street**

**Larry Keef**, general manager of the proposed medical marijuana and tobacco accessory retail store, presented. **Mr. Keef** said the intention is to delineate between the medical marijuana store and the tobacco accessory side. **Stan Waltz** requested that he tape off the desired separation so the Board can see how it will lay out. This would be the second medical marijuana establishment. **Jonathan Eaton** said it is already a commercial site and there is ample parking. There is a child services business next door, but it is non-educational and not governed by “school/day care” restrictions in the existing ordinance. As an aside, **Robert Faunce** said that currently there is no provision for licensing new businesses. **Stan Waltz** said businesses come and go all the time and we really should know what is coming in. **Robert** said they were working on it, so the town has notification. As far as medical marijuana, you can’t really stop it given the ordinance. **Elizabeth Printy** asked about tobacco accessories, does it include cigarettes? **Larry Keef** responded that because of the medical marijuana, someone must be 21 to enter the store. Accessories would include papers, pipes, and other paraphernalia. **Mrs. Printy** asked if they intended to add cigarettes. Both **Larry Keef and Danielle Simmons** stated that they were not interested in selling cigarettes. **Jonathan Eaton** asked them to wait until the next item was discussed, because both applications will require a site visit. They would like to combine them on the same day.

## 2. 115 Cottage Point Road

**Heidi Rosenwald** presented using a drawing and a 3-D model of the existing structure and the addition. Proposal is to add a 16' X 24' extension to the ground floor for a study area and bedroom/bath. The extension matches the existing architecture and comes off the back of the house away from the water into the existing lawn and garden area. There are 2 oak trees by the existing garage that will need to come down. Existing structure has a crawl space on concrete and addition will be on concrete. Addition looks back, away from the water, toward the road. **Wilder Hunt** asked what the distance was to the high water mark. Maps indicate 28' 11.5" from the water. **Stan Waltz** stated that the addition meets the 30% expansion guidelines. **Jonathan Eaton** stated that they still need to look at it. **Tuesday, August 11, 2020, at 4:00 p.m.** was agreeable to both Mr. Keef and Mrs. Rosenwald as well as the Board. Site visit will begin at 464 Main Street at 4:00 p.m., and then go out to Cottage Point Road.

## 3. Correspondence from Heather Burt at Rising Tide

**Bob Faunce** contacted Heather Burt at Rising Tide to inquire where she was at regarding the facility planning. The Board had extended the compliance date for the building color until May 2020. He has been reluctant to enforce the May 2020 deadline because of the Covid-19 pandemic, but he has had some inquiries. He included the conditions the Planning Board placed on the extension. **Stan Waltz** wanted to make sure the roof was painted before any additional work was done. Ms. Burt's response was that essentially they needed another year's extension. They are encouraged to contact the Code Enforcement Officer before doing any more work.

**On motion (Genthner/Begin) to extend the deadline until May 2021, and that no other permits will be allowed until this issue is addressed.** **Vote: 5-0-0**

## 4. Formula Business Amendments

**LUAC (Land Use Advisory Committee)** has spent some time looking at this. Recommendation is to amend the Damariscotta Land Use Ordinance as follows:

Add the following definitions to 101.4:

Formula Business means a type of retail sales establishment (i.e. chain store, outlet store), restaurant, tavern bar or take-out food establishment, which along with 20 or more establishments, maintain two or more of the following features:

1. Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
2. Trademark or service mark, defined as a word, phrase, symbol or design, or combination of words, phrases, symbols or design that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of the store design.
3. Standardized interior décor including but not limited to style of furniture, wall-coverings, or permanent fixtures.
4. Standardized color scheme used throughout the interior or exterior of the establishment.
5. Standardized uniform including but not limited to aprons, pants, shirts, smocks or dresses, hats and pins (other than name tags)

Amend 101.4.D.1, Schedule of Uses, by adding "formula businesses" as follows: Commercial-Service: Formula Businesses: C3 (subset of C2)

Formula businesses under these changes would be prohibited from establishment in the C-1 district in order to maintain a unique retail and dining experience in Damariscotta's historic downtown area. It is believed that formula businesses detract from the overall historic downtown experience and threaten its

tourist economy. (example: a Starbucks vs. Joe’s Coffee Shoppe) **Jenny Begin** asked if this extended out to C2. She asked if Damariscotta Hardware was a formula business. **Bob** felt it was. She asked about the food cooperative. She thought changing the lighting/signage would help on this one. **Jenny** said “This is a good definition; I just need to do some research.” She asked what Newcastle does. **Wilder Hunt** said, “I don’t like it; I don’t like the tone.” He would prefer inclusiveness and an “open for business” attitude. “I would be disappointed if we deny young people the opportunity to franchise.” **Jonathan Eaton** reminded Wilder it was only for C1. **Wilder** said he would still prefer a more inclusive message. **Bob Faunce** said the Planning Board could say “no” -by vote, or they could ask for a public hearing. **Jenny Begin** suggested sending it to the Board of Selectmen. **Jonathan Eaton** said the preservation of downtown is a good idea; there is not much room in C1 for chain businesses. **Jenny Begin** would like to see some public input. **Bob Faunce** said a zoom meeting could be arranged for a public hearing – Alna has done it several times with 45+ people. He suggested the Board could vote to have a public hearing with the date “to be announced”.

**On motion (Begin/Jackson) to convene a public hearing at a date to be determined to discuss the definition of formula businesses and prohibit them from C1. Vote: 4-1-0 (Genthner in the negative)**

After the vote, **Stan Waltz** reminded the Board that Damariscotta Bank and Trust downtown was being sold. They have an extensive basement area that could be retail – such as H & R Block, which is seasonal, but would be classified as formula and therefore not able to rent space there.

## **5. Updating Land Use tables**

The Land Use Advisory Committee (LUAC) has spent considerable time this past year updating the current list of uses in the Land Use Ordinance. The current list is outdated and does not recognize new types of businesses, residential developments, institutional uses, etc. LUAC also considered in which districts these new uses should be allowed. Definitions for current uses were revised and new businesses were defined. LUAC made an effort not to remove any currently listed use from any zoning district, thus avoiding having to notify abutters as required by State law. **Bob** pointed out some things missing from the current list such as gasoline stations and small day care operations. **Bob** has marked in yellow all new additions as well as the definitions. **Jenny Begin** asked if some businesses were grandfathered. **Bob Faunce** reminded the Board that Damariscotta was a service center, and “we don’t want to restrict new business.” The site review screens for any unwanted businesses. Definitions quantify this. We will avoid ambiguity with extended use list. Also it limits abutters’ concerns. Definitions have been updated and modernized. The Medical District still needs to be included in the list. **Wilder Hunt** asked about the “theater district.” He recollects this being created when they wanted to update to a digital sign. **Bob** will check on it to see if it was formalized as a ‘district.’ **Stan Waltz** said that there is currently a movement to establish a drive-in movie theater in the back parking lot, projecting onto the theater, running on weekends. This would be temporary because of Covid-19.

**On motion (Begin/Jackson) to schedule a public hearing, with the date to be determined, regarding the Land Use Ordinance that reflects uses in various districts. Vote: 5-0-0**

## **C. OTHER**

**1. Questions from the Public: None**

**2. Housekeeping: None**

**3. Planner's Report-**

**Bob** reported out that there have been interviews starting with bidders for the parking lot/restroom project. The interview team has been impressed with the quality of the responses.

**D. Adjournment**

**On motion (Hunt/Eaton) to adjourn at 7:01 p.m.**

**Vote: 5-0-0**

Respectfully submitted,

Lynda Letteney  
Recording Secretary

---

**Jonathan Eaton, Chairperson**

---

**Jenny Begin**

---

**Neil Genthner**

---

**Wilder Hunt**

---

**Ann Jackson**

  Absent    
**Daniel Day (alternate)**

---

**Elisabeth Printy (alternate)**

**Meeting minutes of August 3, 2020, signed on \_\_\_\_\_ (date)**





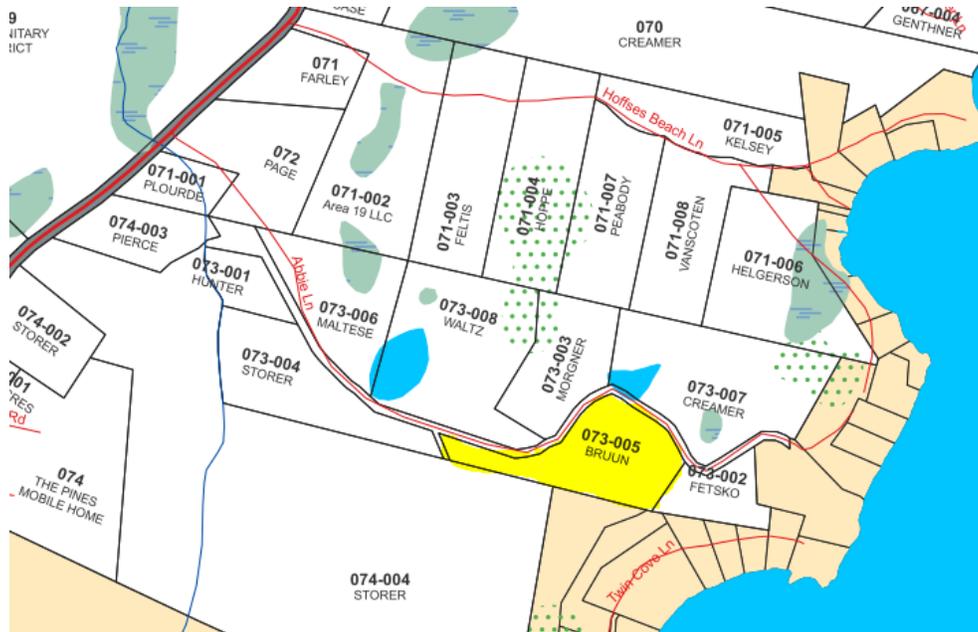
AGENDA ITEM #3B  
Meeting of February 6, 2023

Minor Subdivision Amendment Application – Abbie Lane Subdivision

79 Abbie Lane – Peter R. Bruun  
PID #2208

**INTRODUCTION**

Applicant Peter Bruun, being represented by Boothbay Region Surveyors, proposes to amend the previously approved Abbie Lane Subdivision plan by splitting his existing lot (shown as Lot 2) into two separate lots and selling a portion of the lot to his neighbor. The parcel to be retained by the applicant is a 2.2 acre parcel that includes the existing house. The proposed parcel will be 2 acres. The parent parcel is further identified as Assessor’s Tax Map 4, Lot 73-5 and it is located within the Rural Zoning District.



Pursuant to Chapter 103, Sec. 103.5(E)(7), legal advertisements regarding this application appeared in the Lincoln County News on January 26, 2023 and February 2, 2023, were mailed to 13 property owners abutting the subject property on January 24, 2023, and were posted at the Town Office. A public hearing is not expressly required for subdivision amendments, but the Planning Board may find it appropriate to hear comment related to this amendment if abutters are in attendance.

---

This submission is being reviewed pursuant to Chapter 103, Section 103.5(I): Amendments to Previously Approved Subdivision Plan, Chapter 103, Sec. 103.6: General Requirements [Subdivisions] and Chapter 103, Sec. 103.7: Design Standards [Subdivisions].

## SUBMISSION CHRONOLOGY

---

Application Received: January 19, 2023  
Pre-Application Date: N/A  
Deemed Complete for Planning Board: January 24, 2023

## PROJECT DATA

---

<b>Zoning:</b>	Rural	
<b>Land Area:</b>	4.35 acres	
<b>Existing Land Use:</b>	Single-family residential	
<b>Proposed Land Use:</b>	Single-family residential and vacant land	
	<b>Allowed:</b>	<b>Proposed:</b>
<b>Max. Building Height:</b>	35 feet	No building proposed
<b>Min. Front Yard:</b>	20 feet	No building proposed
<b>Min. Side Yard:</b>	15 feet	No building proposed
<b>Min. Rear Yard:</b>	15 feet	No building proposed

## REVIEW PROCESS

---

Abbie Lane Subdivision was approved by the Planning Board on April 3, 2017, with a waiver for the requirement for a 50' wide right-of-way, presumably because Abbie Lane was an already existing road at the time of subdivision approval (see the attached, signed subdivision plat and the signed Notice of Decision).

Amendments to previously approved subdivision plans are subject to review by the Planning Board pursuant to Section 103.5(I) of the Subdivision Ordinance.

## ANALYSIS OF PROJECT

---

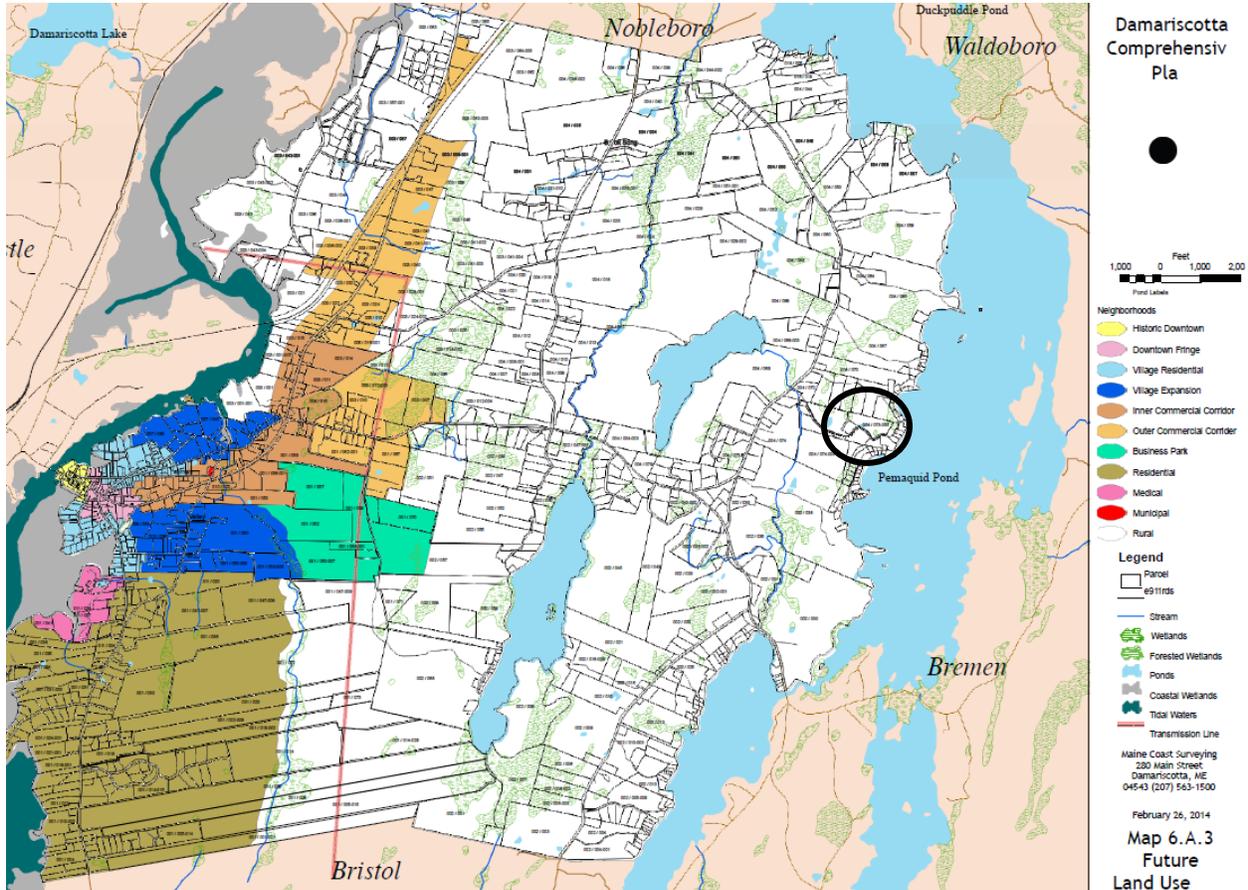
**Minor Subdivision** review is subject to the standards outlined in Chapter 103, Sec. 103.6: General Requirements [Subdivisions] and Chapter 103, Sec. 103.7: Design Standards [Subdivisions].

Staff's analysis of the subdivision standards are organized by topic below, with references to the corresponding provisions.

1. **Sec. 103.6(A): Description of Waivers**  
Waivers are described below.

2. **Sec. 103.6(B): Compliance with Comprehensive Plan & Local Ordinances**

The 2014 Comprehensive Plan (adopted June 2014 and subsequently revised in February 2015) notes that the subject property is within the Rural Growth Area (per the Future Land Use Map, page 34 and below).



Growth Areas are the areas where the Town expects growth and development to occur. The Vision of the Rural Growth Area as outlined on page 27 anticipates that the following components should be allowed and supported in order to preserve the small town rural character of the Town:

- Low Density Rural Housing
- Working Rural Landscapes
- Lake and Pond Shorelines
- Shoreland Zone Areas

In staff's view, the proposed project is in compliance with the Comprehensive Plan as the subdivision would create low density, rural housing on large 2-acre lots.

The project is in compliance with the applicable local ordinances as outlined in the analysis below.

---

3. **Sec. 103.6(C): Retention of Public Sites and Open Spaces**

The applicants have requested a waiver of (C)(1), which would require them to reserve a minimum of ten percent of the gross area of the subdivision as open space. Staff is supportive of this waiver given the minor nature of the amendment being proposed and the fact that the applicant does not hold right, title or interest in the overall Abbie Lane subdivision as approved in 2017, but only the lot shown as Lot 2. Ten percent of the approximately 4 acres controlled by the applicant would be less than half an acre. If this waiver is granted, (C)(5), (C)(6), and (C)(8) are not applicable.

There are no trail systems or green belts which cross the property, therefore (C)(2) and (C)(3) are not applicable.

No documented archeological or historic resources will be impacted by the proposed development based on publicly available data from the Maine Historic Preservation Commission. Therefore, (C)(4) has been met.

The Comprehensive Plan does not have any policies requiring the provision of space for municipal uses in this area. Therefore, (C)(8) is not applicable.

4. **Sec. 103.6(D): Preservation of Natural and Historic Features**

No documented archeological or historic resources will be impacted by the proposed development based on publicly available data from the Maine Historic Preservation Commission. Furthermore, given the minor nature of the proposed amendment to provide one additional lot, a landscape plan is not required in the opinion of staff. Therefore, this standard has been met.

5. **Sec. 103.6(E): Traffic Sight Distances**

This application only contemplates the division of Lot 2 and does not contemplate driveways or entrances on Abbie Lane. Therefore, this standard is not applicable.

6. **Sec. 103.6(F): Conformance to Shoreland Zoning**

As the property is not located within the shoreland zone, this standard is not applicable.

7. **Sec. 103.6(G): Easements for Natural Drainage Ways**

The land proposed for division is not traversed by a natural watercourse, drainage way, channel or stream. Therefore, this standard is not applicable.

8. **Sec. 103.6(I): Net Residential Density and Sec. 103.6(J): Lots**

Each lot contemplated meets the minimum lot size standards of Sec. 101.5(D)(2): Dimensional Standards. Lots are designed to provide for adequate off-street parking and are large enough to accommodate both a well and septic system, which will be inspected by the Code Enforcement Officer at the time of future development. Test pits for potential locations for subsurface wastewater disposal systems have been completed by a Maine-licensed Site Evaluator (Basswood Environmental LLC) and the results have been submitted with this application, showing that either location would accommodate a septic system at the time of future development.

---

Frontage for each proposed parcel comes entirely from existing Abbie Lane. Side lot lines are perpendicular to the street, in accordance with the requirements of 103.6(J).

Flag lots are not proposed with this application.

Given the above, the standards of both Sec. 103.6(I) and (J) have been met.

9. **Sec. 103.6(K): Utilities**

Utilities to the new, proposed lot are not contemplated with this application which is specific to the division of land.

10. **Sec. 103.6(L): Additional Requirements**

Staff does not recommend requiring street trees, esplanades, or open green spaces as part of this subdivision amendment application given the minor nature of the amendment being proposed.

Similarly, noise from any future construction will be regulated through the Code Enforcement Officer in conjunction with any building permits, and is not relevant to the subdivision of the underlying land.

11. **Sec. 103.6(M): Required Improvements**

Monuments will be placed in the corners of new property lines in accordance with this section. As new streets are not proposed with this application, the remaining improvements outlined in this section are not applicable.

12. **Sec. 103.6(N): Impact on Ground Water Quality**

Test pits for potential locations for subsurface wastewater disposal systems have been completed by a Maine-licensed Site Evaluator (Basswood Environmental LLC) and the results have been submitted with this application, showing that either location would accommodate a septic system at the time of future development. Impact on groundwater quality is not anticipated as a result of this application.

13. **Sec. 103.6(O): Phosphorus Control**

Given that this project does not include construction (which will be evaluated under a separate building permit if/when the property is developed) and given that the road serving the property is already developed, this standard is not applicable to review of this project.

14. **Sec. 103.6(P): Affordable Housing Component**

As Abbie Lane Subdivision does not include ten housing units, this standard is not applicable.

15. **Sec. 103.6(Q): Impact on Groundwater Quantity**

The application does not include the construction of a building or drilling of a well and is specifically limited to the division of land. Therefore, removal of groundwater is not proposed and this standard is not applicable.

---

16. **Sec. 103.7(A): Monuments**

The subdivision plan shows permanent monuments being set at all corners and angle points of the proposed lot line between the proposed lots. The monuments are constructed out of rebar and will include the registration number of the land surveyor. Therefore, (A)(1) and (A)(2) have been met.

17. **Sec. 103.7(B) and (C): Street Signs and Streets**

No new streets are proposed with this subdivision. Therefore, these standards are not applicable.

18. **Sec. 103.7(D): Driveway Construction**

Driveway construction is not contemplated with this application, therefore, this standard is not applicable.

19. **Sec. 103.7(E): Sidewalks**

Given the minor nature of the subdivision amendment and the fact that sidewalks do not exist either on Abbie Lane or on Egypt Road (and given that these are not priority areas for sidewalk construction as noted in the 2015 Newcastle-Damariscotta Bicycle and Pedestrian Plan), staff does not recommend requiring the installation of sidewalks as part of this project.

20. **Sec. 103.7(F): Water Supply & Sewage Disposal**

Wells are not proposed with this subdivision, which only contemplates the division of land. Therefore, the standards related to water supply are not applicable.

While the applicant has submitted information regarding test pits for potential locations for subsurface wastewater disposal systems, which have been completed by a Maine-licensed Site Evaluator (Basswood Environmental LLC), the installation of septic systems is not specifically contemplated with this application and will be reviewed by the Code Enforcement Officer through a Subsurface Wastewater Disposal System permit if/when the system is installed. The CEO will review the application for compliance with relevant standards established through the Maine State Plumbing Code and the Department of Health & Human Services.

21. **Sec. 103.7(G): Surface Drainage**

Given the minor nature of the proposed amendment and the fact that no building is proposed at this time, staff recommends that a full drainage plan is not required. Similarly, staff recommends that an erosion control plan is not required.

As the project is not within the Shoreland Zone, the standard of 103.7(G)(4) is not applicable.

22. **Sec. 103.7(H): Roads**

New roads are not proposed with this subdivision, therefore (H)(1), (H)(3), (H)(4), (H)(5), (H)(6), (H)(8), (H)(9.3), (H)(10), (H)(11) and (H)(12) are not applicable.

The original Abbie Lane Subdivision was approved by the Planning Board on April 3, 2017, and a waiver for the requirement for a 50' wide right-of-way was approved at that time,

---

presumably because Abbie Lane was an already existing road at the time of subdivision approval. The Comprehensive Plan does not indicate plans for realignment or widening of this road and therefore, (H)(2) is not applicable.

As noted in item #19 above, staff does not recommend the construction of sidewalks in accordance with (H)(7).

As noted in item #21 above, staff does not recommend requiring a drainage plan or erosion and sediment control plan given the minor nature of the proposed subdivision and the fact that no road construction is proposed or required. Therefore, the standards outlined in (H)(9) are not applicable.

## WAIVERS

---

The applicant requests the following waivers for the project:

1. Waiver pursuant to Zoning Ordinance Section 103.6(C)(1) allowing the applicants not to reserve a minimum of 10% of the gross area of the subdivision as open space as required by this section.

**Analysis:** Staff finds this waiver to be justifiable given the minor nature of the amendment being proposed and the fact that the applicant does not hold right, title or interest in the overall Abbie Lane subdivision as approved in 2017, but only the lot shown as Lot 2. Ten percent of the approximately 4 acres controlled by the applicant would be less than half an acre.

## RECOMMENDATION

---

Based on the review of the project and all information in the record, staff recommends the following action:

Approve the Minor Subdivision Amendment application of Peter Bruun, being represented by Boothbay Region Surveyors, dated through January 19, 2023; drawings dated January 19, 2023, for the amendment to Abbie Lane Subdivision at 79 Abbie Lane (shown as Lot 2 on the original subdivision plat), subject to the following conditions:

### *Conditions of Approval*

Condition	Staff Assigned	Must be Completed By:
1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.	Town Planner	Ongoing

	<b>Condition</b>	<b>Staff Assigned</b>	<b>Must be Completed By:</b>
2.	All adopted conditions of approval and any waivers granted shall appear on the face of the plans submitted for building permits and the face of the subdivision plan.	Code Officer	Prior to Releasing Subdivision Plat
3.	Prior to the issuance of a building permit, or release of the recording subdivision plat (if applicable), the applicant shall pay all outstanding review escrow account fees.	Town Planner	Prior to Releasing Subdivision Plat
4.	This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.	Code Officer	Ongoing
5.	Prior to submitting a building permit, the applicant shall submit two hard-copy plans at 24" x 36" size to the Town Planner with all conditions and waivers listed on the plans.	Town Planner	Prior to Submitting a Building Permit
6.	The applicant shall secure a Building Permit from the Code Enforcement Officer in coordination with the Town Planner, Fire Department, and all relevant review authorities, prior to commencing any construction activities.	Code Officer	Prior to Issuing Building Permit
7.	A waiver has been granted pursuant to Section 103.6(C)(1), which allows the applicants not to reserve a minimum of 10% of the gross area of the subdivision as open space.	Town Planner	Ongoing
8.	Prior to the issuance of the signed subdivision plat, the applicant shall submit to the Town Planner an AutoCADD dataset, ArcGIS Shapefile dataset, or other equivalent geospatial dataset that may be readily converted to AutoCADD and ArcGIS-compatible files, of the approved parcel boundaries.	Town Planner	Prior to Releasing Subdivision Plat

*Isabelle V Oechsle*

Isabelle V. Oechsle

*Town Planner*

February 6, 2023

**ATTACHMENTS:**

- Attachment [1]      Application Binder, dated January 19, 2023
- Attachment [2]      Original Abbie Lane Subdivision Plan, signed May 1, 2017



DAMARISCOTTA PLANNING BOARD  
FINDINGS OF FACT AND NOTICE OF DECISION

Date: November 7, 2022

**Minor Subdivision Amendment Application – Abbie Lane Subdivision**

**79 Abbie Lane – Peter R. Bruun**

**PID #2208**

The Town of Damariscotta Planning Board issues the following Findings of Fact and Conclusions of Law at its duly-noticed meeting of **February 6, 2023**:

- A. The Planning Board considered the Project, the staff report, and received and considered all written and oral public comments on the Project which were submitted up to and at the time of the meeting for the Project; and
- B. Legal advertisements regarding this application appeared in the Lincoln County News on January 26, 2023 and February 2, 2023, were mailed to 13 property owners abutting the subject property on January 24, 2023, and were posted at the Town Office; and
- C. The project description is as follows:

Peter Bruun, being represented by Boothbay Region Surveyors, proposes to amend the previously approved Abbie Lane Subdivision plan by splitting his existing lot (shown as Lot 2) into two separate lots and selling a portion of the lot to his neighbor. The parcel to be retained by the applicant is a 2.2 acre parcel that includes the existing house. The proposed parcel will be 2 acres. The parent parcel is further identified as Assessor’s Tax Map 4, Lot 73-5 and it is located within the Rural Zoning District; and

- D. The Project is subject to the following policies and standards of review:
  - a. Chapter 103, Section 103.5(I): Amendments to Previously Approved Subdivision Plan;
  - b. Chapter 103, Sec. 103.6: General Requirements [Subdivisions];
  - c. Chapter 103, Sec. 103.7: Design Standards [Subdivisions].

E. The core Project Data includes:

<b>Zoning:</b>	Rural	
<b>Land Area:</b>	4.35 acres	
<b>Existing Land Use:</b>	Single-family residential	
<b>Proposed Land Use:</b>	Single-family residential and vacant land	
	<b>Allowed:</b>	<b>Proposed:</b>
<b>Max. Building Height:</b>	35 feet	No building proposed
<b>Min. Front Yard:</b>	20 feet	No building proposed
<b>Min. Side Yard:</b>	15 feet	No building proposed
<b>Min. Rear Yard:</b>	15 feet	No building proposed

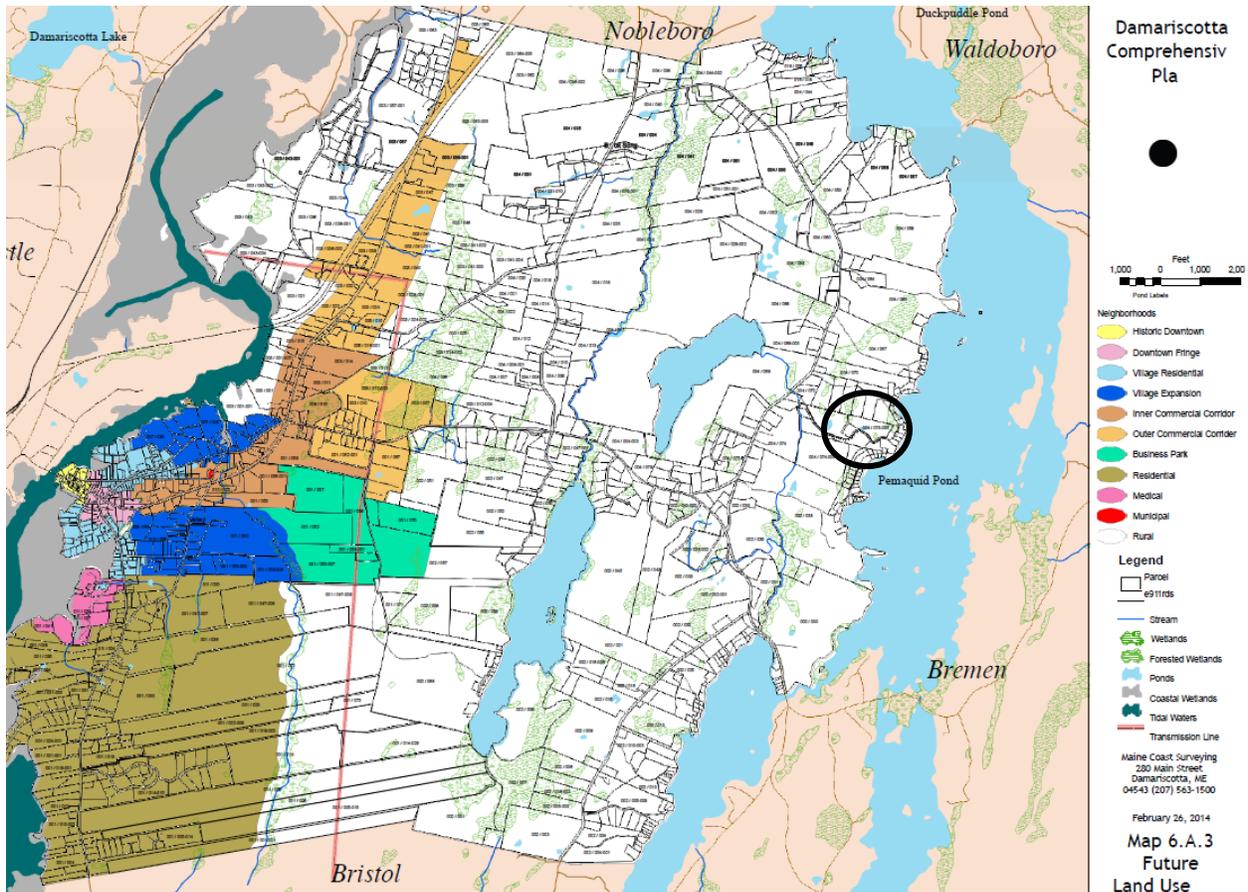
F. Based on its review of the entire record herein, the Planning Board has determined that the Project meets the applicable policies and standards of review, and the Planning Board makes the following findings:

**1. Sec. 103.6(A): Description of Waivers**

Waivers are described below.

**2. Sec. 103.6(B): Compliance with Comprehensive Plan & Local Ordinances**

The 2014 Comprehensive Plan (adopted June 2014 and subsequently revised in February 2015) notes that the subject property is within the Rural Growth Area (per the Future Land Use Map, page 34 and below).



Growth Areas are the areas where the Town expects growth and development to occur. The Vision of the Rural Growth Area as outlined on page 27 anticipates that the following components should be allowed and supported in order to preserve the small-town rural character of the Town:

- Low Density Rural Housing
- Working Rural Landscapes
- Lake and Pond Shorelines
- Shoreland Zone Areas

In staff's view, the proposed project is in compliance with the Comprehensive Plan as the subdivision would create low density, rural housing on large 2-acre lots.

The project is in compliance with the applicable local ordinances as outlined in the analysis below.

**3. Sec. 103.6(C): Retention of Public Sites and Open Spaces**

The applicants have requested a waiver of (C)(1), which would require them to reserve a minimum of ten percent of the gross area of the subdivision as open space. Staff is supportive of this waiver given the minor nature of the amendment being proposed and the fact that the applicant does not hold right, title or interest in the overall Abbie Lane subdivision as approved in 2017, but only the lot shown as Lot 2. Ten percent of the approximately 4 acres controlled by the applicant would be less than half an acre. If this waiver is granted, (C)(5), (C)(6), and (C)(8) are not applicable.

There are no trail systems or green belts which cross the property, therefore (C)(2) and (C)(3) are not applicable.

No documented archeological or historic resources will be impacted by the proposed development based on publicly available data from the Maine Historic Preservation Commission. Therefore, (C)(4) has been met.

The Comprehensive Plan does not have any policies requiring the provision of space for municipal uses in this area. Therefore, (C)(8) is not applicable.

**4. Sec. 103.6(D): Preservation of Natural and Historic Features**

No documented archeological or historic resources will be impacted by the proposed development based on publicly available data from the Maine Historic Preservation Commission. Furthermore, given the minor nature of the proposed amendment to provide one additional lot, a landscape plan is not required in the opinion of staff. Therefore, this standard has been met.

**5. Sec. 103.6(E): Traffic Sight Distances**

This application only contemplates the division of Lot 2 and does not contemplate driveways or entrances on Abbie Lane. Therefore, this standard is not applicable.

**6. Sec. 103.6(F): Conformance to Shoreland Zoning**

As the property is not located within the shoreland zone, this standard is not applicable.

**7. Sec. 103.6(G): Easements for Natural Drainage Ways**

The land proposed for division is not traversed by a natural watercourse, drainage way, channel or stream. Therefore, this standard is not applicable.

**8. Sec. 103.6(I): Net Residential Density and Sec. 103.6(J): Lots**

Each lot contemplated meets the minimum lot size standards of Sec. 101.5(D)(2): Dimensional Standards. Lots are designed to provide for adequate off-street parking and are large enough to accommodate both a well and septic system, which will be inspected by the Code Enforcement Officer at the time of future development. Test pits for potential locations for subsurface wastewater disposal systems have been completed by a Maine-licensed Site Evaluator (Basswood Environmental LLC) and the results have been submitted with this application, showing that either location would accommodate a septic system at the time of future development.

Frontage for each proposed parcel comes entirely from existing Abbie Lane. Side lot lines are perpendicular to the street, in accordance with the requirements of 103.6(J).

Flag lots are not proposed with this application.

Given the above, the standards of both Sec. 103.6(I) and (J) have been met.

**9. Sec. 103.6(K): Utilities**

Utilities to the new, proposed lot are not contemplated with this application which is specific to the division of land.

**10. Sec. 103.6(L): Additional Requirements**

Staff does not recommend requiring street trees, esplanades, or open green spaces as part of this subdivision amendment application given the minor nature of the amendment being proposed.

Similarly, noise from any future construction will be regulated through the Code Enforcement Officer in conjunction with any building permits, and is not relevant to the subdivision of the underlying land.

**11. Sec. 103.6(M): Required Improvements**

Monuments will be placed in the corners of new property lines in accordance with this section. As new streets are not proposed with this application, the remaining improvements outlined in this section are not applicable.

**12. Sec. 103.6(N): Impact on Ground Water Quality**

Test pits for potential locations for subsurface wastewater disposal systems have been completed by a Maine-licensed Site Evaluator (Basswood Environmental LLC) and the results have been submitted with this application, showing that either location would accommodate a septic system at the time of future development. Impact on groundwater quality is not anticipated as a result of this application.

**13. Sec. 103.6(O): Phosphorus Control**

Given that this project does not include construction (which will be evaluated under a separate building permit if/when the property is developed) and given that the road serving the property is already developed, this standard is not applicable to review of this project.

**14. Sec. 103.6(P): Affordable Housing Component**

As Abbie Lane Subdivision does not include ten housing units, this standard is not applicable.

**15. Sec. 103.6(Q): Impact on Groundwater Quantity**

The application does not include the construction of a building or drilling of a well and is specifically limited to the division of land. Therefore, removal of groundwater is not proposed and this standard is not applicable.

**16. Sec. 103.7(A): Monuments**

The subdivision plan shows permanent monuments being set at all corners and angle points of the proposed lot line between the proposed lots. The monuments are

constructed out of rebar and will include the registration number of the land surveyor. Therefore, (A)(1) and (A)(2) have been met.

**17. Sec. 103.7(B) and (C): Street Signs and Streets**

No new streets are proposed with this subdivision. Therefore, these standards are not applicable.

**18. Sec. 103.7(D): Driveway Construction**

Driveway construction is not contemplated with this application, therefore, this standard is not applicable.

**19. Sec. 103.7(E): Sidewalks**

Given the minor nature of the subdivision amendment and the fact that sidewalks do not exist either on Abbie Lane or on Egypt Road (and given that these are not priority areas for sidewalk construction as noted in the 2015 Newcastle-Damariscotta Bicycle and Pedestrian Plan), staff does not recommend requiring the installation of sidewalks as part of this project.

**20. Sec. 103.7(F): Water Supply & Sewage Disposal**

Wells are not proposed with this subdivision, which only contemplates the division of land. Therefore, the standards related to water supply are not applicable.

While the applicant has submitted information regarding test pits for potential locations for subsurface wastewater disposal systems, which have been completed by a Maine-licensed Site Evaluator (Basswood Environmental LLC), the installation of septic systems is not specifically contemplated with this application and will be reviewed by the Code Enforcement Officer through a Subsurface Wastewater Disposal System permit if/when the system is installed. The CEO will review the application for compliance with relevant standards established through the Maine State Plumbing Code and the Department of Health & Human Services.

**21. Sec. 103.7(G): Surface Drainage**

Given the minor nature of the proposed amendment and the fact that no building is proposed at this time, staff recommends that a full drainage plan is not required. Similarly, staff recommends that an erosion control plan is not required.

As the project is not within the Shoreland Zone, the standard of 103.7(G)(4) is not applicable.

**22. Sec. 103.7(H): Roads**

New roads are not proposed with this subdivision, therefore (H)(1), (H)(3), (H)(4), (H)(5), (H)(6), (H)(8), (H)(9.3), (H)(10), (H)(11) and (H)(12) are not applicable.

The original Abbie Lane Subdivision was approved by the Planning Board on April 3, 2017, and a waiver for the requirement for a 50' wide right-of-way was approved at that time, presumably because Abbie Lane was an already existing road at the time of subdivision approval. The Comprehensive Plan does not indicate plans for realignment or widening of this road and therefore, (H)(2) is not applicable.

As noted in item #19 above, staff does not recommend the construction of sidewalks in accordance with (H)(7).

As noted in item #21 above, staff does not recommend requiring a drainage plan or erosion and sediment control plan given the minor nature of the proposed subdivision and the fact that no road construction is proposed or required. Therefore, the standards outlined in (H)(9) are not applicable.

- G. A waiver was granted pursuant to Zoning Ordinance Section 103.6(C)(1) allowing the applicants not to reserve a minimum of 10% of the gross area of the subdivision as open space as required by this section.

**Analysis:** The Planning Board found this waiver to be justifiable given the minor nature of the amendment being proposed and the fact that the applicant does not hold right, title or interest in the overall Abbie Lane subdivision as approved in 2017, but only the lot shown as Lot 2. Ten percent of the approximately 4 acres controlled by the applicant would be less than half an acre.

**DECISION:**

- H. Based on its review of the entire record herein, including the February 6, 2023 Planning Board staff report; all supporting, referenced, and incorporated documents; and all comments received; the Minor Subdivision application of Peter Bruun, being represented by Boothbay Region Surveyors, dated through January 19, 2023; drawings dated January 19, 2023, for the amendment to Abbie Lane Subdivision at 79 Abbie Lane (shown as Lot 2 on the original subdivision plat); is hereby

	YAE	NAE	Absent/Abstain
DENIED			
APPROVED WITH THE CONDITIONS BELOW			

**CONDITIONS**

Condition	Staff Assigned	Must be Completed By:
1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents are subject to the review and approval of the Planning Board prior to implementation.	Town Planner	Ongoing

Condition	Staff Assigned	Must be Completed By:
2. All adopted conditions of approval and any waivers granted shall appear on the face of the plans submitted for building permits and the face of the subdivision plan.	Code Officer	Prior to Releasing Subdivision Plat
3. Prior to the issuance of a building permit, or release of the recording subdivision plat (if applicable), the applicant shall pay all outstanding review escrow account fees.	Town Planner	Prior to Releasing Subdivision Plat
4. This Planning Board approval is valid for 12 months from the date of approval and shall expire if work has not substantially commenced within that time period.	Code Officer	Ongoing
5. Prior to submitting a building permit, the applicant shall submit two hard-copy plans at 24" x 36" size to the Town Planner with all conditions and waivers listed on the plans.	Town Planner	Prior to Submitting a Building Permit
6. The applicant shall secure a Building Permit from the Code Enforcement Officer in coordination with the Town Planner, Fire Department, and all relevant review authorities, prior to commencing any construction activities.	Code Officer	Prior to Issuing Building Permit
7. A waiver has been granted pursuant to Section 103.6(C)(1), which allows the applicants not to reserve a minimum of 10% of the gross area of the subdivision as open space.	Town Planner	Ongoing
8. Prior to the issuance of the signed subdivision plat, the applicant shall submit to the Town Planner an AutoCADD dataset, ArcGIS Shapefile dataset, or other equivalent geospatial dataset that may be readily converted to AutoCADD and ArcGIS-compatible files, of the approved parcel boundaries.	Town Planner	Prior to Releasing Subdivision Plat

Signatures:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

Planning Department  
Damariscotta Town Office  
21 School Street,  
Damariscotta, ME 04543



Isabelle Oechsle  
Town Planner  
Phone: (207) 563-5168  
[IOechsle@damariscottame.com](mailto:IOechsle@damariscottame.com)

# PLANNING BOARD APPLICATION

## OFFICE USE ONLY

Application Fee: \$300 PID: 2208

Date Received:

**RECEIVED**

By Isabelle Oechsle at 11:10 am, Jan 24, 2023

*Applications may be accepted electronically, though the Planning Board reserves the right to request physical submissions. Please email your full submission binder to the Town Planner.*

## SITE DETAILS

Street Address: \_\_\_\_\_

[Deed Book and Page:](#) \_\_\_\_\_

Existing Subdivision Name: \_\_\_\_\_

Not Applicable

Lot within subdivision: \_\_\_\_\_

Not Applicable

[Tax Map & Lot:](#) \_\_\_\_\_

[Zoning district:](#) \_\_\_\_\_

Existing land use(s): \_\_\_\_\_

## PROPERTY OWNER INFORMATION

Property Owner Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

## APPLICANT INFORMATION (IF DIFFERENT FROM ABOVE)

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

## CONTACT PERSON / AGENT INFORMATION

---

The Planner will only contact one designated person regarding the application. Please identify the primary contact:

- Property owner       Applicant       Other (fill out section below):

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

## PROJECT INFORMATION

---

Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is the project located within any of the following? (Please select all that apply):

- [Special Flood Hazard Area](#)       [Shoreland Zoning Area](#)  
 Historic District

## APPLICATION TYPE

---

Please select **ALL** that apply:

- |  |   |
|--|---|
| <input type="checkbox"/> Conditional Use Application               | <input type="checkbox"/> Site Plan Application            |
| <input type="checkbox"/> Small Wind Energy System                  | <input type="checkbox"/> Site Plan Pre-application        |
| <input type="checkbox"/> Conditional Use Application               | <input type="checkbox"/> Preliminary Major Subdivision    |
| <input type="checkbox"/> Final Major Subdivision                   | <input type="checkbox"/> Minor Subdivision<br>(Amendment) |
| <input type="checkbox"/> Sketch Plan Pre-application (Subdivision) | <input type="checkbox"/> Zoning Text Amendment            |
| <input type="checkbox"/> Zoning Map Amendment                      |   |

*Note: Please consult with the Planner if you are unsure about which applications you will need.*

## SIGNATURES

---

### PROPERTY OWNER'S CONSENT REQUIRED:

I declare under penalty of perjury that I am the owner of said property. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

**Peter Bruun**

Signature of Property Owner

Digitally signed by Peter Bruun  
Date: 2022.12.21 09:06:54 -05'00'

**12/21/22**

Date

**PRB**

OWNER  
INITIAL

I, **Peter Bruun**, authorize the noted applicant or agent named on this application to file this application on my behalf.

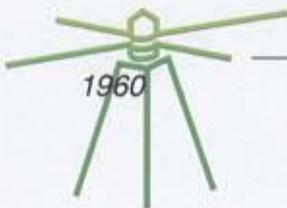
### APPLICANT / AGENT CERTIFICATION:

I certify that all of the information provided within this application form and accompanying materials is true and accurate to the best of my knowledge. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

  
Signature of Applicant

**12/21/22**  
Date

**Nicholas Primer**  
Print Name and Title



# Boothbay Region Surveyors

Since

1037 Wiscasset Road, P.O. Box 176, Boothbay, Maine 04537  
Phone 633-4445 ~ Fax 633-4482 ~ Office@BRSMaine.com

TO: Town of Damariscotta Planning Board

FROM: Peter R. Bruun

DATE: Thursday, December 15, 2022

RE: Letter of Agency

This Letter of Agency is to confirm my participation with Boothbay Region Surveyors, of Boothbay, namely Nicholas W. Plumer, PLS 2547, to complete site development planning at my property at 79 Abbie Lane, Damariscotta, Me. (Tax Map 4, Lot 73-5).

I hereby authorize Mr. Plumer or his employees to act as my agent, to have access to all pertinent municipal resources, and to negotiate decisions and contracts on my behalf at Damariscotta Planning Board meetings. This authorization is valid for the duration of the planning process.

Peter Bruun

Date

Nicholas W. Plumer

Date

**WARRANTY DEED****KNOW ALL BY THESE PRESENTS**

TIMOTHY PHILIP SMITH and JAMIE ANN SMITH, both of 18 Back Eighty Road, Boothbay, ME 04537 for consideration paid grant to PETER R. BRUUN of PO Box 28 Southport, ME 04576, with WARRANTY COVENANTS, a certain lot or parcel of land situated in Damariscotta, County of Lincoln and State of Maine, being shown as Lot B on a plan entitled: "Plan of Lot Division Estate of Elbridge S. Genthner Prepared for Irma Prentice and Shane L. Creamer Damariscotta, Lincoln County, Maine" dated June 4, 2008 by Lincoln Surveying Company, Robert W. Furman, more particularly bounded and described as follows:

BEGINNING at a 3/4 inch wide flat bar found near a birch tree on the southwesterly side of Abbie Lane, so called, a private road right of way, said flat bar being located at the northernmost corner bound of land of Deering E. Genthner, Jr. as described in Book 2025, Page 315 of the Lincoln County Registry of Deeds;

Thence S 49° 37' 30" W by land of said Genthner a distance of 153.1 feet to a similar 3/4 inch wide flat bar found;

Thence continuing same course by land of Genthner a distance of 25.8 feet to a 5/8 inch diameter capped rebar set at land of Lee Properties;

Thence N 60° 30' 55" W by land of said Lee Properties, by land of Justin C. Dunphey, and by land of Jessica L. Storer and Darryl J. Day, a distance of 793.4 feet to a 5/8 inch diameter capped rebar set flush with ground level at remaining land of this Grantor and at the easterly side of a 20 foot wide right of way as described in Book 2633, Page 35 at said Registry of Deeds;

Thence N 07° 29' 20" W by said right of way a distance of 122.1 feet to a 5/8 inch diameter capped rebar set flush with ground level at the southwesterly side of Abbie Lane;

Thence in a general southeasterly, northeasterly, then southeasterly direction by and along said Abbie Lane a distance of 1160 feet, more or less, to the point of BEGINNING; containing an area of 4.3 acres, a straight line bearing between the capped rebar last referred to and the flat bar at the point of BEGINNING being S 64° 51' 10"E a distance of 931.1 feet

Courses are magnetic for the year 1988.

Also conveying herewith a right of way for ingress, egress, utilities and all common purposes over Abbie Lane from the above described premises to the Egypt Road, so called, said right of way being depicted on the above referenced Plan.

BEING the same premises conveyed by Kathy L. Jacques to Timothy Philip Smith and Jamie Ann Smith by Warranty Deed dated April 13, 2015 and recorded in the Lincoln County Registry of Deeds in Book 4876, Page 137. See also Corrective Deed to Kathy L. Jacques to be recorded herewith.

MAINE REAL ESTATE  
TRANSFER TAX PAID

FOR FURTHER REFERENCE, see a plan entitled "Abbie Lane Subdivision" located on Abbie Lane, Damariscotta, Maine, prepared by True North Surveying Services, dated February 16, 2017 and recorded in said Registry in Plan Book 108, Page 66.

Witness my hand and seal this 27<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
Witness

Jamie Smith  
JAMIE ANN SMITH

\_\_\_\_\_  
Witness

[Signature]  
TIMOTHY PHILIP SMITH

STATE OF MAINE  
Androscoggin, ss.  
(County)

April 27, 2021

Personally appeared the above TIMOTHY PHILIP SMITH and JAMIE ANN SMITH and acknowledged the foregoing instrument to be his her free act and deed.

[Signature]  
Notary Public/Attorney at Law

Printed Name of Notary:  
My Commission Expires:

\_\_\_\_\_  
**LIISA V. HAMILTON**  
Notary Public, Maine  
My Commission Expires April 28, 2021



# BASSWOOD ENVIRONMENTAL

November 28, 2022

Boothbay Region Surveyors  
C/O Nicholas Plumer, PLS  
1037 Wiscasset Road  
Boothbay, ME 04537

Re: Test Pit Results – Proposed Subdivision 79 Abbie Lane, Damariscotta, Maine

Mr. Plumer

A Maine-licensed Site Evaluator with Basswood Environmental LLC (Erik Lema, LSE #419) excavated test pits at two locations on the approximately 2.2-acre site proposed to be subdivided from the property at 79 Abbie Lane, identified as Damariscotta Tax Map 4 Lot 73-5. The test pits are in the approximate locations of suitable building sites in the lot proposed for development. Each pit was excavated by hand to a depth ranging between 31 and 46 inches until a restrictive layer was encountered that prohibited further excavation. A 54-inch tile probe was also used to determine the depth to bedrock, which was not encountered.

Soils suitable for the installation and proper function of a subsurface wastewater disposal system are found on both locations, with numerous other likely sites on the parcel. The soils observed throughout the upland areas of the site are relatively uniform, typified by sandy loams with a water table below 24 inches. These soils allow for the construction and proper function of a typical residential wastewater disposal field (leach field) under first-time criteria as detailed in the Maine Subsurface Wastewater Rules dated August 2015, as amended.

Attached, please find the soil logs for the respective test pit locations. The locations have been located by GPS and submitted to Boothbay Region Surveyors for inclusion onto site plans as necessary. If there is additional detail or clarity that Basswood can provide regarding the above report, please do not hesitate to contact Erik Lema at 207-518-8442 or by email at [erik@basswoodenv.com](mailto:erik@basswoodenv.com).

Best regards,

Erik Lema, Owner/Principal  
Basswood Environmental LLC

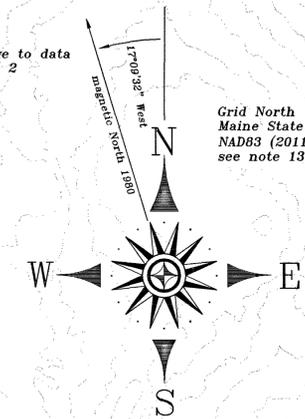




State of Maine  
LINCOLN, SS Registry of Deeds  
Received May 2, 2017  
at 8 H. 05 M. A.M.  
recorded in Book 108 Page 66  
*Rebecca Winston*  
Register

declination relative to data  
on plan reference 2

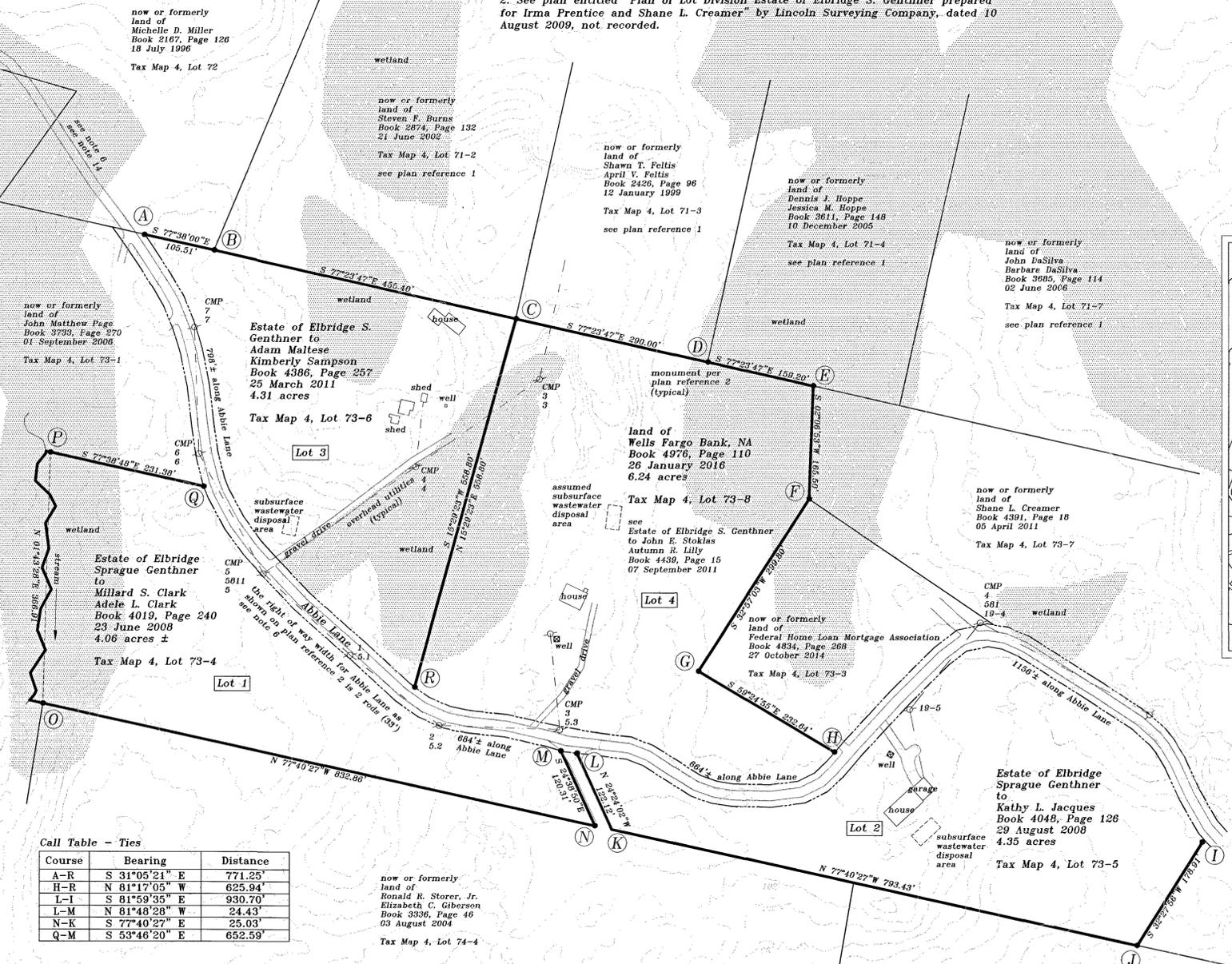
Grid North  
Maine State Plane Coordinate System  
NAD83 (2011), West Zone, NAVD88  
see note 13



- Notes:
- The purpose of this plan is to retroactively satisfy the subdivision ordinances of the State of Maine and the Town of Damariscotta, four lots (see lots one through four hereon) having been conveyed by the Estate of Elbridge Sprague Genthner within a five year period.
  - "Book" and "Page" make reference to documents recorded at the Lincoln County Registry of Deeds.
  - Iron rods set as a part of this survey are 5/8" reinforcing rods (rebar) that have been affixed with an aluminum cap bearing the name and license number of the surveyor.
  - Unless specifically noted as "set", the monuments shown on this plan were found during the survey and were not placed in the ground by the surveyor.
  - Tie lines are provided for mathematical closure and/or locative information.
  - Deeds examined make no reference to a width for Abbie Lane. Plan reference 2 shows Abbie Lane being a two rod (33' wide) road. Portions of Abbie Lane cross land now or formerly of Michelle D. Miller and land now or formerly of Melissa D. Crockett and Andrew Crockett. See undefined right of way granted to Elbridge Genthner in Book 469, Page 369. It is assumed that the fee in Abbie Lane remains with the Estate of Elbridge Sprague Genthner.
  - The Town of Damariscotta hereby waives the requirement for a 50' wide right of way as cited in Town of Damariscotta Subdivision Ordinance, Section VIII (B) (d). See page 6 of the Subdivision Ordinance as adopted 11 June 2014.
  - Contours are shown at 2' intervals and are taken from the Maine Office of GIS. Elevations are referenced to NAVD88.
  - Wetlands are taken from the U.S. Fish and Wildlife Service's National Wetland Inventory and are approximate only.
  - During the course of this survey, there was snow cover in excess of 24". Relevant features may have been obscured.
  - Boundary details are derived directly from plan references 1 and 2 and verified, where possible, using GPS. The undersigned assumes no responsibility for this data.
  - Monuments were observed as indicated hereon at all lettered points with the exception of point "K".
  - Grid North was established using real-time kinematic and static GPS combined with observations from USGS COR stations.
  - The section of Abbie Lane extending from point A to Egypt Road was located using differential GPS and is approximate only.
  - Total lot acreage for Abbie Lane Subdivision is 18.96 acres.
  - OWNER OF RECORD: Wells Fargo Bank, NA (Lot 73-8), 666 Walnut, Des Moines, IA 50304.
  - The original subdivider is the Estate of Elbridge Sprague Genthner with the sale of lots one through four, constituting the sale of three or more lots within a five year period. Wells Fargo Bank, NA has commissioned this subdivision plan after the fact in order to convey lot four.

Plan References:

- See plan entitled "Standard Boundary Survey for Barbara K. Gamage" by Lincoln Engineering Co., dated 12 May 1988, revised 08 February 1991 by Robert W. Furman, Jr., PLS 1295, recorded in Book 53, Page 56B.
- See plan entitled "Plan of Lot Division Estate of Elbridge S. Genthner prepared for Irma Prentice and Shane L. Creamer" by Lincoln Surveying Company, dated 10 August 2009, not recorded.



Call Table - Ties

Course	Bearing	Distance
A-R	S 31°05'21" E	771.25'
H-R	N 81°17'05" W	625.94'
L-I	S 81°59'35" E	930.70'
L-M	N 81°48'28" W	24.43'
N-K	S 77°40'27" E	25.03'
Q-M	S 53°46'20" E	652.59'

**Legend**

- iron rod set by the undersigned ●
- iron pipe found during survey ○
- iron rod found during survey ●
- point - no monument found or set +
- utility pole (may have identifying information) □
- stone wall ○○○○○○○○○
- right of way line or limit of a right of way - - - - -
- boundary of subject property ————
- boundary of other property, approximate only - · - · - ·
- tie line - - - - -
- deciduous tree; may have blazes or wire ○
- wire fence \* \* \* \* \*
- coniferous tree; may have blazes or wire ●

*Mark H. Daiute*  
Mark H. Daiute, P.L.S.



Approved- Damariscotta Planning Board

\_\_\_\_\_, Chair  
\_\_\_\_\_, Vice Chair

*Stephen Cole*  
*Shari Sage*  
*Brian*

Conditions of Approval:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date: 5/11/2017

**"Abbie Lane Subdivision"**  
prepared for  
**Wells Fargo Bank, NA**  
(c/o: Susan Hill, Rivers Edge Realty, 20 Main Street, Floor 2, Bowdoinham, ME 04008)  
located on Abbie Lane  
Damariscotta, Maine  
Scale: 1" = 100' - 16 February 2017  
prepared by  
True North Surveying Services  
Mark H. Daiute, P.L.S., #2129  
P.O. Box 288, Newcastle, Maine 04553-0288  
Voice and Fax: 207-563-1757  
email: mark@truenorthsurveyingservices.com  
File No. 1468



DWG: 1468 WELLS FARGO COURSES: 1468 PR: 48 GRB/HTHR

Town of Damariscotta Planning Board  
21 School Street  
Damariscotta, Maine 04543  
(207) 563-5168  
[www.damariscottameo](http://www.damariscottameo)

**NOTICE OF DECISION For  
SUBDIVISION APPLICATION**

In The Matter of:  
Subdivision Application of [Abbie Lane Subdivision](#) located along Abbie Lane between Egypt Road and Pemaquid Pond in Damariscotta Maine.

**Decision of the Damariscotta Planning Board**

Pursuant to the provisions of the Town of Damariscotta Subdivision Ordinance and Land Use Ordinance (other land use ordinances found not to apply) the Damariscotta Planning Board has considered the application of [Wells Fargo Bank, NA, c/o Susan Hill Rivers Edge Realty, 20 Main Street, Floor 2, Bowdoinham, ME 04008](#), including supportive data, public hearing testimony and related materials contained in the record. The Planning Board makes the following Findings of Fact and Conclusion of Law for the Abbie Lane Subdivision.

**Findings of Fact**

1. Wells Fargo Bank (Wells Fargo) in January 2017 approached the Town with a request to approve an after-the-fact subdivision of the former Elbridge S. Genthner Estate occupying Map 4 Lot 73 (Lot 4/73) along Abbie Lane. Wells Fargo was the owner of Lot 4/73-8 and found it not recorded properly in the Lincoln County Registry of Deeds (LCRD). The Town subsequently determined that three of the eight lots comprising the former Genthner Estate, Lot 4/73-5 (Jacques) Book 4048, Page 126; Lot 4/73-6 (Maltese) Book 4386 Page 257; and Lot 4/73-8 (Wells Fargo) Book 4976 Page 110 were illegally created lots without Planning Board approval. Wells Fargo submitted a 5-Lot subdivision plan including Lots 4/ 73 – 3,4,5,6 and 8 to make legal the erstwhile illegal lots.
2. The subdivision application was found to complete at the April 3, 2017 Board meeting.
3. The Board determined the subdivision plan constituted a final plan at the April 3<sup>rd</sup> meeting. The application was determined to be complete at the April 3, 2017 meeting. Public hearings were not held on this amended subdivision application.

Water is to be supplied by private wells on all the lots of the amended subdivision.

Individual wastewater subsurface disposal systems have had or will have site evaluations for each lot, meeting the requirement of the Maine Plumbing Rules and local ordinances as approved by the local plumbing inspector, the CEO.

A stormwater drainage plan was not required for the amended subdivision plan.

The applicant proposes to maintain the existing private road of approximately 3302 feet (.63 mile) in length.

The applicant was not required to submit a *certified check, a performance bond or other similar legal financial instrument satisfactory to the Municipal Officers per Section IX.C.2.b.(6)* adequate to cover the costs of all required improvements. Other submittals required by the Planning Board were:

None.

## Conclusions of Law

In view of the above actions and the application and supporting documentation in the record, the Planning Board makes the following conclusion of law.

### General Review Standards:

- A. 2015 Comprehensive Plan:** The Board determined that this after the fact subdivision is compatible to the Comprehensive Plan, Chapter 2 – Future Land Use Plan. The subdivision reflects to low density residential use of the rural part of town.
- B. Subdivision Ordinance:** The Board determined that this after the fact subdivision is substantially compatible to the Subdivision ordinance and no abutters opposed making legal the four hithertofore improperly recorded lots. The existing Abbie Lane is a nonconforming 33 feet wide, but no lot owners in the subdivision advocated redrawing lot lines to make the road the conforming 50 feet width. Under Section VIII.B(d) the Board approved the 33 foot wide right-of-way for Abbie Lane. The Board did not require new on-site sub-surface soil studies for review and possible approval by the Local Plumbing Inspector for the four new subdivision lots.
- C. Other Local Ordinances:** The minimum lot size of 80,000 sf and 200 feet of frontage on a road are met by the four new lots in conformance to the Land Use Ordinance. The Board determined that the Shoreland, Floodplain, Windpower Sign, Harbor and other town ordinances do not apply to amended subdivision.
- D. State and Federal Laws:** The Board determined that regulations from state statutes (DEP; DHHS; IF&W; State Fire Marshall; etc.) or from federal laws (ACE; EPA; etc.) do not pertain to the amended subdivision.
- E. State Subdivision Statute (MRSA 30-A §4401) -** The subdivision application meets the state subdivision statute by meeting the state review criteria (30A §4404):
- (1) Not result in undue water or air pollution. No  Yes
  - (2) Has sufficient water available. No  Yes
  - (3) Unreasonable burden on municipal water supply. No  Yes
  - (4) Cause unreasonable soil erosion. No  Yes
  - (5) Cause unreasonable highway or public road congestion. No  Yes
  - (6) Provide for adequate sewage disposal. No  Yes
  - (7) Unreasonable burden on municipality's ability to dispose of solid waste. No  Yes
  - (8) Not have an undue adverse effect on scenic, natural beauty, aesthetics, historic sites, significant wildlife habitat rare or irreplaceable natural areas or public rights to access to the shoreline.  
No  Yes
  - (9) Has conformity with local ordinances and plans. No  Yes

- (10) Has financial and technical capacity. No  Yes
- (11) Conforms to outstanding river segments regulations. No  Yes NA
- (12) Not affect quality or quantity of groundwater. No  Yes
- (13) Construct buildings at least 1 foot above the 100-year floodplain. No  Yes NA
- (14) Mapping of all freshwater wetlands. No  Yes
- (15) Mapping of all rivers and streams. No NA Yes
- (16) Provides adequate stormwater management. No  Yes
- (17) Prohibit spaghetti lots (greater ratio than 5 length to 1 shoreline width). No  Yes
- (18) Not unreasonably increase great pond's phosphorus concentration. No  Yes
- (19) Unreasonable traffic or unsafe conditions to adjoining municipality. No  Yes

**The Planning Board finds that the application meets the standards of the Damariscotta Subdivision Ordinance with the following adjustments agreed to between the Board and the applicant. See attached Minutes of relevant Planning Board meeting(s) in the folder (Lot 4/73+) in the Damariscotta Planning Board files**

Abbie Lane may remain and be maintained within the existing 33 foot right-of-way.

---



---

**DECISION**

THEREFORE, the Planning Board hereby approves, with the attached conditions, the application of the Abbie Lane subdivision as described in the findings above in Damariscotta, Maine.

1. The Final Plan shall contain conditions of approval as follows:

a. None.

2. Other Conditions

a. None.

Dated at Damariscotta, Maine on September 11, 2017

DAMARISCOTTA PLANNING BOARD

BY: \_\_\_\_\_  
 Wilder Hunt, Vice Chair

**PLANNING BOARD MEETING MINUTES  
TOWN of DAMARISCOTTA  
January 3, 2023 6:00 P.M.**

**Live and via Zoom**

**MEMBERS:** Jonathan Eaton, Chairperson; Jenny Begin (via Zoom), Neil Genthner, Wilder Hunt and Ann Jackson

**ALTERNATES:** Gary Rosenthal, and Dan Day

**ABSENTEES:** Dan Day, Gary Rosenthal

**STAFF PRESENT:** Andy Dorr, Town Manager; Isabelle Oechsle, Town Planner; Lynda Letteney, Recording Secretary

**PUBLIC PRESENT:** Brooks Betts, Lincoln Health; Deb Suchor, resident; Scott Abbotoni, resident; Julia Small, Main Street Grocery; Bill Bray, Barton & Loguidice LLC; Andy Johnston, Clippership Team; Rebecca Dillon, Clippership Team; Douglas Gardner, Clippership Team; Cindy Wade, Lincoln Health; John Martins, Lincoln Health; Mary Costigan, Clippership Team; Geoff Keochakian, LCTV; and Evan Houk, *Lincoln County News*

**1. Pledge of Allegiance**

**Chairperson Eaton** led the Pledge at 6:01 p.m.

**2. CALL TO ORDER**

The meeting was called to order at 6:02p.m. by **Chairperson Eaton**

**On motion (Eaton/Hunt) to amend the posted agenda to hear the Clippership item first. Vote: 5-0-0**

**3. OLD BUSINESS**

**A. Tax Map 1, Lot 50 - 2 Piper Mill Road Clippership Landing Development, LLC Zone: Rural**

**Jonathan Eaton** opened discussion stating that the application was voted complete and the public hearing closed at the first meeting in December. Board members began discussion. **Wilder Hunt** said that in his opinion, the application complies with the relevant Town Ordinances. Responding to concerns brought up at the previous meeting, he noted that the relevant review standards do not include a requirement for the application to be found consistent with the Comprehensive Plan. **Jenny Begin** asked about a letter included in the meeting packet; who is Jennifer Fox? **Isabelle Oechsle** responded that Jennifer Fox is an abutter to the project who requested that her email be included in the meeting packet for the Board. **Jonathan Eaton** said he had been looking at the project as a whole. He is concerned about the screening flora as deciduous trees lose their leaves for a good portion of the year. He would like to see a more dense screening, like spruce, and not in a straight line, but staggered; so as they grow, it fills in the border towards the properties fronting School Street as well as the York property to the north. **Jenny Begin** still believes that the project is too big. **Jonathan Eaton** stated that it meets the ordinances and judgement is not the Board's right to make. **Jenny** said that there is a limitation in the Ordinance that senior housing facilities cannot be larger than 45 dwelling units. **Isabelle** said this is a nursing care facility, not senior housing; they have bedrooms but not dwellings. She noted that she sought legal

opinion on this issue from Maine Municipal Association's Legal Services Department, which is included in the Board packet. **Isabelle** said it does not fall under multi-family; and, based on legal opinion a nursing care facility is not the same and therefore the Ordinance standard that Jenny is referencing does not apply to this project. **Neil Genthner noted that he is recusing himself from the discussion of this project and sat in the audience for the remainder of this item.**

**Jenny** said this is a residential care facility; **Isabelle** clarified that it is a nursing care facility under the definitions in the Town's adopted Land Use Ordinance. It is regulated and licensed by the State of Maine. **Jenny** said we don't allow medical facilities in a rural zone. **Jonathan Eaton** reiterated that it was not a medical facility; residents have to go out for medical care. **Jenny** asked if the Board had voted to allow this in the rural district. She didn't realize that we were changing ordinances to accommodate specific projects. **Jonathan** replied that the Ordinance was changed by a full Town Meeting vote. **Wilder Hunt** reminded the Board the [previous planner] Bob Faunce had provided summary of the proposed ordinance amendments at issue at the time.

**Jenny Begin** began the discussion of review standards by referencing **#2 Sec. 102.6(B): Relationship to Environment and Neighboring Buildings**. She does not feel this project complies with this. It is not in keeping with the character of the existing area. **Isabelle** noted that if you read this section, it is specific about how a project must demonstrate compliance. It lays out issues to be considered like setbacks, parking, and for projects greater than 3 acres, buffers. **Jenny** said that she agreed, and a 30' buffer is required and the applicant are requesting that that requirement is waived.

**Isabelle** suggested that the Planning Board make determinations on the requested waivers first.

**1.) Waiver pursuant to Site Plan Review Ordinance Section 102.7(D) to provide sidewalks within the parking areas that are 6' in width, rather than the 8' width required as part of this section and to not raise the sidewalks 6 inches above the travel way.**

**On motion (Begin/Hunt) to approve the waiver.**  
(Neil Genthner recused)

**Vote: 4-0-1**

**2.) Waiver pursuant to Site Plan Review Ordinance Section 102.7(H)(3), which requires the applicants to submit an economic and fiscal impact analysis for the proposed large-scale development.**

**Wilder Hunt** noted that he is supportive of this waiver since much of the economic impact analysis is done by the State as part of their [Certificate of Need] review.

**On motion (Hunt/Jackson) to approve the waiver.**  
(Neil Genthner recused)

**Vote: 4-0-1**

**3.) Waiver pursuant to Site Plan Review Ordinance Section 102.6(B)(2)(b) with respect to the eastern property line only. This section requires the applicant to provide a 30-foot minimum buffer strip between the proposed, new property line and the paved access drive.**

**Jenny** said she was not in favor of this due to undisturbed vegetation and maintenance. **Wilder Hunt** said this is appropriate because the owners own both parcels. **Jenny Begin** said that they have an option on the property, but there is no saying they won't sell off the other parcel. **Wilder** said waivers are made "at this moment" and a waiver is not permanent. **Jonathan Eaton** said adoption of this would be permanent and

would continue to apply to the overall property. **Isabelle** clarified that the waiver of the buffer requirements would apply to the existing parcel and that, if approved, the applicants would not be required to reinstall a buffer on this parcel at a later date. **On motion (Hunt/Jackson) to approve the third waiver as presented. Vote: 3-1-1 (Begin in the negative, Genthner recused)**

**Jonathan Eaton** summarized saying that they have followed the plan carefully and meet the standards of the ordinance. He is still concerned about dense hardwoods and firs for the buffer. He suggested adopting an additional condition to include a requirement to provide denser screening toward School Street (with spruce for example) set in alternating pattern not a straight line. **Isabelle** suggested the following language for a condition: “Prior to the issuance of a Certificate of Occupancy and prior to the installation of final landscaping, the applicants are required to return to the Planning Board with a landscape plan that shows additional screening (consisting of mixed evergreen trees or similar trees that are sufficient year-round buffers) between the adjacent York property and the properties fronting School Street for the Board’s review.”

**Jenny Begin** asked if lighting was to be reduced in the evening. **Isabelle** said that there was a condition added to address this, as Condition #22. Jenny said it takes a long time for trees to grow. **Jonathan** said spruce are fast growing. **Jenny** said she’s prefer mixed evergreens-hemlock is nice. **Jonathan** reiterated something that’s fast and high. **Jenny** then said conditions needed to be discussed. She said the overall main concern was that although permitted, the project in its scale wouldn’t keep the character of the rural area. **Jonathan Eaton** said at this time, the applicants have followed all the rules to a tee. We need to change the ordinances for the future, but presently they are following the ordinances. **Jenny** said that they had put a lot of thought into limiting the size of a building/dwelling. Also do we have limits on private roads? **Jonathan** said that it is their road and the applicants may want to consider a Road Maintenance Association, but that is not a requirement for approval. **Jonathan** then asked the Board if there were any other questions.

**On motion (Hunt/Jackson) to approve the Site Plan application of Clippership Landing Development, with the findings of fact and conditions of approval as drafted by the Town Planner, including additional condition regarding increased buffering as discussed. Vote: 4-0-1 (Neil Genthner recused)**

Neil Genthner returned to his chair on the Board to hear the remaining items.

#### **4. NEW BUSINESS**

##### **A. Map 6 Lot 118-1 Main Street Grocery Zone C-2**

Isabelle provided an overview of this application, which is for Site Plan and Conditional Use to install a refrigeration system rack in an 8’ wide X 20’ long X 8.6’ high Conex container with condenser at 5 Coastal Market Drive (off Main Street). Applicant is Main Street Grocery. The applicant has indicated that there has been a trash compactor in the place of the proposed container since a year or so after the building was constructed. Thus, the current project should be a grandfathered non-conforming project (since it will meet the setbacks more than the previously existing trash compactor did). Sec. 101.6(A)(1)(a) allows for a non-conformity to be repaired, maintained, and improved, provided that there is no expansion of the non-conformity. The applicants have provided a plan dated through April 10, 1990 showing the location of a pad for the trash compactor. Building permits from the Town were not required

for utility structures at this time. Isabelle noted that there are no waivers proposed and she is recommending the Planning Board's standard conditions for this project. **Jenny** asked if there was a time limit on grandfathering. **Isabelle** said that the applicants removed the trash compactor about a year ago to clear the way for the new refrigeration system; the Ordinance notes that non-conformities can be built in so long as they are not discontinued for longer than one year. **Neil Genthner** asked about emergency vehicles. **Isabelle** directed the Board to the submitted plans. There is a 10' wide unlimited use access easement across the abutting property which would allow for emergency vehicles to pass without issue. **Neil** asked about screening and if this can be seen from Chapman St. **Isabelle** said that there is a building blocking the view from Chapman Street, so likely no. **Jenny** asked about noise and Neil responded that it was quieter than the old unit. **Isabelle** said she thought the Town had a decibel measurement toll; if not, she'll get one so that the Code Enforcement Officer could respond should any complaints arise.

**On motion (Eaton/Hunt) to consider the application complete. Vote: 5-0-0**

**On motion (Hunt/Jackson) to approve the Site Plan and Conditional Use application as presented for Main Street Grocery dated December 27, 2022 for the refrigeration unit addition at 5 Coastal Drive, subject to the findings of fact and conditions of approval presented. Vote: 5-0-0**

#### **B. 276 Main Street- Chamber of Commerce**

**Isabelle** provided an overview of this project. Damariscotta Region Chamber of Commerce is proposing to amend their previously approved Site Plan (approved January 3, 2022) in order to install a holding tank for the collection of sewage, rather than tie into the public sewer as previously proposed. This constitutes a waiver of Sec. 102.6(R)(2). She said that the applicants provided a letter from their contractor indicating the reasons that connection to the public sewer is not feasible, including the presence of ledge the location of fiber optic cable within Vine Street that would be difficult to dig around in order to reach the sewer system. Alternatively, she noted that the applicants considered tying into the private sewer systems of their neighbors (which connects into the public sewer system further up Main Street), but the neighbors would not allow this, per conversations with the applicants. Staff recommendation is to approve with conditions. **Neil** suggested adding a timeline for the use of the holding tank; he suggested 3 years and then the applicants will be required to come back to the Planning Board with a more permanent plan. Neil asked if tanks will be monitored. **Isabelle** suggested that they could adopt an additional condition that the holding tank will be monitored by alarm system.

**On motion (Genthner/Eaton) to accept the waiver request for a holding tank rather than connecting into the public sewer. Vote: 5-0-0**

**On motion (Jackson/Genthner) to approve the project with findings of fact and conditions of approval as amended this evening. Vote: 5-0-0**

#### **7. Adjournment**

**On motion (Hunt/Genthner) to adjourn the meeting at 7:30 p.m. Vote: 5-0-0**

Respectfully submitted,

Lynda Letteney  
Recording Secretary

**We the undersigned approve the minutes for the Planning Board Meeting of January 3, 2023.**

\_\_\_\_\_  
**Jonathan Eaton, Chairperson**

\_\_\_\_\_ (via Zoom)  
**Jenny Begin**

\_\_\_\_\_  
**Neil Genthner**

\_\_\_\_\_  
**Wilder Hunt**

\_\_\_\_\_  
**Ann Jackson**

\_\_\_\_\_ Absent  
**Daniel Day (alternate)**

\_\_\_\_\_ Absent  
**Gary Rosenthal (alternate)**

**Minutes for (January 3, 2023) signed** \_\_\_\_\_  
**Date**

