

**MINUTES  
PLANNING BOARD  
TOWN of DAMARISCOTTA  
November 5, 2018 6:00 P.M.**

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

**ALTERNATES PRESENT:** Dan Day and Elizabeth Printy

**ABSENTEES:** Dan Day, excused

**STAFF PRESENT:** Robert Faunce, Interim Town Planner; Lynda Letteney, Recording Secretary

**PUBLIC PRESENT:** Ann Pinkham; Jessica Picard, Lincoln County News

Prior to the beginning of the meeting, Chairperson Eaton read a thank you note from Tony Dater for his farewell party and gifts. Tony served as the town planner for 11 years.

The meeting was called to order at 6:01p.m. by **Chairperson Eaton** and began with The Pledge of Allegiance.

**MINUTES FROM PREVIOUS MEETINGS:**

Minutes from the meetings May-June-July-August-Sept and Oct 2018 were taken individually for approval.

The May 2018 minutes needed to be amended to have Shari Sage's name corrected from Sherry to Shari.

**On motion (Hunt/Genthner) to approve the May 2018 minutes as amended.                      Vote: 3-0-0**

The June 2018 minutes needed to be amended to have Shari Sage's name corrected from Sherry to Shari.

**On motion (Hunt/Genthner) to approve the June 2018 minutes as amended.                      Vote: 3-0-0**

May and June minutes were approved by the remaining members of the Planning Board. (a quorum of 3 members was present). New board members were elected after the June meeting.

**On motion (Genthner/Hunt) to approve the July 2018 minutes as distributed.                      Vote: 5-0-0**

**On motion(Genthner/Jackson) to approve the August 2018 minutes as distributed.                      Vote: 5-0-0**

**On motion(Genthner/Jackson) to approve the September 2018 minutes as distributed. Vote: 5-0-0**

The October minutes were amended to show the maker of the motion to change the minutes of the April 2018 meeting from **Genthner** to **Jackson**; and, to reflect **Genthner** in the negative and **Jackson** in the affirmative. Additionally, Ann Jackson's name was corrected from Jackman to Jackson.

**On motion (Hunt/ Genthner) to approve the October minutes as amended.                      Vote: 5-0-0**

**Signature sheets for the meetings May through October will be signed at the December meeting.**

## **A. OLD BUSINESS**

### **1. Planner's ongoing work on and reformatting of development ordinances**

Bob Faunce, interim planner, began by stating that all ordinances should be in parallel form, under one code with each department having a separate section number. He sketched out two tables, table #1 indicating descriptions and table #2 indicating dimensions.(attached) He pointed out that there are inconsistencies that need to be rectified such as the interchangeable use of "minimum lot area" and "land area." These are not interchangeable because, for example, it could be interpreted that a multiple unit could be on a single lot. Another example was the use of minimal street frontage – what does it apply to? A lot? One lot with two units on it? There is a difference between minimal lot area and minimal land area but these are used interchangeably in the ordinances. Other areas he has looked into revolve around consistent language. For example, what is the minimum frontage for a duplex? Lots that are to have sewer and those that are not are not clearly defined in terms of square footage and road frontage (i.e. 30,000 sq. ft. or 50% more road frontage than a single unit). Is the frontage for a duplex 200' or not? There needs to be a reference to what the original intent was.

Mr. Faunce said that generally speaking conflicts tend to favor the property owner, but decisions are always zone dependent (C-1, C-2, Rural, etc.) Lots for multi-family dwellings need to meet all the requirements for single lots as it stands now. Is that the real intent? Planned Rural Development (including P.U.D.-Planned Unit Development) ordinances are created to give greater flexibility for innovative development. There are no requirements regarding residential density. A parcel is defined including wetlands, steep contours, etc. and that area is deducted from the total. What is left can be divided (assume 2 acre lots but ordinance does not have a provision for it.) This has implications beyond square footage. **Jenny Begin** asked for clarification. **Mr. Faunce** said, for example, buildable property has one 10,000 sq.ft. lot. Excess land over the minimum is not generally taxed at the same rate.

Planned Rural Development has more flexibility (less frontage, less set back, smaller lot sizes, etc.) which reduce developers' costs. Additionally, the town gains public space. A good example is in Topsham at Highland Green. In that case there are no "lots"; there is one land owner, land is shared with each building owner. Other examples are St. Andrews Village; Inn Along the Way is heading in this direction.

**Wilder Hunt** asked if the town currently had P.U.D. ordinances. **Mr. Faunce** said we do under the land use codes. In most cases, PUD offers more units at decreased cost with reduced upfront costs. It is important for the town to have guidelines and some control with these new living plans. The question is what do you want. These also allow for common septic and well systems not necessarily on individual lots. Open spaces can house this type of infrastructure. **Mr. Hunt** said that P.U.D. has never come up and there is currently no provision for reduction of frontage except by applying for an exemption. Mr. Faunce went on to say that this type of development can be beneficial to the town. In an open space subdivision, after the road is in, the town would conceivably tax one unit on each side of the road with 200' frontage. If this plan were to cluster four houses, 2 on each side, one behind the other with a right of way, now there are four taxable units in the same space. This allows for a zero-frontage lots. He sees this as beneficial in ways not yet envisioned.

**Jenny Begin** asked if reformatting meant all ordinances had to go before the voters, in essence a repeal and replace vote. Mr. Faunce said yes and that there would be separate articles for each ordinance. Examples of local towns that already have this in place are Boothbay Harbor (municipal code) and Waldoboro (separate ordinances in the same format). **Jenny Begin** commented that there was a lot of work to do. **Wilder Hunt** commented that P.U.D. is a new concept and as far as ordinances he did not believe it had ever been applied in Damariscotta.

## **B. NEW BUSINESS:**

### **1. Informal discussion of ordinance issues associated with a potential subdivision in the Rural District.**

**Mr. Faunce** has been meeting with potential developers and several inconsistencies have come up. For example, in a duplex subdivision, there are frontage issues. How does it apply? Proposal is for 24 units (12 buildings/2 units each). Current developments have frontage issues. None are solely senior citizen. **Neil Genthner** asked if we currently have P.U.D. language. It is under subdivision pg. 17 article 9, section G. So the vehicle is there, but it needs revision. This was a “heads up” for the Board as they may want to address this area of the ordinances sooner rather than later.

### **2. Conditional Use Permit**

The second item, one that the Board will be addressing in January, is the opening of a wood-fired restaurant. This is for the last building before the Newcastle bridge. They are looking for a conditional use permit which requires a change of use and a site plan review. Mr. Faunce believes the site plan review puts an additional burden on the applicant and would recommend Conditional Use with a waiver in C-1 district of site plan review. Conditional Site standards would apply. The use would be for a restaurant. Previously the site has been a restaurant, real estate office, store, and a vacation rental office. No action at this time.

## **C. OTHER**

### **1. Questions from the Public - none**

### **2. Housekeeping – Randall Errant, nationally recognized town planner**

There will be a workshop in **Topsham, Thursday, November 15<sup>th</sup>**, on Commercial Strip Corridors. Registration is \$20 and the town will pay for any Planning Board member who wishes to attend. Mr. Errant will discuss a series of standards with information about detailed form-based codes. Mr. Faunce felt we may be able to adapt our current codes to it. If you are interested, contact Mr. Faunce for registration and place.

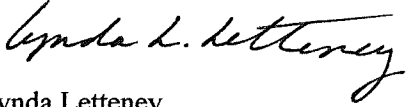
### **3. Planner’s Report- as above**

**D. Adjournment-**


**On motion(Hunt/Genthner) the meeting was adjourned at 6:55 p.m.**

**Vote: 5-0-0**

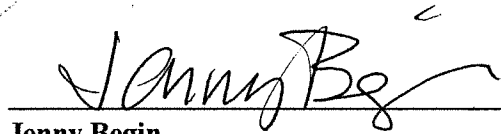
Respectfully submitted.



Lynda Letteney  
Recording Secretary



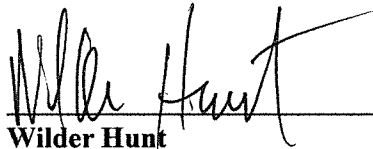
Jonathan Eaton, Chairperson



Jenny Begin



Neil Genthner



Wilder Hunt



Anne Jackson

**Minutes from meeting November 5, 2018**