



Town of Damariscotta
Planning Board Meeting Agenda
Tuesday, January 3, 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. New Business:
 - a. Site Plan and Conditional Use Applications to install a refrigeration system rack in a 8' wide x 20' long x 8.6' high Conex container with condenser at their business at **5 Coastal Market Drive** (off of Main Street) (Tax Map 6, Lot 118-1)
 - Applicant: Main Street Grocery
 - Zone: C-2
 - b. Site Plan Amendment Application to install a holding tank rather than connecting to the public sewer as originally approved at **276 Main Street** (Tax Map 6 Lot 117)
 - Applicant: Damariscotta Region Chamber of Commerce
 - Zone: C-2
4. Old Business:
 - a. Site Plan and Conditional Use Applications to construct a 102-bed nursing care facility and associated site improvements (including parking areas, two curb cuts, stormwater management facilities, and courtyard areas and path systems for facility residents) at 2 Piper Mill Road (Tax Map 1, Lot 50)
 - Applicant: Clippership Landing Development, LLC
 - Zone: Rural
5. Review of Meeting Minutes: December 5, 2022
6. Other Business:
 - a. Questions from the public (an opportunity for the public to ask questions on items not on the agenda)
 - b. Planner's Report
7. Adjournment

Table of Contents

Item	Page Number
3. a. Site Plan and Conditional Use Applications for Main Street Grocery (5 Coastal Market Drive)	
• Staff Review Memo & Recommendation	3
• DRAFT Findings of Fact	9
• Application Binder	15
3. b. Site Plan Amendment for Damariscotta Region Chamber of Commerce (276 Main Street)	
• Staff Review Memo & Recommendation	25
• DRAFT Findings of Fact	31
• Application Binder	37
• Originally Approved Utility Plan (1/3/2022)	55
4. a. Site Plan and Conditional Use Applications for Clippership Landing Development, LLC (2 Piper Mill Road)	
• Staff Review Memo & Recommendation	56
• DRAFT Findings of Fact	74
• Opinion from MMA Legal Services re: Land Use Definition of Dwelling	92
• Applicant's Supplemental Information (dated December 23, 2022)	94
• Public Comments Received	108
5. Minutes of Previous Meetings: December 5, 2022	112



AGENDA ITEM #3A
Meeting of January 3, 2023

Site Plan & Conditional Use Applications – Main Street Grocery

5 Coastal Market Drive – Main Street Grocery
PID #2205

INTRODUCTION

Main Street Grocery is proposing to install a new refrigeration system rack in a 8' wide x 20' long x 8.6' high Conex container with condenser to be located in the rear of the building at 5 Coastal Market Drive (off of Main Street). The proposal is essentially a container that will hold refrigeration utilities currently located on the roof of the building. The parcel is further identified as Assessor's Tax Map 6, Lot 118-1 and it is located within the C-2 Zoning District.



Notices of the pending application were mailed on December 19, 2022 to 6 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] and Chapter 101, Sec. 101.9: Appeals and Conditional Uses.

SUBMISSION CHRONOLOGY

Application Received: December 5, 2022

Pre-Application Date: N/A

PROJECT DATA

Zoning:	C-2	
Land Area:	3.02 acres	
Existing Land Use:	Retail	
Proposed Land Use:	No change	
	Allowed:	Proposed:
Max. Building Height:	40 feet	8.6 feet
Min. Front Yard:	20 feet (or the average of existing setbacks on abutting properties)	N/A – no change
Min. Side Yard:	15 feet	15 feet
Min. Rear Yard:	15 feet	12 feet (existing nonconformity)
Min. Off-Street Parking*:	4 spaces for each 1,000 s.f. of floor area	N/A – no change

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

REVIEW PROCESS & UNIQUE ISSUES

According to the Assessor's records, the original building was built in 1990, prior to the Town adopting Ordinances establishing building setbacks in 1994 (with the Site Review Ordinance, which is where setback requirements were noted at the time). 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.

I have asked the Code Enforcement Officer to attend the January 3, 2023 meeting to answer any questions that you may have about grandfathered non-conformities.

ANALYSIS OF PROJECT

Site Plan and Conditional Use reviews are subject to the standards outlined in Chapter 102, Sec. 102.6: Performance Standards [Site Plan Review] and Chapter 101, Sec. 101.9: Appeals and Conditional Uses.

Staff's analysis of the site plan and conditional use standards are organized by topic below, with references to the corresponding provisions.

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

The bufferyard and area where the applicant plans to construct the addition is fully paved. Therefore, there are no natural areas to preserve within the footprint of the project that can be preserved.

As the site is essentially built out and the addition is being added in a paved area, essential or significant wildlife habitats or fisheries are not anticipated to be directly impacted by the project. Therefore, the project as proposed meets the requirements of this section.

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

As demonstrated by the Project Data Table above, the proposed project is within all bulk and spacing requirements established in the Zoning District, except for the rear setbacks. The applicants have indicated that there was previously a trash compactor located in this location that was grandfathered (placed there before the Ordinance took effect), and 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 trash compactor was approximately 10' wide, which means that it encroached into the required setback area by 5'. The proposed utility structure for the refrigeration units is 8' wide and will encroach into the setback area by 3'. This is less non-conforming than the trash compactor, and thus, this standard has been met.

Furthermore, the project is compatible with the scale and type of development in the vicinity because it is a commercial building where the utility structures are located to the rear.

As such, the project as designed meets the requirements of Sec. 102.4(B)(1) and (B)(2). The requirements of (B)(3) are limited to projects in the downtown commercial area, and thus are not applicable to this project.

3. Sec. 102.6(C): Air Quality

The refrigeration unit is not anticipated to emit dust, ash or smoke that would impact air quality. Therefore, this standard has been met.

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

As no exterior lighting is proposed with this application, this standard is not applicable.

5. Sec. 102.6(E): Noise

All noise 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 a residential use (as this one does to the north and west), the sound level limits are 55 dBA between the hours of 7 a.m. and 7 p.m. and 45 dBA between the hours of 7 p.m. and 7 a.m. Noise associated with construction is only allowed between the hours of 6:30 a.m. and 8 p.m. Condition #5 reaffirms this requirement.

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

Trips

Additional trips are not anticipated to be generated as a result of this addition. Therefore, this standard is not applicable.

Access

There is currently a gravel access drive to the rear of the building to allow for dumpster pickup. As the structure will be less non-conforming than the previous structure, allowing for more space between the property line and the proposed building, this standard has been met.

Given the lack of additional traffic generated by this project and the capacity and design of the roadways connected to the site, the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 102.6(F) and (G).

Parking

Changes to the number of parking spaces are not proposed with this application. Therefore, parking standards are not applicable to this project.

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

The expansion of the refrigeration unit is not anticipated to generate additional sewage. Therefore, the project meets the requirements for adequate sewage waste disposal.

The expansion of the refrigeration unit is not anticipated to generate additional solid waste; therefore, the project is consistent with this section.

Additionally, the Fire Department has reviewed the project to ensure that emergency access will be appropriate. No concerns have been raised.

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), governing the Stormwater Management Plan. A detailed discussion of wetland impacts is provided in item 12 below.

9. Sec. 102.6(L): Stormwater Management

As the refrigeration unit is being installed in an already developed area of the site, additional stormwater impact is not anticipated as a result of this project.

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

As the unit is being placed on an already developed area, thus, additional erosion and sediment control provisions are not required.

11. Sec. 102.6(N): Water Supply

Additional water is not needed as part of this application.

12. Sec. 102.6(O): Natural Beauty

Wetlands, trees, and natural beauty will not be impacted by the proposed development, as the project is located within an already developed area of the site.

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

No documented archeological or historic resources will be impacted by the proposal. Therefore, this standard has been met.

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

All excavation will be incidental to the proposed development 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

Additional sewer impact is not anticipated as a result of this proposal. Therefore, this standard is not applicable.

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

As these standards pertain buffers between incompatible uses, and the adjacent use is also a retail use (Hancock Lumber), these standards are not applicable.

18. Sec. 102.6(U): Signs

No additional signage is proposed with this application; therefore, these standards are not applicable.

19. Sec. 102.6(V): Building Appearance

As the project is for a refrigeration utility unit, these standards are not applicable.

WAIVERS

No waivers were requested as part of this application.

RECOMMENDATION

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

Approve the Site Plan and Conditional Use application of Main Street Grocery, dated through December 27, 2022, for the refrigeration unit addition at 5 Coastal Market Drive, 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
2.	Prior to the issuance of a building permit, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the Town and hold a pre-construction meeting with the Town if necessary.	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, Fire Department, 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
Town Planner
January 3, 2023



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

Date: January 3, 2023

Site Plan & Conditional Use Applications – Main Street Grocery

5 Coastal Market Drive – Main Street Grocery

PID #2205

The Town of Damariscotta Planning Board issues the following Findings of Fact and Conclusions of Law at its duly-noticed meeting of **January 3, 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.** Notices of the pending application were mailed on December 19, 2022 to 6 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:

Main Street Grocery is proposing to install a new refrigeration system rack in a 8' wide x 20' long x 8.6' high Conex container with condenser to be located in the rear of the building at 5 Coastal Market Drive (off of Main Street). The proposal is essentially a container that will hold refrigeration utilities currently located on the roof of the building; and
- D.** The Project is subject to the following policies and standards of review:
 - a. Chapter 102, Section 102.6: Performance Standards [Site Plan Review]; and
 - b. Chapter 101, Section 101.9: Appeals and Conditional Uses.

E. The core Project Data includes:

Zoning:	C-2	
Land Area:	3.02 acres	
Existing Land Use:	Retail	
Proposed Land Use:	No change	
	Allowed:	Proposed:
Max. Building Height:	40 feet	8.6 feet
Min. Front Yard:	20 feet (or the average of existing setbacks on abutting properties)	N/A – no change
Min. Side Yard:	15 feet	15 feet
Min. Rear Yard:	15 feet	12 feet (existing nonconformity)
Min. Off-Street Parking*:	4 spaces for each 1,000 s.f. of floor area	N/A – no change

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

The bufferyard and area where the applicant plans to construct the addition is fully paved. Therefore, there are no natural areas to preserve within the footprint of the project that can be preserved.

As the site is essentially built out and the addition is being added in a paved area, essential or significant wildlife habitats or fisheries are not anticipated to be directly impacted by the project. Therefore, the project as proposed meets the requirements of this section.

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

As demonstrated by the Project Data Table above, the proposed project is within all bulk and spacing requirements established in the Zoning District, except for the rear setbacks. The applicants have indicated that there was previously a trash compactor located in this location that was grandfathered (placed there before the Ordinance took effect), and 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 trash compactor was approximately 10' wide, which means that it encroached into the required setback area by 5'. The proposed utility structure for the refrigeration units is 8' wide and will encroach into the setback area by 3'. This is less non-conforming than the trash compactor, and thus, this standard has been met.

Furthermore, the project is compatible with the scale and type of development in the vicinity because it is a commercial building where the utility structures are located to the rear.

As such, the project as designed meets the requirements of Sec. 102.4(B)(1) and (B)(2). The requirements of (B)(3) are limited to projects in the downtown commercial area, and thus are not applicable to this project.

3. Sec. 102.6(C): Air Quality

The refrigeration unit is not anticipated to emit dust, ash or smoke that would impact air quality. Therefore, this standard has been met.

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

As no exterior lighting is proposed with this application, this standard is not applicable.

5. Sec. 102.6(E): Noise

All noise 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 a residential use (as this one does to the north and west), the sound level limits are 55 dBA between the hours of 7 a.m. and 7 p.m. and 45 dBA between the hours of 7 p.m. and 7 a.m. Noise associated with construction is only allowed between the hours of 6:30 a.m. and 8 p.m. Condition #5 reaffirms this requirement.

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

Trips

Additional trips are not anticipated to be generated as a result of this addition. Therefore, this standard is not applicable.

Access

There is currently a gravel access drive to the rear of the building to allow for dumpster pickup. As the structure will be less non-conforming than the previous structure, allowing for more space between the property line and the proposed building, this standard has been met.

Given the lack of additional traffic generated by this project and the capacity and design of the roadways connected to the site, the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 102.6(F) and (G).

Parking

Changes to the number of parking spaces are not proposed with this application. Therefore, parking standards are not applicable to this project.

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

The expansion of the refrigeration unit is not anticipated to generate additional sewage. Therefore, the project meets the requirements for adequate sewage waste disposal.

The expansion of the refrigeration unit is not anticipated to generate additional solid waste; therefore, the project is consistent with this section.

Additionally, the Fire Department has reviewed the project to ensure that emergency access will be appropriate. No concerns have been raised.

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), governing the Stormwater Management Plan. A detailed discussion of wetland impacts is provided in item 12 below.

9. Sec. 102.6(L): Stormwater Management

As the refrigeration unit is being installed in an already developed area of the site, additional stormwater impact is not anticipated as a result of this project.

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

As the unit is being placed on an already developed area, thus, additional erosion and sediment control provisions are not required.

11. Sec. 102.6(N): Water Supply

Additional water is not needed as part of this application.

12. Sec. 102.6(O): Natural Beauty

Wetlands, trees, and natural beauty will not be impacted by the proposed development, as the project is located within an already developed area of the site.

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

No documented archeological or historic resources will be impacted by the proposal. Therefore, this standard has been met.

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

All excavation will be incidental to the proposed development 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

Additional sewer impact is not anticipated as a result of this proposal. Therefore, this standard is not applicable.

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

As these standards pertain buffers between incompatible uses, and the adjacent use is also a retail use (Hancock Lumber), these standards are not applicable.

18. Sec. 102.6(U): Signs

No additional signage is proposed with this application; therefore, these standards are not applicable.

19. Sec. 102.6(V): Building Appearance

As the project is for a refrigeration utility unit, these standards are not applicable.

G. The applicant has not requested any waivers of the relevant review standards.

DECISION:

H. Based on its review of the entire record herein, including the January 3, 2023 Planning Board staff report; all supporting, referenced, and incorporated documents; and all comments received; the Site Plan and Conditional Use Application of Main Street Grocery, dated through December 27, 2022, for the refrigeration unit addition at 5 Coastal Market Drive; 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, post the necessary performance guarantee(s) in such amount(s) as established by the Town and hold a pre-construction meeting with the Town if necessary.	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

	Condition	Staff Assigned	Must be Completed By:
4.	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
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

PLANNING BOARD APPLICATION

OFFICE USE ONLY

Application Fee: _____ PID: _____

Date Received:

12/5/2022 (NO)

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: 5 Coastal Market Drive, Damariscotta, ME
Deed Book and Page: Book 1576 Pg 59
Existing Subdivision Name: Coastal Marketplace ☐ Not Applicable
Lot within subdivision: ☐ Not Applicable
Tax Map & Lot: 006-118-001
Zoning district: C-2
Existing land use(s): Other commercial: retail and wholesale business and services (grocery)

PROPERTY OWNER INFORMATION

Property Owner Name: Jordan Bay Investment Corp.
Mailing Address: 33 Boylston Street Suite 3000
Chestnut Hill, MA 02467
Phone Number: 617-232-8900
Email:

APPLICANT INFORMATION (IF DIFFERENT FROM ABOVE)

Applicant Name: Main Street Grocery
Mailing Address: 47 School Street
Damariscotta ME 04543
Phone Number: (207) 563-3507
Email: mainstreetgrocery@outlook.com

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:*

☐ Conditional Use Application

☐ Site Plan Application

☐ Small Wind Energy System

☐ Site Plan Pre-application

☒ Conditional Use Application

☐ Preliminary Major Subdivision

☐ Final Major Subdivision

☐ Minor Subdivision

☐ Sketch Plan Pre-application (Subdivision)

☐ Zoning Map Amendment

☐ Zoning Text Amendment

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

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: Main Street Grocery (Julia Small)
Mailing Address: 47 School Street
Damariscotta ME 04543
Phone Number: 207-563-3507
Email: mainstreetgrocery@outlook.com

PROJECT INFORMATION

Description: see attached.

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:

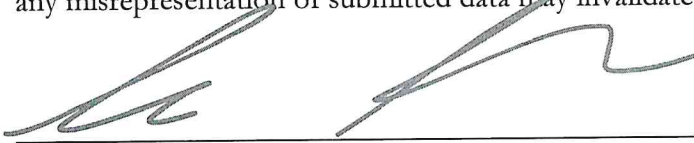
- | | |
|--|--|
| <input type="checkbox"/> Conditional Use Application | <input type="checkbox"/> Site Plan Application |
| <input type="checkbox"/> Small Wind Energy System | <input type="checkbox"/> Site Plan Pre-application |
| <input type="checkbox"/> Conditional Use Application | <input type="checkbox"/> 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

12/1/2022

Date

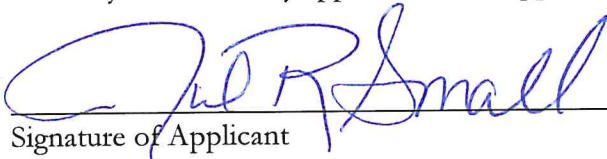
LM

OWNER
INITIAL

I, Louis Masiello, 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

12/1/22

Date

Julia R Small Manager Main Street Grocery

Print Name and Title

From: Maine Market Refrigeration <mainemktrefrigeration@msn.com>
Sent: Tuesday, November 29, 2022 11:45 AM
To: Julia Small
Subject: Re: Building Permits?

Importance: High

Julia,

The below should be printed and added to the Planning Board Application with both pictures for reference. Also please confirm with us when you know if you are on the schedule for the planning board meeting this coming Monday Dec 5th - the plan would be for Shawn and/or Tyler to be at the meeting to answer any questions regarding install/placement.

Please let me know if you have any questions.

Installing a new (used) refrigeration system rack in a 8 ft w x 20 ft l x 8.6 ft h Conex container with the condenser on top of the container and then pipe the rack into the building where there is already piping coming in. Installing the rack this way would be the least invasive way to upgrade the store's refrigeration and would allow for nearly no down time for the store's product so they would not have to incur costs for refrigeration trucks and dry ice and would allow for a quicker turnaround on install. This would make the store's current condenser on the roof obsolete but it would stay where it is for the current time without issue. The placement of the 8 ft w x 20 ft l x 8.6 ft h Conex container should cause no issue of blocking vans/vehicles from actual back driveway in any shape, way or form. The shipping container will be installed where there had been an existing baler at one time (see below Google Earth image for reference). There storage container will not be seen from road or front/side parking lots. There is no additional exterior lighting being performed.

Please see the below, which is TO SCALE. The Conex container is 20 ft long x 8 ft wide x 8 ft 6 in high.

Subject: FW: Building Permits?
From: Julia Small <MainStreetGrocery@outlook.com>
Date: 11/30/2022, 8:43 AM
To: Supplies Unlimited <supplies@tidewater.net>

From: Maine Market Refrigeration <mainemktrefrigeration@msn.com>
Sent: Tuesday, November 29, 2022 11:45 AM
To: Julia Small <MainStreetGrocery@outlook.com>
Subject: Re: Building Permits?
Importance: High

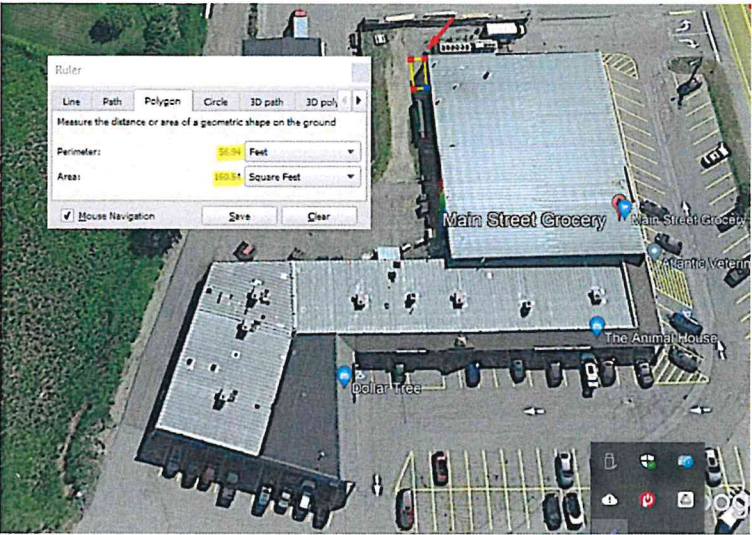
Julia,

The below should be printed and added to the Planning Board Application with both pictures for reference. Also please confirm with us when you know if you are on the schedule for the planning board meeting this coming Monday Dec 5th - the plan would be for Shawn and/or Tyler to be at the meeting to answer any questions regarding install/placement.

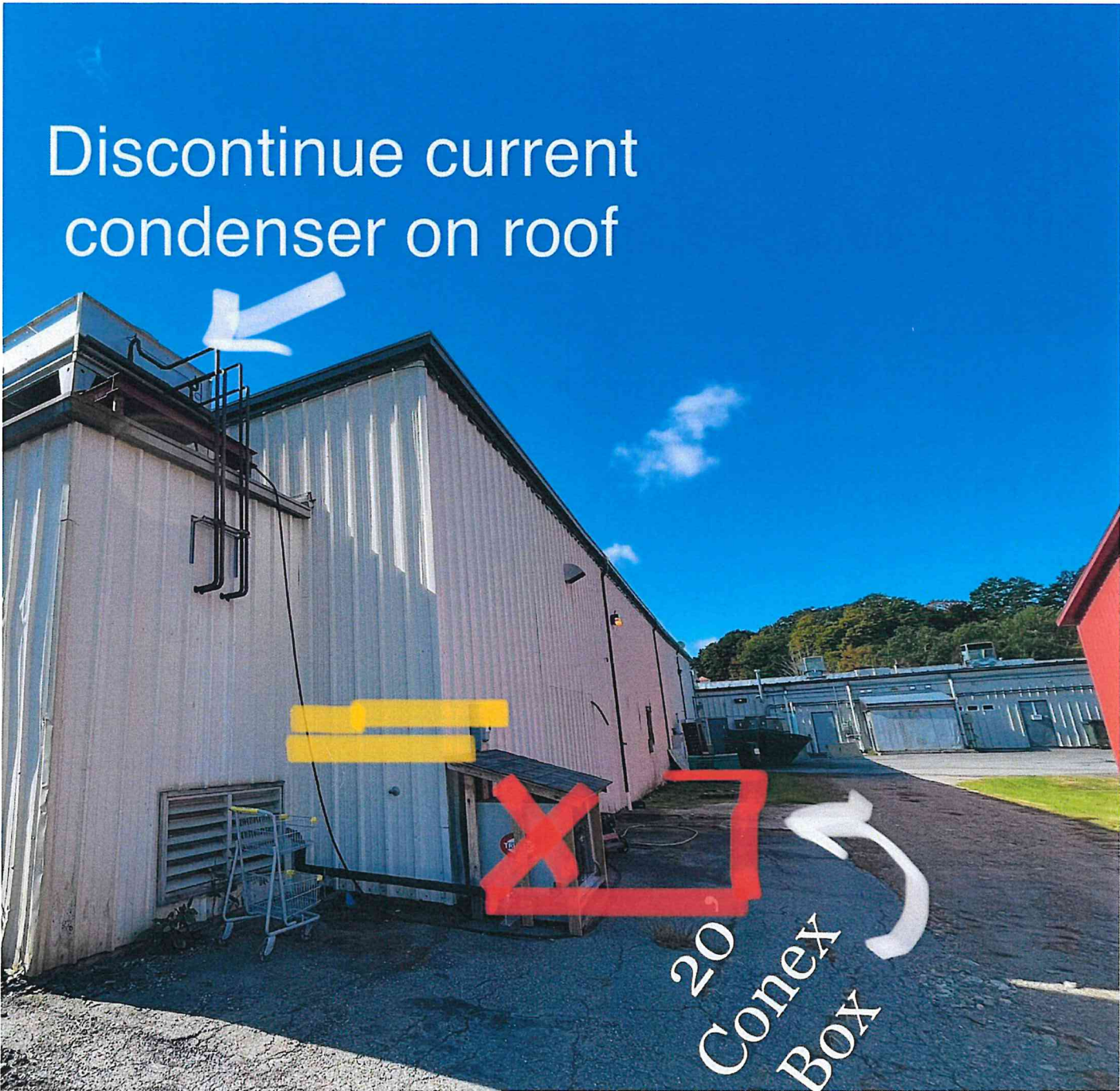
Please let me know if you have any questions.

Installing a new (used) refrigeration system rack in a 8 ft w x 20 ft l x 8.6 ft h Conex container with the condenser on top of the container and then pipe the rack into the building where there is already piping coming in. Installing the rack this way would be the least invasive way to upgrade the store's refrigeration and would allow for nearly no down time for the store's product so they would not have to incur costs for refrigeration trucks and dry ice and would allow for a quicker turnaround on install. This would make the store's current condenser on the roof obsolete but it would stay where it is for the current time without issue. The placement of the 8 ft w x 20 ft l x 8.6 ft h Conex container should cause no issue of blocking vans/vehicles from actual back driveway in any shape, way or form. The shipping container will be installed where there had been an existing baler at one time (see below Google Earth Image for reference). There storage container will not be seen from road or front/side parking lots. There is no additional exterior lighting being performed.

Please see the below, which is TO SCALE. The Conex container is 20 ft long x 8 ft wide x 8 ft 6 in high.



Proposed installation location:



Cordially,
Rachael C. Lütler
Office Manager
Maine Market Refrigeration, LLC
<https://mainemarketrefrigeration.com/>
98 Morris Springer Road, Fayette, ME 04349-3709
Office: 207.685.3504





Town of
Damariscotta

Isabelle Oechsle <ioechsle@damariscottame.com>

Re: Site Plans

1 message

Maine Market Refrigeration <mainemktrefrigeration@msn.com>

Tue, Dec 27, 2022 at 4:11 PM

To: Julia Small <MainStreetGrocery@outlook.com>, Isabelle Oechsle <ioechsle@damariscottame.com>

Isabelle,

Following up from our meeting - to clarify what is being completed at Main Street Grocery is setting a 20 x 8' x 8' six high shipping container which is being used as the mechanical room with condenser installed on top of shipping container and the low & medium compressor rack being installed within the container along with the electrical control panel. This will be certain place where the former trash compactor/baler which had been sitting, which is a smaller footprint.

Cordialità,

Rachael C Littler

Office Manager

Maine Market Refrigeration, LLC

<https://mainemarketrefrigeration.com/>

98 Morris Springer Road, Fayette, ME 04349-3709

Office: 207.685.3504



Get [Outlook for iOS](#)

From: Julia Small <MainStreetGrocery@outlook.com>

Sent: Tuesday, December 27, 2022 4:03 PM

To: Isabelle Oechsle <ioechsle@damariscottame.com>; Maine Market Refrigeration <mainemktrefrigeration@msn.com>

Subject: Fwd: Site Plans

Get [Outlook for iOS](#)

From: Wetherbee, Katherine <katie.wetherbee@wsdevelopment.com>

Sent: Tuesday, December 27, 2022 4:01:35 PM

To: Julia Small <MainStreetGrocery@outlook.com>

Subject: Site Plans

WSDEVELOPMENT

KATIE WETHERBEE

VICE PRESIDENT, ASSET STRATEGY AND DEVELOPMENT

M 857-225-6525

KATIE.WETHERBEE@WSDEVELOPMENT.COM

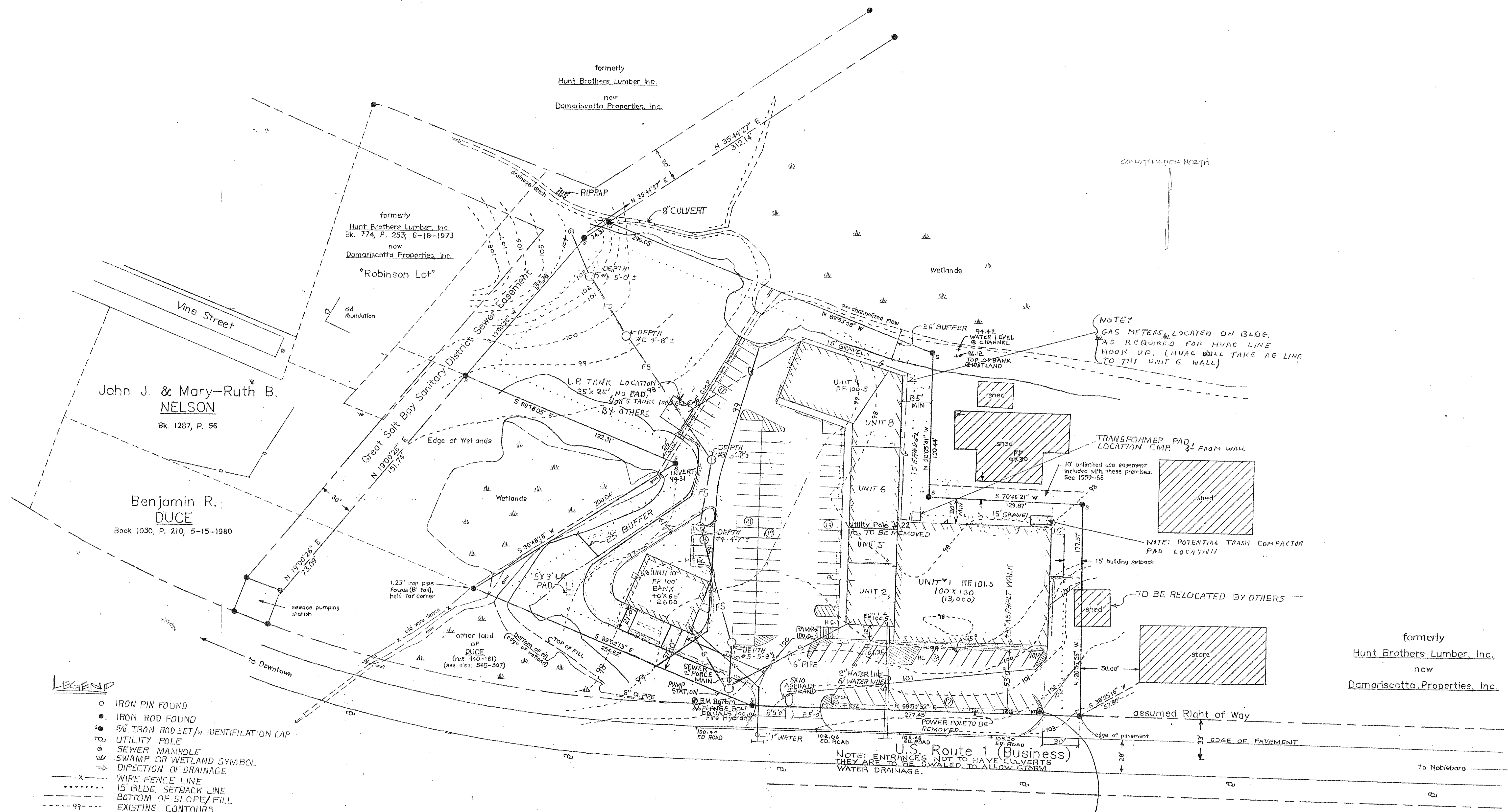
[33 BOYLSTON STREET CHESTNUT HILL MA 02467](#)

WSDEVELOPMENT.COM

Disclaimer

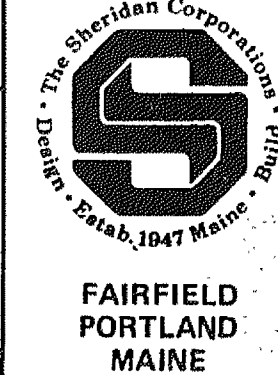
The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.



- LEGEND**
- IRON PIN FOUND
 - IRON ROD FOUND
 - 5/8" IRON ROD SET/W. IDENTIFICATION CAP
 - UTILITY POLE
 - SEWER MANHOLE
 - SWAMP OR WETLAND SYMBOL
 - DIRECTION OF DRAINAGE
 - WIRE FENCE LINE
 - 15' BLDG. SETBACK LINE
 - BOTTOM OF SLOPE/FILL
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - EDGE OF WETLANDS
 - INDICATES SPOT GRADE
 - PAINTED ISLANDS
 - ASPHALT PAVING (LIMITS OF)
 - SEWER LINE
 - WATER LINE
 - FS FORCE SEWER
2 PVC, 1120 SDR 26
160 PSI, ASTM D-2241
 - G L.P. GAS LINE

DATE	REVISION	EST. NO.	Name	JOB NO.
4-10-90	COMPARE 6+7 TO UNIT		DAMARISCOTTA CENTER	8923
2-6-90	ADD LP TANKS, GAS LINE & COMPACTOR		BUSINESS ROUTE 1	
12-8-89	ADDED LP TANKS & LP PAD	DR	DAMARISCOTTA, MAINE	DWG. NO.
11-30-89	ADDED TRANS FORMER PAD - CMP POLE & ASPHALT CURB	DR		S2
11-28-89	CHANGE SEWER LINES	DR		OF
11-20-89	GEN. RCV.	ESP	SITE PLAN	
10-20-89	UTILITY LINES ADJUSTMENT	RSP		
10-16-89	CHANGE PARKING, MOVED BUILDING & BANK	DR		
			DATE 9-19-89	
			BUTLER DESIGN BUILDER	



FAIRFIELD
PORTLAND
MAINE



AGENDA ITEM #3B
Meeting of January 3, 2023

Site Plan Amendment – Damariscotta Information Bureau
276 Main Street – Damariscotta Region Chamber of Commerce
PID #2207

INTRODUCTION

Applicant 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. The parcel is further identified as Assessor's Tax Map 6, Lot 117 and it is located within the C-2 Zoning District.



Notices of the pending application were mailed on December 27, 2022 to 5 property owners abutting the subject property and to the applicant, 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

Original Approval Pre-Application Date:	December 6, 2021
Originally Approved by Planning Board:	January 3, 2022
Amendment Application Submitted:	December 27, 2022

PROJECT DATA

Zoning:	C-2	
Land Area:	0.10 acres	
Existing Land Use:	Vacant	
Proposed Land Use:	Civic and social organization / Office	
	Allowed:	Proposed:
Max. Building Height:	40 feet	N/A – no change
Min. Front Yard:	20 feet	N/A – no change
Min. Side Yard:	15 feet	N/A – no change
Min. Rear Yard:	15 feet	N/A – no change

REVIEW PROCESS

The application to renovate the existing building at 276 Main Street for use as the Chamber's Information Bureau was approved by the Planning Board on January 3, 2022. During the course of construction, the applicant's contractor has discovered that there are a variety of constraints preventing the connection of this building to the public sewer lines located in Vine Street. The applicants have indicated that they have analyzed potential alternatives, but that a holding tank is ultimately what works best for the site and their budget at this time. The applicant's contractor will be available at the meeting to answer any questions that the Board might have.

ANALYSIS OF PROJECT

Site Plan Review is subject to the standards of Chapter 102, Sec. 102.6: Performance Standards. As this is an amendment to a previously approved plan specific to the changing from public sewer connection to a holding tank, many standards are not applicable.

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

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

Changes to the bufferyard or to the previously approved landscaping plan are not proposed with this application.

Per Condition #8, only the topsoil directly affected by buildings, access, and parking areas may be removed from the site. Therefore, the project as designed and conditioned meets the requirements of this section.

-
2. **Sec. 102.6(B): Relationship to Environment and Neighboring Buildings**
Changes to the building and buffers from parking areas are not proposed with this amendment application, therefore, this standard is not applicable.
 3. **Sec. 102.6(C): Air Quality**
The proposed holding tank will not emit dust, ash, or smoke. Proper and regular cleaning will be required in order to mitigate odor concerns, which the applicants are aware of.
 4. **Sec. 102.6(D): Lighting and Glare**
No changes to exterior lighting are proposed with this application, therefore, this standard is not applicable.
 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 commercial uses, the sound level limits are 65 dBA between the hours of 7AM and 7PM, and 55 dBA between the hours of 7PM and 7AM (though construction noise is allowed between 6:30AM and 8:00PM, in accordance with this section). Condition #6 reaffirms this requirement.
 6. **Sec. 102.6(F), (G), (H), and (I): Traffic, Circulation, and Access**
Changes to traffic, access, and parking are not proposed with this application. Therefore, these standards are not applicable.
 7. **Sec. 102.6(J): Existing Public Utilities and Services**
Sewage disposal is discussed in detail under Item 15, below. There are no changes to any other utilities as a result of this amendment, therefore the remaining standards are not applicable.
 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), governing the previously approved Stormwater Management Plan. A detailed discussion of wetland impacts is provided in item 12 below.
 9. **Sec. 102.6(L): Stormwater Management**
Changes to stormwater management are not proposed or needed as part of this amendment. Therefore, this standard is not applicable.
 10. **Sec. 102.6(M): Erosion & Sediment Control**
Changes to the previously approved Erosion and Sedimentation control measures are not proposed or required as part of this application, therefore, this standard is not applicable.
 11. **Sec. 102.6(N): Water Supply**
No changes to the previously approved method for receiving water (public water) are proposed with this amendment application. Therefore, this standard is not applicable to this application.

12. Sec. 102.6(O): Natural Beauty

Changes to the natural beauty of the site will not be impacted by this amendment. Therefore, this standard has been met.

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

Changes to identified historic or archeological resources are not anticipated as part of this amendment application, as the property is not on the National Register of Historic Places nor located within the Town's local historic district. The presence of archeological resources has not been documented on this property. Therefore, this standard has been met.

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

All excavation will be incidental to the proposed development 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

As the subject property is within 200 feet of the existing public sewer system, Section 102.6(R)(2) requires that the applicant extend the existing sewer system to their project and tie into it. However, the applicants have indicated that this is not feasible due to constraints with digging into Vine Street (namely, the presence of ledge as well as the location of fiber optic cable within Vine Street that would be difficult to dig around in order to reach the sewer system). Alternatively, 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.

Thus, the applicants have asked for a waiver of this section in order to allow them to install a holding tank instead. The plan has been updated to show the area where the holding tank will be installed. Condition #4 requires that the Town's Plumbing Inspector (in this case, the Code Enforcement Officer) review the Subsurface Wastewater Disposal System Application to ensure compliance with the State's Subsurface Wastewater Disposal Rules.

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 to the previously approved buffer areas are not proposed or required as part of this application, therefore, this standard is not applicable.

18. Sec. 102.6(U): Signs

Changes to signage are not proposed with this amendment application, therefore this standard is not applicable.

19. Sec. 102.6(V): Building Appearance

No changes to the building appearance are proposed with this amendment application, therefore this standard is not applicable.

WAIVERS

The applicant requests the following waivers for the project:

1. Waiver pursuant to Site Plan Review Ordinance Section 102.6(R)(2) in order to install a holding tank rather than connecting into the public sewer system.

Analysis: Staff is supportive of this waiver request. The applicant's contractor has provided information regarding the presence of ledge and has cited concerns regarding the location of fiber optic cable within Vine Street that would be difficult to dig around in order to reach the sewer system. Alternatively, 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.

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 the Damariscotta Region Chamber of Commerce, dated through December 27, 2022, for the Damariscotta Information Bureau at 276 Main Street, and grant the requested waivers, 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
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, if applicable.	Code Officer	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 Subsurface Wastewater Disposal System permit from the Local Plumbing Inspector (the Code Enforcement Officer) prior to installing the holding tank. The Plumbing Inspector shall verify compliance with the State's Subsurface Wastewater Disposal Rules.	Code Officer	Prior to Installation of Holding Tank

Condition		Staff Assigned	Must be Completed By:
5.	A waiver has been granted pursuant to Section 102.6(R)(2), which allows the applicants to install a holding tank for septic disposal rather than connecting to the public sewer system.	Town Planner	Ongoing
6.	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

January 3, 2023

ATTACHMENTS:

Attachment [1] Application (received 12/27/2022)

Attachment [2] Originally approved Utility Plan (dated 1/3/2022)



**DAMARISCOTTA PLANNING BOARD
FINDINGS OF FACT AND NOTICE OF DECISION**

Date: January 3, 2023

**Site Plan Amendment – Damariscotta Information Bureau
276 Main Street – Damariscotta Region Chamber of Commerce**

PID #2207

The Town of Damariscotta Planning Board issues the following Findings of Fact and Conclusions of Law at its duly-noticed meeting of **January 3, 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 public hearings for the Project; and
- B.** Notices of the pending application were mailed on December 27, 2022 to 5 property owners abutting the subject property and to the applicant, 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:

Applicant 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; and

- D.** The Project is subject to the following policies and standards of review:

- a. Chapter 102, Sec. 102.6: Performance Standards

- E.** The core Project Data includes:

Zoning:	C-2	
Land Area:	0.10 acres	
Existing Land Use:	Vacant	
Proposed Land Use:	Civic and social organization / Office	
	Allowed:	Proposed:
Max. Building Height:	40 feet	N/A – no change
Min. Front Yard:	20 feet	N/A – no change
Min. Side Yard:	15 feet	N/A – no change
Min. Rear Yard:	15 feet	N/A – no change

- 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

Changes to the bufferyard or to the previously approved landscaping plan are not proposed with this application.

Per Condition #8, only the topsoil directly affected by buildings, access, and parking areas may be removed from the site. Therefore, the project as designed and conditioned meets the requirements of this section.

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

Changes to the building and buffers from parking areas are not proposed with this amendment application, therefore, this standard is not applicable.

3. Sec. 102.6(C): Air Quality

The proposed holding tank will not emit dust, ash, or smoke. Proper and regular cleaning will be required in order to mitigate odor concerns, which the applicants are aware of.

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

No changes to exterior lighting are proposed with this application, therefore, this standard is not applicable.

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 commercial uses, the sound level limits are 65 dBA between the hours of 7AM and 7PM, and 55 dBA between the hours of 7PM and 7AM (though construction noise is allowed between 6:30AM and 8:00PM, in accordance with this section). Condition #6 reaffirms this requirement.

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

Changes to traffic, access, and parking are not proposed with this application. Therefore, these standards are not applicable.

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

Sewage disposal is discussed in detail under Item 15, below. There are no changes to any other utilities as a result of this amendment, therefore the remaining standards are not applicable.

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), governing the previously approved Stormwater Management Plan. A detailed discussion of wetland impacts is provided in item 12 below.

9. Sec. 102.6(L): Stormwater Management

Changes to stormwater management are not proposed or needed as part of this amendment. Therefore, this standard is not applicable.

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

Changes to the previously approved Erosion and Sedimentation control measures are not proposed or required as part of this application, therefore, this standard is not applicable.

11. Sec. 102.6(N): Water Supply

No changes to the previously approved method for receiving water (public water) are proposed with this amendment application. Therefore, this standard is not applicable to this application.

12. Sec. 102.6(O): Natural Beauty

Changes to the natural beauty of the site will not be impacted by this amendment. Therefore, this standard has been met.

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

Changes to identified historic or archeological resources are not anticipated as part of this amendment application, as the property is not on the National Register of Historic Places nor located within the Town's local historic district. The presence of archeological resources has not been documented on this property. Therefore, this standard has been met.

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

All excavation will be incidental to the proposed development 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

As the subject property is within 200 feet of the existing public sewer system, Section 102.6(R)(2) requires that the applicant extend the existing sewer system to their project and tie into it. However, the applicants have indicated that this is not feasible due to constraints with digging into Vine Street (namely, the presence of ledge as well as the location of fiber optic cable within Vine Street that would be difficult to dig around in order to reach the sewer system). Alternatively, 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.

Thus, the applicants have asked for a waiver of this section in order to allow them to install a holding tank instead. The plan has been updated to show the area where the holding tank will be installed. Condition #4 requires that the Town's Plumbing Inspector (in this case, the Code Enforcement Officer) review the Subsurface Wastewater Disposal System Application to ensure compliance with the State's Subsurface Wastewater Disposal Rules.

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 to the previously approved buffer areas are not proposed or required as part of this application, therefore, this standard is not applicable.

18. Sec. 102.6(U): Signs

Changes to signage are not proposed with this amendment application, therefore this standard is not applicable.

19. Sec. 102.6(V): Building Appearance

No changes to the building appearance are proposed with this amendment application, therefore this standard is not applicable.

- G.** The Planning Board granted a waiver pursuant to to Site Plan Review Ordinance Section 102.6(R)(2) in order to install a holding tank rather than connecting into the public sewer system. The Planning Board granted this waiver based upon information provided by the applicant's contractor regarding 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, 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.

DECISION:

- H.** Based on its review of the entire record herein, including the January 3, 2023 Planning Board staff report; all supporting, referenced, and incorporated documents; and all comments received; the Site Plan Amendment application of the Damariscotta Region Chamber of Commerce, dated through December 27, 2022, for the Damariscotta Information Bureau at 276 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. 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, if applicable.	Code Officer	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 Subsurface Wastewater Disposal System permit from the Local Plumbing Inspector (the Code Enforcement Officer) prior to installing the holding tank. The Plumbing Inspector shall verify compliance with the State's Subsurface Wastewater Disposal Rules.	Code Officer	Prior to Installation of Holding Tank
5. A waiver has been granted pursuant to Section 102.6(R)(2), which allows the applicants to install a holding tank for septic disposal rather than connecting to the public sewer system.	Town Planner	Ongoing
6. 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:

Pending Planning Board Approval

Phone: (207) 563-5168
IOechsle@damariscottame.com

Yank@ TIDEWATER.NET

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: Damariscotta Region Chamber of Commerce

Mailing Address: P.O. Box 13

Damariscotta, ME 04543

Phone Number: 207-563-8340

Email: YANK@TIDEWATER.NET HARRY SIDELINGER PRES

PROJECT INFORMATION

Description: Waiver for Holding Tank

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:

☐ Conditional Use Application

☐ Small Wind Energy System

☐ Conditional Use Application

☐ Final Major Subdivision

☐ Sketch Plan Pre-application (Subdivision)

☐ Zoning Map Amendment

☒ Site Plan Application Amendment

☐ Site Plan Pre-application

☐ Preliminary Major Subdivision

☐ Minor Subdivision

☐ 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


Date

OWNER
INITIAL

I, _____, 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

12/20/2022
Date

LARRY Sidelinger Pres Board of Directors
Print Name and Title

Application Fee \$30 + Site Review Fee \$50 minimum or \$0.02 per sf
 Conditional Use Fee \$100
 Advertising Fee \$45 if Public Hearing

For Office Use Only:
 Submission Date _____
 Fee Amount: _____

Town of Damariscotta Site Plan Review *Application* Form

Project Name: Damariscotta Region Chamber of Commerce Information Bureau

1. Applicant

Damariscotta Region
 Chamber of Commerce

2. Applicant's Address

P.O. Box 13
 Damariscotta, ME 04543

3. Applicant's Tel/Email

207-563-8340
 jroberts@lcnme.com
 John Roberts

4. Property Owner

Town of Damariscotta
 pending

5. Owner's Address

21 School Street
 Damariscotta, ME 04543

6. Owner's Tel # and Email

207-563-5168
 Robert Faunce
 rfaunce8@gmail.com

7. Engineer/Consultant/Architect

Gartley & Dorsky
 Engineering Inc
 Phelps Architects Inc

8. E/C/A Address

59 Union Street, Camden,
 ME 04843
 278 Main Street
 Damariscotta, ME 04543

9. E/C/A Tel/Email

207-236-3055/AHedrich@Gartl
 eyDorsky.com
 207-563-1616/dphelps@phelp
 sarchitects.com

10. Location/Address of Property

276 Main Street
 Damariscotta, ME 04543

11. Tax Map/Lot

6/117

12. Zoning District

C-2

✓ *If submitted. If you believe a submission is not applicable or you want to request a waiver, so indicate by **NA** or **W** and explain in the spaces provided at the end of the form.*

x	E.1	Signed SPR Application
x	E.2	Evidence of Right, Title or Interest
X	E.3	Site Plan at a scale of not more than 50'=1" with two 24"x36" for presentation purposes showing all of the following information:
x	E.3 a	Names & addresses of all abutters on plan and on a separate listing
x	E.3.b	Sketch map showing General location of site within the town
X	E.3.c	Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
X	E.3.d	The bearings and distances of all property lines and the source of this information. The Board may waive the requirement of a formal boundary survey when sufficient information is available to clearly establish, on the ground, all property boundaries
X	E.3.e	Classification(s) of the property and the location of zoning district boundaries as applicable.

NA	E.3.f	Soil types and location of soil boundaries suitable for waste water disposal as certified by a registered engineer or soil scientist.
X	E.3.g	The location of all building setbacks and buffers required by this or other ordinances of the Town of Damariscotta.
X	E.3.h	The location, size, and character of all signs and exterior lighting.
X	E.3.i	The location of all existing and proposed buildings (including size and height), driveways, sidewalks, parking spaces and associated structures, snow storage areas, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.
X	E.3.j	The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
X	E.3.k	The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
X	E.4	A Stormwater Management Plan including Low Impact Development (LID) measures in conformance with the provisions of §102.6.L. See definition of LID in §102.4
X	E.5	An erosion and sediment control plan in conformance with the provisions of §102.6.M
X	E.6	Building plans showing, at a minimum, floor plans and all elevations clearly indicating the type, color, and texture of all exterior surfacing materials of all proposed principal buildings and structures and all accessory buildings and structures.
PEND	E.7	Copies of any proposed or existing easements, covenants, deed restrictions, etc.
NA	E.8	A list of all applicable State & Federal permits
NA	E.9	Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).
W	E.10	Demonstration of financial and technical capacity to complete the project, as proposed, in accordance with this ordinance and the approved plan.
NA	E.11	Location of any floodplains on the project parcel as well as any wetlands and streams as identified by a wetlands scientist or other certified wetlands professional.
PEND	E.12	Soils test pit log demonstrating suitable soils for subsurface sewage disposal unless connection to a public sanitary sewer is proposed, in which case a letter from the Great Salt Bay Sanitary District attesting to its ability to accept sanitary wastes from the proposed development.
NA	E.13	A phosphorus impact report if the project is within the watershed of a great pond.
PEND	E.14	An estimate of the amount of domestic water required for the project; if connection to the public water system is proposed, a letter from the Great Salt Bay Water District attesting to its ability to provide sufficient water to the project; if water is to be supplied by wells, the results of a hydrological study if required by the Planning Board.
NA	E.15	Plan for supplying water for fire protection.
NA	E.16	Letters from appropriate state authorities attesting to the project's impact, if any on historic, archaeological and rare or endangered plant or animal species on or in the vicinity of the project parcel.
X	E.17	Demonstration that access to the site will be safe and will meet or exceed minimum required sight distance.
NA	E.18	Demonstration that the project will comply with applicable noise and air quality standards.
X	E.19	A scenic assessment and landscaping plan for the site consistent with the recommendations of the Damariscotta Comprehensive Plan that includes drawings and/or photo simulations including elevations of proposed buildings, topography and landscaping as well as sidewalks (if applicable), illustrating the view from each public roadway adjacent to the proposed development.

Note: The applicant shall submit a plan that fully satisfies the §102.6 Performance Standards and, if applicable, the §102.7 Large Scale Development Performance Standards. The applicant may also submit an accompanying separate plan that sets out any proposed waivers from §102.6 and §102.7 Performance Standards accompanied by a written statement(s) explaining why the applicant believes the waivers would still accomplish the purpose of the performance standard so proposed to be altered.

Explain any requested waivers or submission requirements you believe are not applicable.

Please see attached list.

Check if Required

☒ Planning Board Review/Approval (e.g. Subdivision)

☐ Board of Appeals Review/Approval

☐ Flood Hazard Development Permit

☐ Exterior Plumbing Permit (Approved HHE-200 Application Form)

☒ Interior Plumbing Permit

☐ DEP Permit (Site Location, NRPA)

☐ Army Corps of Engineers (Sec. 404 of Clean Water Act)

☒ MaineDOT Entrance or Traffic Permit

Others:


☐ Fire Department

Note: Applicant is Advised to Consult with the Code Enforcement Officer and Appropriate State and Federal Agencies to Determine Whether Additional Permits, Approvals and/or Reviews are Required

I Certify That All Information Given in this Application is Accurate. All Proposed Uses Shall be in Conformance with this Application and the Applicable Town of Damariscotta Zoning Ordinances. I Agree to Future Inspections by the Code Enforcement Officer at Reasonable Hours.

Applicant's Signature

Date

PHILIPS ARCHITECTS INC. 

12-20-21

Agent's Signature (if applicable)

Date

E.3.f - waste water will connect to municipal sewer

E.7 - Easement for local communications utility line to cross property from Vine Street to Main Street to be finalized upon property formally deeded to Town from State.

E.8 – No known permits required at this time.

E.9 – No known listings or identifications known at this time.

E.10 – Chamber is a known local organization.

E.11 – No known locations of items or identified by existing site survey.

E.12 – Further information to be provided for Board review at or prior to scheduled Application review meeting. District currently reviewing.

E.13 – Project is not within watershed of great pond.

E.14 - Further information to be provided for Board review at or prior to scheduled Application review meeting. District currently reviewing.

E.15 – Building fire protection (sprinklers) not required per building code.

E.16 – No known impact at this time.

E.18 - No significant impact anticipated based on proposed use of project

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services
Div of Environmental Health, 11 SHS
(207) 287-5672 Fax: (207) 287-4172

PROPERTY LOCATION		>> CAUTION: LPI APPROVAL REQUIRED <<	
City, Town, or Plantation	DAMARISCOTTA	Town/City	DAMARISCOTTA
Street or Road	VINE & MAIN	Permit #	
Subdivision, Lot #		Date Permit Issued	Fee: \$ Double Fee Charged []
OWNER/APPLICANT INFORMATION		Local Plumbing Inspector Signature	
Name (last, first, MI) Damariscotta Chamber of Commerce		<p>The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.</p> <p>Municipal Tax Map # Lot #</p> <p style="text-align: center;">CAUTION: INSPECTION REQUIRED</p> <p>I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.</p> <p style="text-align: right;">(1st) date approved</p> <p style="text-align: right;">(2nd) date approved</p>	
Mailing Address of 277 Main St			
Owner/Applicant DAMARISCOTTA, ME			
Daytime Tel. # 207-563-8340			
<p>OWNER OR APPLICANT STATEMENT</p> <p>I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.</p> <p><i>Harry C. Ledyard Pres</i> <i>12/20/2022</i></p> <p>Signature of Owner or Applicant Date</p>		<p style="text-align: center;">Local Plumbing Inspector Signature</p>	
PERMIT INFORMATION			
TYPE OF APPLICATION <input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type replaced: _____ Year installed: _____ <input type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. <25% Expansion <input type="checkbox"/> b. >25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	THIS APPLICATION REQUIRES <input type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	DISPOSAL SYSTEM COMPONENTS <input checked="" type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input checked="" type="checkbox"/> 5. Holding Tank, 1000 gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input type="checkbox"/> 11. Pre-treatment, specify: _____ <input type="checkbox"/> 12. Miscellaneous Components	
SIZE OF PROPERTY <input type="checkbox"/> SQ. FT. <input type="checkbox"/> ACRES	DISPOSAL SYSTEM TO SERVE <input type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: _____ <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: 100 Acres (specify) Current Use <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input type="checkbox"/> Undeveloped	TYPE OF WATER SUPPLY <input type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other	
SHORELAND ZONING <input type="checkbox"/> Yes <input type="checkbox"/> No			
DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)			
TREATMENT TANK <input checked="" type="checkbox"/> 1. Concrete <input type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: _____ CAPACITY: _____ GAL.	DISPOSAL FIELD TYPE & SIZE <input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. cluster array <input type="checkbox"/> c. Linear <input type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: _____ SIZE: _____ sq. ft. <input type="checkbox"/> lin. ft.	GARBAGE DISPOSAL UNIT <input type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet	DESIGN FLOW _____ gallons per day BASED ON: <input type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities <input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA
SOIL DATA & DESIGN CLASS PROFILE CONDITION _____ at Observation Hole # _____ Depth _____" of Most Limiting Soil Factor	DISPOSAL FIELD SIZING <input type="checkbox"/> 1. Medium---2.6 sq. ft. / gpd <input type="checkbox"/> 2. Medium---Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large---4.1 sq. ft. / gpd <input type="checkbox"/> 4. Extra Large---5.0 sq. ft. / gpd	EFFLUENT/EJECTOR PUMP <input type="checkbox"/> 1. Not Required <input type="checkbox"/> 2. May Be Required <input type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	LATITUDE AND LONGITUDE at center of disposal area Lat. _____ d _____ m _____ s Lon. _____ d _____ m _____ s if g.p.s, state margin of error: _____
SITE EVALUATOR STATEMENT			
I certify that on _____ (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).			
Site Evaluator Signature		SE #	Date
Site Evaluator Name Printed		Telephone Number	E-mail Address
Note : Changes to or deviations from the design should be confirmed with the Site Evaluator.			

CEO@DAMARSCOTTAME.COM

Code@

@
GEORGECHASE

REPLACEMENT SEPTIC TANK (ONLY) APPLICATION

Maine DHHS/CDC – Division of
Environmental & Community Health

PROPERTY ADDRESS				ISSUING MUNICIPAL OFFICE			
City, Town, or Plantation		Damariscotta, ME		Town/City		Damariscotta	
Number & Street		276		Permit #		Total Fee \$	
PROPERTY OWNER/APPLICANT INFORMATION				Date Issued		Double Fee	
Owner Name (Last, First)		Town of Damariscotta		Local Plumbing Inspector Signature		License #	
Applicant Name (Last, First)		Chamber of Commerce		Fees		State \$150.00 + Local \$175.00	
OWNER/APPLICANT MAILING ADDRESS				LOCATION		Map # Lot #	
Street		276 Main St		<p>A subsurface wastewater disposal system may not be installed until a permit is issued by the Local Plumbing Inspector. The permit authorizes the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.</p> <p>CAUTION: INSPECTION REQUIRED</p> <p>I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.</p>			
City		Damariscotta					
State		ME					
Zip		04543					
Phone		207-563-8340					
LOCATIONAL COORDINATES – Degrees, Minutes, Seconds							
Latitude:		N		Longitude:		W	
OWNER/APPLICANT STATEMENT							
<p>I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector(s) to deny a permit.</p>							
Signature of Owner/Applicant		Date		LPI Signature		Date	

PERMIT INFORMATION		
Septic Tank Replacement Tank Only 1. Concrete: Regular <input type="checkbox"/> Low Profile <input type="checkbox"/> 2. Plastic: Regular <input type="checkbox"/> Low Profile <input type="checkbox"/> 3. Other (Specify): <input type="text"/>	Disposal System Serves... <input type="checkbox"/> 1. Single Family Dwelling Number of Bedrooms <input type="text"/> <input type="checkbox"/> 2. Multiple Family Dwelling Number of Bedrooms <input type="text"/> <input type="checkbox"/> 3. Other (Specify): <input type="text"/>	Type of Water Supply <input type="checkbox"/> Drilled Well <input type="checkbox"/> Dug Well <input checked="" type="checkbox"/> Other (Specify): Town Water is supplied by... <input type="checkbox"/> Private Water Supply <input checked="" type="checkbox"/> Public Water System <input type="checkbox"/> Other (Specify): <input type="text"/>
Tank Capacity <input type="text"/> Gallons	Garbage Disposal Unit <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If YES, Specify: <input type="checkbox"/> a. Multi-Compartment Tank <input type="checkbox"/> b. Tanks in a Series <input type="text"/> Number of Tanks <input type="checkbox"/> c. Increase Tank Capacity <input type="checkbox"/> d. Filter on Tank Outlet	IMPORTANT: <p>This subsurface wastewater disposal system component permit application is intended for a single replacement tank only. Applications for all other disposal system configurations and components must be completed on the standard HHE-200. This permit application should not be used in conjunction with a standard HHE-200; if a replacement tank is required as part of a larger disposal system design, it must be incorporated in a design detailed on a standard HHE-200.</p> <p>For assistance, please contact the Subsurface Wastewater program: phone (207) 287-2070, email subsurface.wastewater@maine.gov.</p>
Size of Property <input type="text"/> Sq. Feet <input type="text"/> Acres	Effluent/Ejector Pump <input type="checkbox"/> Yes <input type="checkbox"/> No	
Shoreland Zoning <input type="checkbox"/> Yes <input type="checkbox"/> No		

CHURCH STREET

JANET R. FOWLE
JOHN E. FOWLE
BOOK 5500, PAGE 20
TAX MAP 6, LOT 106

EXISTING SEWER MANHOLE
CORE INTO EXISTING SEWER MANHOLE
AND INSTALL INTERNAL DROP

APPROXIMATE LOCATION OF EXISTING
6" WATER LINE

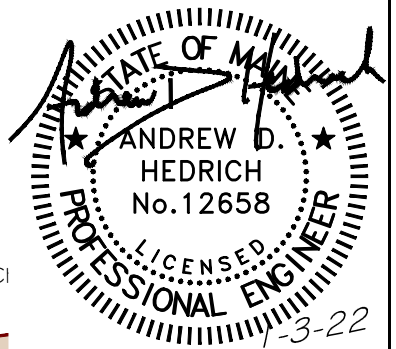
SANITARY EASEMENT NEEDED FROM
FOWLE OR CURRENT LAND OWNER

PROPOSED 6" SDR-35 SEWER LINE

PROPOSED 1.5" WATER SERVICE LINE

TIDEWATER
TELECOM, INC.
10 VINE STREET
BOOK 1062, PAGE 220
TAX MAP 6, LOT 107

VINE STREET



NOTES:

1) GARTLEY & DORSKY ENGINEERING & SURVEYING, INC IS COORDINATING
WITH THE GREAT SALT BAY SANITARY DISTRICT ON UTILITY CONNECTIONS.

0 20
SCALE: 1" = 20'

Gartley & Dorsky
ENGINEERING SURVEYING
CAMDEN, MAINE (207) 236-4365
DAMARISCOTTA, MAINE (207) 790-5005
WWW.GARTLEYDORSKY.COM

DAMARISCOTTA CHAMBER OF COMMERCE

SCHEMATIC UTILITY CONNECTION PLAN

JANUARY 3, 2022

PROJ. NO. 2020-457

SK1

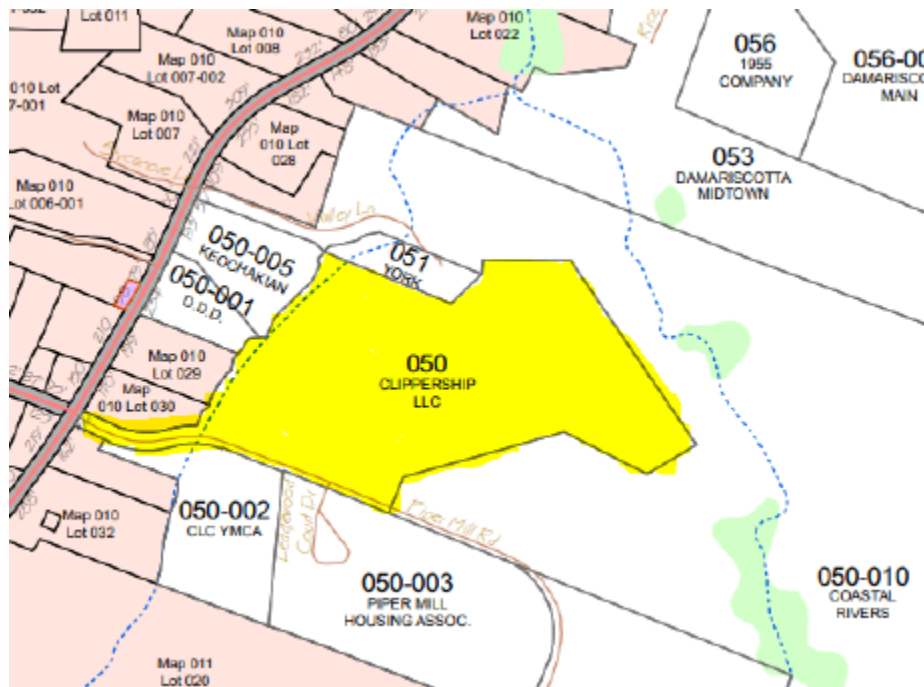


AGENDA ITEM #4A
Meeting of January 3, 2023

Site Plan & Conditional Use Applications – Clippership Landing Nursing Home
Piper Mill Road – Clippership Landing Development, LLC
PID #2201

INTRODUCTION

Applicant Clippership Landing Development, LLC is requesting Site Plan review in order to construct a 102 bed nursing care facility and associated site improvements (including parking areas and two curb cuts, stormwater management facilities, and courtyard areas and path systems for the enjoyment of residents of the facility). The parcel is further identified as Assessor's Tax Map 1, Lot 50 and it is located within the Rural Zoning District and the Town's designed Village Expansion Growth Area, per the 2014 Comprehensive Plan.



As the total floor area proposed is greater than 7,500 s.f. (pursuant to Sec. 102.5(G) of the Damariscotta Town Ordinances), a public hearing was required to be held on this application. Legal advertisements regarding this public hearing appeared in the Lincoln County News on October 27, 2022 and November 3, 2022, and were mailed to 22 property owners within 250' of the subject property and were posted at the Town Office on October 24, 2022. The public hearing was continued from the November 7, 2022 meeting of the Planning Board.

This submission is being reviewed pursuant to Chapter 102, Sec. 102.6: Performance Standards [Site Plan Review] and Chapter 102, Sec. 102.7: Large-Scale Development Standards [Site Plan Review]. Additionally, as nursing care facilities are a conditional use within the Rural Zoning District, the standards of Sec. 101.9: Appeals and Conditional Uses must be met.

SUBMISSION CHRONOLOGY

Application Received:	September 19, 2022
Pre-Application Date:	August 1, 2022
Deemed Complete for Planning Board:	October 19, 2022
Planning Board Meeting Dates:	November 7, 2022 (public hearing opened), December 5, 2022 (public hearing closed)

PROJECT DATA

Zoning:	Rural	
Land Area:	19.98 acres (proposed to be subdivided further)	
Existing Land Use:	Vacant	
Proposed Land Use:	Nursing care facility	
	Allowed:	Proposed:
Max. Building Height:	35 feet	29.7' at highest ridgeline
Min. Front Yard Building Setback:	20 feet	~120' at closest point
Min. Side Yard Building Setback:	15 feet	~40' at closest point
Min. Rear Yard Building Setback:	15 feet	~90' at closest point
Min. Water Setback:	100 feet from abutting stream	~120' at closest point (on proposed maintenance garage)
Min. Off-Street Parking*:	34 spaces (1 space for every 3 rooms)	103 spaces, including 9 spaces for people with disabilities

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

REVIEW PROCESS

This project initially came before the Planning Board for sketch (conceptual) plan review during the Planning Board's meeting on August 1, 2022. Subsequently, the Planning Board held a site walk of the subject property on August 18, 2022 alongside the applicants and members of the public. As part of this development, Minor Subdivision review is also required to amend the 2019 subdivision plan of the property. The Planning Board held a public hearing on the Minor Subdivision application and ultimately voted to approve the Minor Subdivision application during their meeting on November 7, 2022.

Also, during the November 7, 2022 meeting, the Planning Board opened the public hearing on the Site Plan and Conditional Use applications. Based upon the public comment received as well as deliberation amongst themselves, the Planning Board suspended the public hearing until the December meeting of the Board and tasked the applicants with providing the following items:

- Information on the sight distances from Piper Mill Road onto School Street
- Provide information on the accidents at School Street and Bristol Road intersection
- Provide visual renderings of how the proposed building will look from School Street, from Piper Mill Road, and from surrounding properties (including the proposed landscaping)

The applicants provided this information in a supplemental packet, which was posted alongside the December 5, 2022 meeting packet on the Town's website [here](#). The packet for the November 7, 2022 meeting, which includes the information previously reviewed by the Board, is available on the Town's website at [this link](#).

For this meeting, the applicants have provided supplemental information dated December 23, 2022 and which is attached in this packet. Also available in this packet is information from Maine Municipal Association's Legal Services team regarding a question that I received asking for clarification about the classification of the use of this project, which has been reviewed by staff as a Nursing Care Facility in accordance with the definitions found in Sec. 101.4 of the Town's Land Use Ordinance.

Finally, I have received a number of comments from community members since the Planning Board closed the public hearing on December 5th, and have included those in this packet for the Board's knowledge.

ANALYSIS OF PROJECT

Site Plan review is subject to the standards of review outlined in Sec. 102.6: Performance Standards. As the project is proposing a floor area of greater than 20,000 s.f., the requirements of Sec. 102.7: Large-Scale Development will also apply. Finally, as the project is proposing a Nursing Care Facility (a Conditional Use in the Rural Zoning District), the standards outlined in Sec. 101.9: Appeals and Conditional Uses must be met.

Staff's analysis of the Site Plan, Large Scale-Development, and Conditional Use standards are organized by topic below, with references to the corresponding provisions. The applicants have provided a supplemental information packet intended to respond to concerns from both the Planning Board and members of the public identified during the November 7, 2022 meeting. Additional information has been summarized in this packet in *red*.

Site Plan Standards

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

The bufferyard is the area at the perimeter of the property encompassing the Town's building setback requirements and the existing or planted vegetation, fencing, walls or berms located within the area. Per the standards outlined in this section, the only development permitted within the bufferyard is required landscaping and fencing, landscape lighting, essential utilities that cannot be located outside of the buffer because of site constraints, passive stormwater filtration areas, and points of ingress and egress as authorized by the Planning Board. Within the bufferyard, the applicants are proposing to locate the fire access drive. Additionally, the corner of a stormwater filtration area is located within the buffer yard. See Figure 1. As noted, these are exempt and thus, in staff's view, this standard has been met.

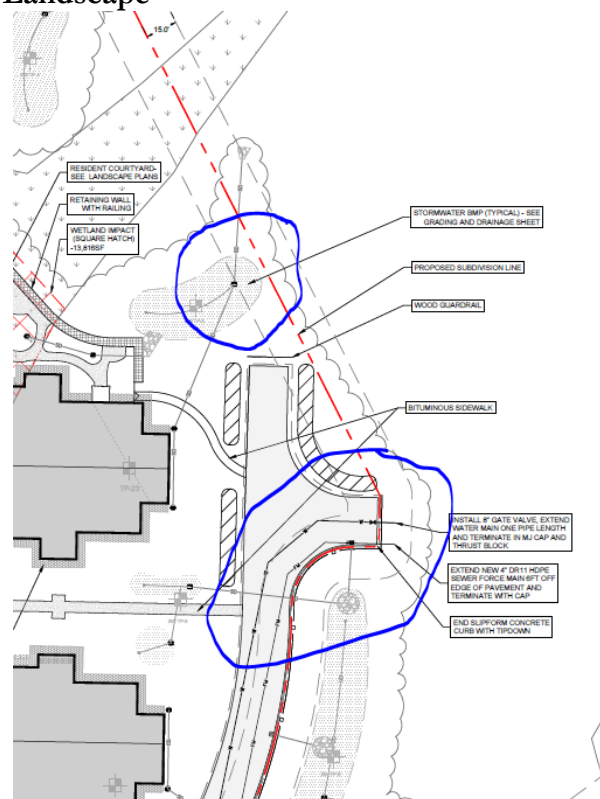


Figure 1

The applicants have indicated that the building has been sited in such a way as to preserve the landscape and existing topography of the site to the maximum extent practical. The building is centrally located to allow for natural vegetation to be retained in the buffer yards of the property. Additionally, a landscape plan has been submitted which shows approximately 150 new tree plantings, intended to shield the new development from abutting properties and from public streets.

Photo renderings of the proposed building and site have been provided by the applicants in a packet of supplemental materials dated November 23, 2022. The landscaping plan is further described in item #24 below.

A letter from the Maine Department of Inland Fisheries & Wildlife submitted with the application indicates that three bat species which are protected under Maine's Endangered Species Act (including the little brown bat, northern long-eared bat, and eastern small-footed bat) may be present on the site during their migration and/or during the breeding season. However, the IF&W noted that they do not anticipate significant impacts to any of the bat species as part of this project. Still, to prevent potential impacts to these species, the applicants have indicated that the majority of tree removal will be between October 16th and April 14th of any given year.

Correspondence with the Maine Natural Areas Program indicates that no rare and exemplary botanical features have been identified in the vicinity of the project site.

Per Condition #8, only the topsoil directly affected by buildings, access, and parking areas may be removed from the site. Therefore, the project as designed and conditioned meets the requirements of this section.

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

The project is within all bulk and spacing requirements established in the Zoning District, as noted in the project data table above. The project site is abutted by the Ledgewood Apartment Complex and the Wastewater Treatment facility to the south; by land owned by the Coastal Rivers Conservation Trust to the east; and by single-family residences on all other sides.

The project site currently consists of understory vegetation. While the proposed building is proposed at the top of the slope and so will likely be visible to abutters, the applicants have designed the building to be one-story, which reduces views of the buildings from public ways. Additionally, landscaping is proposed intended to help further shield the project from direct abutters. The landscaping plan is discussed in detail in item #24 below.

Pursuant to this section (which requires a minimum buffer strip of 30 feet for parcels greater than three acres), an approximately 90-foot buffer area has been retained between the front property line and the parking lot. From the rear property line to the proposed paved emergency access drive, an approximately 45-foot buffer area is proposed (between the rear property line and the closest point). From the westerly property line to the proposed paved service access, a buffer of approximately 150 feet is proposed. The applicant has requested a waiver of Sec. 102.6(B)(2)(b) with respect to the eastern property line only, noting that "Although the intent is to divide the property, the uses proposed will be compatible and will share access using the proposed, paved access drive along the new property line. Providing a 30ft buffer between the shared access drive and the new property line (by adjusting the line) would result in a very narrow strip of property between the Nursing Home parcel and the adjacent land to the east. Since this area is within a wetland drainageway that extends to either side of the property, it is unlikely that any future development would be practical." As designed and with the waiver requested, staff has found that the project meets the requirements of Sec. 102.4(B)(2) and (B)(3).

3. Sec. 102.6(C): Air Quality

The proposed project will not result in undue air pollution or odors associated with the use being proposed. The emission of dust, ash, fumes, vapors, smoke, or other particulate matter of gases is not anticipated. The applicants have submitted an erosion and sedimentation control program in accordance with MDEP Best Management Practices, to be used by the contractor during construction, which notes that dust control measures will be applied on a daily basis during summer construction where dust is most likely (except on days where precipitation will be sufficient to control dust). The erosion and sedimentation control program is further described in item #10 below. As proposed, staff has found that this standard has been met.

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

Limited exterior lighting is proposed with this project within the parking area and along key access points along the building. The applicants have indicated that this lighting is proposed for safety in these areas. A lighting plan has been submitted which confirms that footcandles on abutting properties do not exceed 0.1, in accordance with this section. All exterior lights proposed are within the color range of 3000 to 2500 Kelvins or less, as shown on the lighting spec sheets submitted.

In accordance with Sec. 102.6(D)(4)(e), which states that the maximum height of the luminaire of freestanding or building-attached lights on properties or in parking areas shall not exceed 16 feet. All fixture lighting meets this standard.

Per Condition #9, all exterior lighting fixtures shall be full cut-off (shielded) fixtures (the applicants have noted this within their application materials; this condition is simply to reaffirm the requirement).

No rotating or flashing lights are proposed with this application.

During nighttime hours, exterior lighting shall be turned off or down to the minimum level needed for security, in accordance with this section. Condition #9 reaffirms this requirement.

The project as designed and conditioned meets the standards of this section.

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 a residential use, the sound level limits are 45 dBA between 7 p.m. and 7 a.m., and 55 dBA between 7 a.m. and 7 p.m. (though construction noise is allowed between 6:30 a.m. and 8 p.m.). Condition #10 reaffirms this requirement. Thus, as conditioned, staff believes this standard to have been met.

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

Trips

A traffic assessment was conducted by Barton & Loguidice on July 18, 2022 on behalf of the applicant. To summarize the findings of the traffic report:

- The proposed development will generate 20 AM peak hour trips on weekdays, and 34 PM peak hour trips on weekdays, according to trip generation calculations provided by the Institute of Traffic Engineers. Total trips generated during an entire weekday will be 312 (156 entering and 156 exiting).
- As trip generation is forecast to be less than 99 trip ends during peak hours, which is the threshold for requiring a MaineDOT Traffic Movement Permit (TMP), a TMP from MaineDOT is not required.
- There is one High Crash Location (as determined by MaineDOT) in the immediate vicinity of the site. MaineDOT considers any roadway intersection or segment a high crash location if there are 8 or more accidents at the location within a three-year period, and if the Critical Rate Factor for the location is greater than 1.00. The School Street and Main Street intersection represents a High Crash Location. MaineDOT has advised staff and the applicants that a short-term fix for this intersection is scheduled for implementation in 2023, and that further long-range intersection improvements are currently being studied. *The applicants have also provided information regarding the School Street and Bristol Road intersection. The intersection of School Street and Bristol Road has a reported total of 7 crashes between 2019 and 2022 with a Critical Rate Factor of 2.47 (and thus is not a High Crash Location based on MDOT's established criteria).*
- The proposed site accesses onto Piper Mill Road meet MaineDOT sight distance requirements for roadways with a speed limit of 25 mph. A sight distance of at least 200 feet is required. Looking left from the main entrance, the measured sight distance was found to be 500 feet. Looking right from the main entrance, the measured sight distance was found to be 285 feet. Looking left from the proposed service entrance, the measured sight distance was found to be 270 feet. Looking right from the proposed service entrance, the measured sight distance was found to be approximately 210 feet. The traffic report does note that existing vegetation found on both sides of Piper Mill Road to the west of the service entrance severely restricts sight distances. The applicants have submitted a roadway clearing plan intended to allow the development to meet the standards of this section. Condition #12 notes that the clearing must be completed at the applicant's expense prior to the issuance of a Certificate of Occupancy.

-
- *The existing sight distance from Piper Mill Road onto School Street meets MaineDOT sight distance requirements for roadways with a speed limit of 35mph, which requires a minimum unobstructed sight distance measurement of 305 feet. A sight distance in excess of 350 feet was determined for each direction of travel on School Street.*
 - The applicant's traffic engineer recommends installation of a 25mph speed limit sign on Piper Mill Road near the School Street intersection, as well as the installation of standard curve warning signs on both approaches to the S-curve intersection of Piper Mill Road in order to alert drivers. Condition #13 requires this signage to be installed by the applicant prior to the issuance of a Certificate of Occupancy for the project.

In the view of staff, these findings and associated conditions demonstrate compliance with the requirements of Section 102.6(G).

Access

Access to the site is planned with construction of two entrances: one main entrance intended for use by the general public, and one intended to act as a service entrance. The proposed main entrance aligns directly opposite the existing Ledgewood Apartments entrance, and the service is proposed to be located about 130-feet to the west.

The proposal includes a variety of sidewalks and crosswalk connections from the parking area to the entrance of the building. Sidewalks are proposed to be concrete with granite curbing, and will be raised above the driving areas. Additionally, three separate courtyard areas are proposed for the enjoyment of residents which include sidewalk areas.

Given the level traffic generation and the capacity and design of the roadways connected to the site, the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 102.6(F) and (G).

Parking

Zoning Ordinance Section 102.6(H)(7)(i) requires that nursing homes provide one parking spaces per every three rooms, therefore the project requires at least 34 spaces. The project provides 103 spaces, including 9 spaces for people with disabilities. The applicants have provided data from their other Maine properties substantiating the need for the 103 parking spaces, especially during holidays at peak visiting periods. As designed the parking supplied meets the requirements of Section 102.6(H).

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

The proposed sewer demand is approximately 8,670 gallons per day. The project is proposing to tie into public sewer service and pump their sewage directly to the treatment plant via new force mains. A letter from the Great Salt Bay Sanitary District, dated May 17, 2022, has been provided indicating that adequate collection and treatment capacity is available. Therefore, the project meets the requirements for adequate sewage waste disposal. Public water access is detailed in item 11 below.

The applicants have indicated that the clearing of trees associated with this development, which had been previously logged for large timber, is expected to generate approximately 248 cubic yards of stumps. Per the application materials: “the clearing may include high-quality trees, suitable for saw logs. These will be cut and exported to an appropriate sawmill from the site, separately from the remaining materials. The remaining wood biomass will be cut or chipped on site. The biomass will either be retained on site for erosion control materials or processed and sent to a biomass facility. Since pine stumps are larger and bulky, these stumps will be excavated and/or chipped onsite for use as erosion control mix or landscaping mulch.” Other solid waste generated during construction will be hauled by private haulers. There are no known hazardous or special wastes at the site.

Post-occupancy, the applicants plan to dispose of their trash at the Nobleboro-Jefferson Transfer Facility. There are no known capacity constraints regarding solid waste, therefore, in the opinion of staff, the project is consistent with this section.

The proposed development will be equipped with a sprinkler system to provide fire suppression in the event of an emergency within the facility. Hydrants will also be provided on-site for additional fire suppression. A turning template for the Fire Department’s largest apparatus has been submitted which confirms that the truck will be able to adequately navigate the site. Additionally, the Fire Chief has reviewed the application materials to ensure that emergency access will be appropriate. The Department has indicated that they would like to see an additional fire hydrant towards the road near where the generator is located which would allow ideal access without concern for vehicles striking out hoses. Additionally, the Department has requested a sprinkler hookup as well as a knox box installed on the building. Condition #18 notes that the final locations and number of hydrants must be determined by the Fire Department prior to the applicant submitting any building permits for the project. Additionally, Condition #19 notes that the exact location and details of a knox box will be provided to and approved by the Fire Department prior to the Issuance of a Certificate of Occupancy.

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), governing the Stormwater Management Plan. A detailed discussion of wetland impacts is provided in item 12 below.

9. Sec. 102.6(L): Stormwater Management

The site slopes gently from a central ridge running north-south on the property. As elevations drop to the west, slopes become increasingly steep (reaching over 15%). Slopes to the east remain generally in the 5-6% range, similar to the center of the site. The site is located with an area of minimal flooding according to the FEMA Flood Insurance Rate Map for the area.

The existing stormwater flows from the aforementioned central ridge towards the west to an unnamed stream that forms the western property boundary, and towards the east to three separate drainageways, all of which drain to a stream on the adjacent parcel that was donated to Coastal Rivers Conservation Trust.

Sec. 102.6(L) notes that the post-development runoff cannot exceed the pre-development runoff during extreme storm events. The table below, which was included in the applicant's stormwater report, summarizes the peak runoff values for pre-development and post-development conditions during each of the analyzed storm events (demonstrating that this standard has been met).

PRE-DEVELOPMENT AND POST-DEVELOPMENT PEAK RUNOFF VALUES		
Storm Return Period	Pre-Dev Peak Q at Design Point 1 (cfs)	Post-Dev Peak Q at Design Point 1 (cfs)
2-Year	3.29	3.15
10-Year	7.66	6.75
25-Year	11.18	9.87
50-Year	14.89	14.19
Peak Q at Design Point 2 (cfs)		
2-Year	4.66	3.24
10-Year	9.31	5.93
25-Year	12.89	7.98
50-Year	16.57	10.77
Peak Q at Design Point 3 (cfs)		
2-Year	4.11	4.10
10-Year	8.38	8.34
25-Year	11.69	11.66
50-Year	15.13	15.09
Peak Q at Design Point 4 (cfs)		
2-Year	2.28	1.55
10-Year	4.56	3.22
25-Year	6.32	5.71
50-Year	8.12	7.96

The proposed development includes a variety of small, decentralized stormwater Best Management Practices (BMPs) designed to capture and treat runoff from the project. The BMPs include drip edge filters surrounding the perimeter of the new building, seven bioretention cells dispersed across the property, three underdrain soil filters, and a section of pervious pavement on each side of the western fire lane. These BMPs have been sized and designed in accordance with current State of Maine Chapter 500 Stormwater Law and come directly from the recommended Low Impact Development (LID) practices as described in the LID Guidance Manual for Maine Communities.

Snow storage areas are shown on the revised Site Plan and have been sited to allow for adequate buffers between freshwater areas (such as the wetlands on the northeasterly portion of the site and the adjacent stream to the west). Stormwater retention cells are placed strategically between the proposed snow storage areas and the wetlands in order to allow for areas for snow runoff/melt to be treated.

The applicant has applied for a Site Location of Development Act permit through the Maine Department of Environmental Protection (DEP). The project has been designed to provide treatment for 98% of the proposed impervious area and 99% of the developed area, in accordance with the Chapter 500 Regulations for Basic, General and Flooding Standards. Condition #14 requires that documentation of the DEP permit being granted is submitted to the Town Planner prior to the issuance of any building permits for the proposed project.

The applicant is proposing to retain ownership of the stormwater management facility and has provided a Stormwater Maintenance Plan outlining their responsibilities post-occupancy to ensure that the stormwater facilities continue to perform as designed. Maine DEP requires permittees to perform a “check-up” on their stormwater systems and recertify that the systems are operating as approved every five years from the issuance date of their permit.

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

The proposed development is for a 102-bed nursing home facility (an approximately 75,000 s.f. building) and associated site improvements, and the project will be completed over an approximately 18-month period from Spring 2023 to the Fall of 2024. All stormwater, drainage, and water effluent are managed appropriately for the proposed use as outlined in the analysis above.

The applicant has submitted a NRCS Web Soil Survey, which shows the predominant soil types on site as Buxton/Lamoine and Scantic silt loams (with small areas of Tunbridge/Lyman complex rocky soils at the edges of the property). Additional geotechnical information was gathered by SW Cole Engineering, on behalf of the applicants, which generally confirm the mapping illustrated on the web survey. Onsite soils are moderately susceptible to erosion. Thus, pursuant to Section 102.6(M), an erosion and sedimentation control program proposal has been submitted. Construction activities are proposed to be stabilized through the installation of silt fencing or erosion control berms down slope of any disturbed areas (with additional measures at the foot of steep slopes or adjacent to the wetland areas) and erosion control blankets or riprap stabilization atop steep slopes. Maintenance of the erosion and sedimentation control areas will be the responsibility of the site contractor during construction, in accordance with the *Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers (2016)*. Construction entrances will be stabilized with crushed stone to minimize tracking. Temporary stockpiles will be stabilized and protected. Post-construction, areas not subject to other restoration (e.g. paving or riprap) will be loamed and seeded.

The erosion and sedimentation control plan, as submitted, is satisfactory to meet the requirements of Section 102.6(M).

11. Sec. 102.6(N): Water Supply

The proposed project is for a 102-bed nursing facility. The applicants anticipate an 85 gallon per room per day water usage, with a total estimated usage amount of 8,670 gallons per day. The applicants have provided documentation from the Great Salt Bay Sanitary District indicating that they have the ability to provide water to the proposed project.

As the project will be served by both public water and sewer, a hydrogeologic study is not required. Materials at the site with the potential to cause groundwater contamination may include household cleaning chemicals or fuel tanks. As these will be stored inside buildings within normal household quantities, in the opinion of staff, this standard has been met.

12. Sec. 102.6(O): Natural Beauty

Trees near the front property line are proposed to be impacted by the construction of the proposed building as well as the easterly emergency access drive. However, the building has been sited in an area where historical tree clearing has occurred and which is now predominantly an open field. In an effort to replace trees slated for removal, a total of 54 evergreen trees that are 6' to 7' tall are proposed in key areas around the site, including at the edge of the emergency access road on the western side of the property, surrounding the parking areas, and to highlight the entrance of the building and surrounding courtyards. A total of 100 deciduous trees of various heights are also proposed in similar key areas. A variety of shrubs and other small landscaping are also proposed. Additionally, condition #15 requires that the applicant install fencing around the dripline edge of all existing trees designated to be protected, as shown on the plan.

According to wetland delineation conducted in the winter of 2021, no potential vernal pool habitat was identified within the project site.

Approximately 14,505 s.f. of freshwater wetlands are proposed to be impacted by the proposed development. The proposed wetland impacts must be reviewed under a Tier 1 permit from the Maine Department of Environmental Protection under the Natural Resource Protection Act. The applicants have indicated that this permit is currently under review by the DEP. Additionally, authorization from the Army Corps of Engineers is required for the proposed wetland impact. Condition #14 requires the applicants to submit documentation to the Town that the DEP permit, as well as authorization from the Army Corps of Engineers, have been obtained prior to the release of a building permit.

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

The applicant has submitted documentation from the Maine Historic Preservation Commission indicating that no documented archeological or historic resources will be impacted by the proposed development. Therefore, this standard has been met.

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

All excavation will be incidental to the proposed development 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

As discussed in item 7 above, the applicant is proposing to tie into the existing public sewer system and has received confirmation from the Great Salt Bay Sanitary District that there is adequate capacity to serve the sewage generated from the proposed development. Therefore, this standard has been met.

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

As described further in item #1 above, buffers have been provided sufficient to meet the standards of this section. When natural features in the buffer areas do not exist sufficient to screen the proposed development from adjacent properties and from roadways within the proposed project, additional landscaping has been provided in accordance with this section. The buffer area plantings are diverse, with multiple varieties of trees, evergreen trees, and shrubs being used. Condition #16 reaffirms the requirement of this section that, if landscaping dies, is removed, or otherwise requires replacement, is not replaced within thirty days (or as seasonally required by the species), it shall be considered a violation of any approval granted by this Board and shall be subject to enforcement provisions.

Fencing is proposed around the trash collection and in the service area. All ground-mounted mechanical units will be similarly screened.

18. Sec. 102.6(U): Signs

All signage will be designed to meet the Town of Damariscotta Sign Ordinance and will be reviewed by the Code Enforcement Officer in accordance with the provisions of that ordinance.

19. Sec. 106.6(V): Building Appearance

As the proposed building is larger than 7,500 s.f. in floor area, the Large-Scale Development Standards for Building Appearance (described in detail under item #20 below) shall apply.

Large-Scale Development Standards

20. Sec. 102.7(A): Building Appearance

Elevations drawings of the building's exterior have been submitted which include the use of pitched roofs, dormers, windows, and vinyl clapboard siding, among other architectural details intended to enhance the outward appearance of the building and to present a residential aesthetic. No façade extends more than 49 feet without an architectural feature, such as an awning or actual protrusion of at least 6 feet.

Additionally, a repeating pattern on each façade is proposed in accordance with this section. Colors proposed are of a neutral tone. The main entrance to the facility is clearly defined through the use of architectural features as well as landscaping and overall site design.

21. Sec. 102.7(B): Outdoor Sales

As the development is not for a retail establishment, these standards do not apply.

22. Sec. 102.7(C): Parking

As described in item #6 above, the parking requirements of Sec. 102.6(H) have been met.

Additionally, no off-street parking has been sited between Piper Mill Road and the closest façade of the building. Therefore, staff has found the standards of this section to have been met.

23. Sec. 102.7(D): Bicycle and Pedestrian Facilities

The applicant has requested a waiver to some of the requirements of this section, as described in the waivers section below. Instead of providing sidewalks that are 8-feet in width, the applicant is proposing to provide 6-foot-wide sidewalks within the parking area, and sidewalks that are 5-feet wide within the courtyard areas.

Condition #17 requires that the applicant install sidewalks along the entirety of the frontage of the subject property in accordance with this section.

24. Sec. 102.7(E): Landscaping

At least 75% of all of the vegetation proposed is native species, sufficient to meet the standard of this section. Landscaping is described in greater detail in item #12 above.

More than 30% of the buildings total foundation is planted with landscaping sufficient to meet the standard of this section. Additionally, landscaping is proposed in the entrance area of the building, in the parking area, as well as along the façade facing Piper Mill Road. Thus, staff has found that the standards of this section have been met.

25. Sec. 102.7(F): Screening

The site plan as proposed incorporates screening and fencing around the trash collection area and into the service area. All ground-mounted mechanical units will be similarly screened. Propane tanks for the facility will be installed underground to reduce the visual impact of essential utility infrastructure.

26. Sec. 102.7(G): Building Reuse

Submittals related to this standard are not necessary. However, applicants are aware of the Selectboard's rights related to vacant buildings.

27. Sec. 102.7(H): Additional Standards for Large-Scale Developments with a Floor Area >20,000 s.f.

- **Sec. 102.7(H)(1):** This standard is not applicable to this project, as it references construction of retail buildings. The proposed project is for a nursing care facility.
- **Sec. 102.7(H)(2):** This standard is not applicable to this project, as it references construction of a retail building.
- **Sec. 102.7(H)(3):** A waiver to this standard has been requested by the applicants. See staff's analysis in the waiver section below.

Conditional Use Standards

28. Sec. 101.9(C)(2)(a): Conditional Uses

The proposed use will meet the requirements of the Town's Land Use Ordinance, as described in the project data table above, as well as the Site Plan Review Ordinance, as described in the analyses above.

The potential effect of the use on the environment (from air, water or soil pollution), noise, traffic, congestion, soil erosion, the burden on the public sewer and water systems as well as other municipal services have been taken into consideration and have been analyzed in the requirements above. As noted, the proposed use will not have an adverse effect on the health, safety, or general welfare of the public.

WAIVERS

The applicant requests the following waivers for the project:

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.

Analysis: Staff is supportive of this waiver, since the internal sidewalks will primarily be used by visitors, employees, and vendors related only to the proposed development and not by the general public. Additionally, the applicants noted that the use of the property requires barrier-free access from the drop-off and adjacent spaces reserved for those with disabilities, and that raising the sidewalks 6 inches above the travel way would hinder barrier-free access.

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.

Analysis: Staff is supportive of this waiver. In the view of staff, there was value in the community understanding (at minimum) the following potential impacts listed in this section: (H)(3)(b)(1): Types of jobs created; (H)(3)(b)(2): number of full-time and part-time jobs created; (H)(3)(b)(3): Market and financial feasibility of the project; (H)(3)(b)(7): Projected costs and benefits to the Town resulting from the project. The applicants provided this information orally during the November 7, 2022 meeting and have provided a supplemental memo to this effect that is included in this packet. Therefore, a waiver of the remaining standards under (H)(3) would be appropriate.

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.

Analysis: Staff is supportive of this waiver, since the applicant also owns the property to the east of the subject parcel and has indicated that they are retaining it for future development of a compatible land use. The intent of this standard is to provide a buffer between development and neighboring land uses not owned by the applicant.

RECOMMENDATION

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

Approve the Site Plan application of Clippership Landing Development, LLC, dated through December 23, 2022; drawings stamped and dated through October 17, 2022, for the Clippership Landing Nursing Home project at Map 1, Lot 50 on Piper Mill Road, and grant the requested waivers, subject to the following conditions:

Suggested 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
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, if applicable.	Code Officer	Prior to Issuing Building Permit
3.	Prior to the issuance of a building permit, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the Town and hold a pre-construction meeting with the Town if necessary.	Town Planner	Prior to Issuing Building Permit
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 three 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 Site Plan Review Ordinance Section 102.7(D), which allows the applicant 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.	Town Planner	Ongoing

	Condition	Staff Assigned	Must be Completed By:
8.	Only the topsoil directly impacted by proposed buildings, access ways, and parking areas may be removed from the site without returning to the Planning Board for further review, per Section 102.6(A).	Town Planner	Ongoing
9.	All exterior lighting fixtures shall be full cut-off (shielded) fixtures in accordance with Section 102.6(D).	Town Planner	Ongoing
10.	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
11.	Prior to holding a pre-construction meeting and submitting a building permit, wetlands and associated setbacks and stream setbacks are to be staked to ensure that all erosion and sedimentation controls and site disturbance and construction activities avoid the protected wetland.	Town Planner	Prior to Submitting a Building Permit
12.	In order to allow the standard of Sec. 102.6(G)(1) to be met, the applicants have submitted a roadway clearing plan for existing vegetation found on both sides of Piper Mill Road to the west of the proposed service entrance. The clearing of vegetation as depicted on the submitted plan must be completed at the applicant's expense prior to the issuance of a Certificate of Occupancy.	Town Planner/Code Officer	Prior to Issuing Certificate of Occupancy
13.	Applicants are required to complete the installation of a 25mph speed limit sign on Piper Mill Road near the School Street intersection, as well as the installation of standard curve warning signs on both approaches to the S-curve intersection of Piper Mill Road in order to alert drivers to the street realignment.	Town Planner/Code Officer	Prior to Issuing Certificate of Occupancy
14.	Prior to the issuance of a building permit, the applicants are required to submit to the Town Planner confirmation from the Maine DEP that their Site Location of Development permit and their NRPA permit have been approved. Additionally, confirmation that the Army Corps of Engineers have approved the wetland impacts is required to be submitted prior to the issuance of a building permit.	Town Planner	Prior to Issuing Building Permit
15.	Prior to submitting a building permit, the applicant shall establish fencing at the drip line of all trees that are designated for preservation in the approved Site Plan. No construction staging or other construction-related activity is permitted within the drip line fence barrier.	Town Planner	Prior to Submitting a Building Permit

	Condition	Staff Assigned	Must be Completed By:
16.	If landscaping that dies, is removed, or otherwise requires replacement, is not replaced within thirty days (or as seasonally required by the species), it shall be considered a violation of any approval granted by this Board and shall be subject to enforcement provisions.	Code Officer	Ongoing
17.	In accordance with Sec. 102.7(D), the applicant shall install sidewalks along the frontage of the entirety of the subject property (all of the property identified as Tax Map 1, Lot 50 at the time of this approval) at their own expense, or will come to a mutual agreement with the Town to fund the installation of sidewalks along this area. Sidewalks will be installed at no cost to the Town. Sidewalk installation shall be completed within one year of the issuance of a Certificate of Occupancy.	Town Planner	Within 1 year of the Occupancy
18.	The final locations and number of hydrants must be approved by the Fire Department prior to the applicant submitting any building permits for the project.	Fire Dept./Code Officer	Prior to Submitting a Building Permit
19.	The exact location and details of a knox box will be provided to and approved by the Fire Department prior to the Issuance of a Certificate of Occupancy.	Fire Dept./Code Officer	Prior to Issuing Certificate of Occupancy
20.	A waiver has been granted 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 (see analysis above).	Town Planner	Ongoing
21.	A waiver has been granted 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. Instead, the applicants provided relevant information to the Planning Board during the public hearings, negating the need for this requirement.	Town Planner	Ongoing
22.	Prior to the issuance of a Certificate of Occupancy, the applicants will be required to submit a plan to turn down lighting to the minimum extent practical for security purposes at night. This will need to be reviewed to the satisfaction of the Code Enforcement Officer, Town Planner, and Police Chief.	Town Planner	Prior to Issuing Certificate of Occupancy

Isabelle V Oechsle

Isabelle V. Oechsle
Town Planner
January 3, 2023



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

Date: January 3, 2023

Site Plan & Conditional Use Applications – Clippership Landing Nursing Home

Piper Mill Road – Clippership Landing Development, LLC

PID #2201

The Town of Damariscotta Planning Board issues the following Findings of Fact and Conclusions of Law at its duly-noticed public hearing of **November 7, 2022 (public hearing continued to December 5, 2022, and decision rendered at the January 3, 2023 Meeting)**:

- 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 public hearings for the Project; and
- B. Legal advertisements regarding this public hearing appeared in the Lincoln County News on October 27, 2022 and November 3, 2022, and were mailed to 22 property owners within 250' of the subject property and were posted at the Town Office on October 24, 2022; and
- C. The project description is as follows:

Applicant Clippership Landing Development, LLC is requesting Site Plan review in order to construct a 102 bed nursing care facility and associated site improvements (including parking areas and two curb cuts, stormwater management facilities, and courtyard areas and path systems for the enjoyment of residents of the facility). The parcel is further identified as Assessor's Tax Map 1, Lot 50 and it is located within the Rural Zoning District and the Town's designed Village Expansion Growth Area, per the 2014 Comprehensive Plan; 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];
 - b. Chapter 102, Sec. 102.7: Large-Scale Development Standards [Site Plan Review];
 - c. Sec. 101.9: Appeals and Conditional Uses.

E. The core Project Data includes:

Zoning:	Rural	
Land Area:	19.98 acres (proposed to be subdivided further)	
Existing Land Use:	Vacant	
Proposed Land Use:	Nursing care facility	
	Allowed:	Proposed:
Max. Building Height:	35 feet	29.7' at highest ridgeline
Min. Front Yard Building Setback:	20 feet	~120' at closest point
Min. Side Yard Building Setback:	15 feet	~40' at closest point
Min. Rear Yard Building Setback:	15 feet	~90' at closest point
Min. Water Setback:	100 feet from abutting stream	~120' at closest point (on proposed maintenance garage)
Min. Off-Street Parking*:	34 spaces (1 space for every 3 rooms)	103 spaces, including 9 spaces for people with disabilities

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

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:

Site Plan Standards

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

The bufferyard is the area at the perimeter of the property encompassing the Town's building setback requirements and the existing or planted vegetation, fencing, walls or berms located within the area. Per the standards outlined in this section, the only development permitted within the bufferyard is required landscaping and fencing, landscape lighting, essential utilities that cannot be located outside of the buffer because of site constraints, passive stormwater filtration areas, and points of ingress and egress as authorized by the Planning Board. Within the bufferyard, the applicants are proposing to locate the fire access drive. Additionally, the corner of a stormwater filtration area is located within the buffer

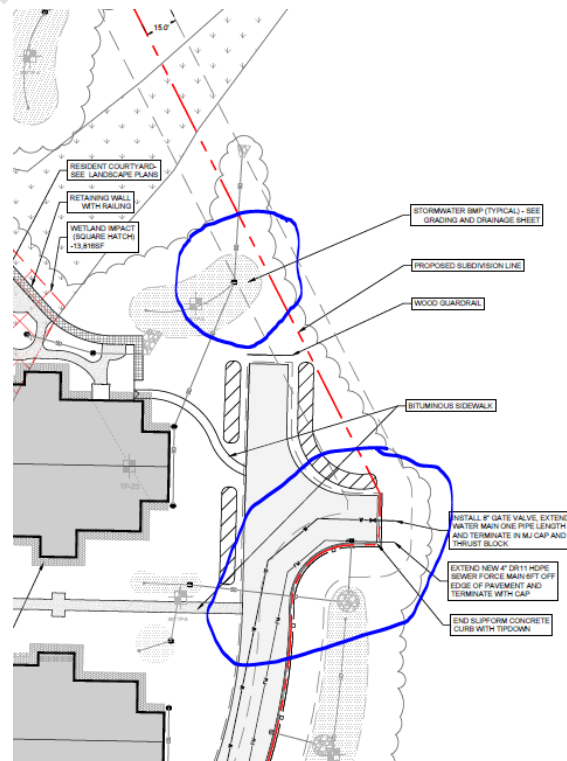


Figure 1

yard. See Figure 1. As noted, these are exempt and thus, in staff's view, this standard has been met.

The applicants have indicated that the building has been sited in such a way as to preserve the landscape and existing topography of the site to the maximum extent practical. The building is centrally located to allow for natural vegetation to be retained in the buffer yards of the property. Additionally, a landscape plan has been submitted which shows approximately 150 new tree plantings, intended to shield the new development from abutting properties and from public streets. Photo renderings of the proposed building and site have been provided by the applicants in a packet of supplemental materials dated November 23, 2022. The landscaping plan is further described in item #24 below.

A letter from the Maine Department of Inland Fisheries & Wildlife submitted with the application indicates that three bat species which are protected under Maine's Endangered Species Act (including the little brown bat, northern long-eared bat, and eastern small-footed bat) may be present on the site during their migration and/or during the breeding season. However, the IF&W noted that they do not anticipate significant impacts to any of the bat species as part of this project. Still, to prevent potential impacts to these species, the applicants have indicated that the majority of tree removal will be between October 16th and April 14th of any given year.

Correspondence with the Maine Natural Areas Program indicates that no rare and exemplary botanical features have been identified in the vicinity of the project site.

Per Condition #8, only the topsoil directly affected by buildings, access, and parking areas may be removed from the site. Therefore, the project as designed and conditioned meets the requirements of this section.

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

The project is within all bulk and spacing requirements established in the Zoning District, as noted in the project data table above. The project site is abutted by the Ledgewood Apartment Complex and the Wastewater Treatment facility to the south; by land owned by the Coastal Rivers Conservation Trust to the east; and by single-family residences on all other sides.

The project site currently consists of understory vegetation. While the proposed building is proposed at the top of the slope and so will likely be visible to abutters, the applicants have designed the building to be one-story, which reduces views of the buildings from public ways. Additionally, landscaping is proposed intended to help further shield the project from direct abutters. The landscaping plan is discussed in detail in item #24 below.

Pursuant to this section (which requires a minimum buffer strip of 30 feet for parcels greater than three acres), an approximately 90-foot buffer area has been retained between the front property line and the parking lot. From the rear property line to the proposed paved emergency access drive, an approximately 45-foot buffer area is proposed (between the rear property line and the closest point). From the westerly property line to the proposed paved service access, a buffer of approximately 150 feet is proposed. The applicant has requested a waiver of Sec. 102.6(B)(2)(b) with respect to

the eastern property line only, noting that "Although the intent is to divide the property, the uses proposed will be compatible and will share access using the proposed, paved access drive along the new property line. Providing a 30ft buffer between the shared access drive and the new property line (by adjusting the line) would result in a very narrow strip of property between the Nursing Home parcel and the adjacent land to the east. Since this area is within a wetland drainageway that extends to either side of the property, it is unlikely that any future development would be practical." As designed and with the waiver requested, staff has found that the project meets the requirements of Sec. 102.4(B)(2) and (B)(3).

3. Sec. 102.6(C): Air Quality

The proposed project will not result in undue air pollution or odors associated with the use being proposed. The emission of dust, ash, fumes, vapors, smoke, or other particulate matter or gases is not anticipated. The applicants have submitted an erosion and sedimentation control program in accordance with MDEP Best Management Practices, to be used by the contractor during construction, which notes that dust control measures will be applied on a daily basis during summer construction where dust is most likely (except on days where precipitation will be sufficient to control dust). The erosion and sedimentation control program is further described in item #10 below. As proposed, staff has found that this standard has been met.

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

Limited exterior lighting is proposed with this project within the parking area and along key access points along the building. The applicants have indicated that this lighting is proposed for safety in these areas. A lighting plan has been submitted which confirms that footcandles on abutting properties do not exceed 0.1, in accordance with this section. All exterior lights proposed are within the color range of 3000 to 2500 Kelvins or less, as shown on the lighting spec sheets submitted.

In accordance with Sec. 102.6(D)(4)(e), which states that the maximum height of the luminaire of freestanding or building-attached lights on properties or in parking areas shall not exceed 16 feet. All fixture lighting meets this standard.

Per Condition #9, all exterior lighting fixtures shall be full cut-off (shielded) fixtures (the applicants have noted this within their application materials; this condition is simply to reaffirm the requirement).

No rotating or flashing lights are proposed with this application.

During nighttime hours, exterior lighting shall be turned off or down to the minimum level needed for security, in accordance with this section. Condition #9 reaffirms this requirement.

The project as designed and conditioned meets the standards of this section.

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 a residential use, the sound level limits are 45 dBA between 7 p.m. and 7 a.m., and 55 dBA between 7 a.m. and 7 p.m. (though construction noise is allowed between 6:30 a.m. and 8 p.m.). Condition #10 reaffirms this requirement. Thus, as conditioned, staff believes this standard to have been met.

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

Trips

A traffic assessment was conducted by Barton & Loguidice on July 18, 2022 on behalf of the applicant. To summarize the findings of the traffic report:

- The proposed development will generate 20 AM peak hour trips on weekdays, and 34 PM peak hour trips on weekdays, according to trip generation calculations provided by the Institute of Traffic Engineers. Total trips generated during an entire weekday will be 312 (156 entering and 156 exiting).
- As trip generation is forecast to be less than 99 trip ends during peak hours, which is the threshold for requiring a MaineDOT Traffic Movement Permit (TMP), a TMP from MaineDOT is not required.
- There is one High Crash Location (as determined by MaineDOT) in the immediate vicinity of the site. MaineDOT considers any roadway intersection or segment a high crash location if there are 8 or more accidents at the location within a three-year period, and if the Critical Rate Factor for the location is greater than 1.00. The School Street and Main Street intersection represents a High Crash Location. MaineDOT has advised staff and the applicants that a short-term fix for this intersection is scheduled for implementation in 2023, and that further long-range intersection improvements are currently being studied. The applicants have also provided information regarding the School Street and Bristol Road intersection. The intersection of School Street and Bristol Road has a reported total of 7 crashes between 2019 and 2022 with a Critical Rate Factor of 2.47 (and thus is not a High Crash Location based on MDOT's established criteria).
- The proposed site accesses meet MaineDOT sight distance requirements for roadways with a speed limit of 25 mph. A sight distance of at least 200 feet is required. Looking left from the main entrance, the measured sight distance was found to be 500 feet. Looking right from the main entrance, the measured sight distance was found to be 285 feet. Looking left from the proposed service entrance, the measured sight distance was found to be 270 feet. Looking right from the proposed service entrance, the measured sight distance was found to be approximately 210 feet. The traffic report does note that existing vegetation found on both sides of Piper Mill Road to the west of the service entrance severely restricts sight distances. The applicants have submitted a roadway clearing plan intended to allow the development to meet the standards of this section. Condition

#12 notes that the clearing must be completed at the applicant's expense prior to the issuance of a Certificate of Occupancy.

- The existing sight distance from Piper Mill Road onto School Street meets MaineDOT sight distance requirements for roadways with a speed limit of 35mph, which requires a minimum unobstructed sight distance measurement of 305 feet. A sight distance in excess of 350 feet was determined for each direction of travel on School Street.
- The applicant's traffic engineer recommends installation of a 25mph speed limit sign on Piper Mill Road near the School Street intersection, as well as the installation of standard curve warning signs on both approaches to the S-curve intersection of Piper Mill Road in order to alert drivers. Condition #13 requires this signage to be installed by the applicant prior to the issuance of a Certificate of Occupancy for the project.

In the view of staff, these findings and associated conditions demonstrate compliance with the requirements of Section 102.6(G).

Access

Access to the site is planned with construction of two entrances: one main entrance intended for use by the general public, and one intended to act as a service entrance. The proposed main entrance aligns directly opposite the existing Ledgewood Apartments entrance, and the service is proposed to be located about 130-feet to the west.

The proposal includes a variety of sidewalks and crosswalk connections from the parking area to the entrance of the building. Sidewalks are proposed to be concrete with granite curbing, and will be raised above the driving areas. Additionally, three separate courtyard areas are proposed for the enjoyment of residents which include sidewalk areas.

Given the level traffic generation and the capacity and design of the roadways connected to the site, the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 102.6(F) and (G).

Parking

Zoning Ordinance Section 102.6(H)(7)(i) requires that nursing homes provide one parking spaces per every three rooms, therefore the project requires at least 34 spaces. The project provides 103 spaces, including 9 spaces for people with disabilities. The applicants have provided data from their other Maine properties substantiating the need for the 103 parking spaces, especially during holidays at peak visiting periods. As designed the parking supplied meets the requirements of Section 102.6(H).

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

The proposed sewer demand is approximately 8,670 gallons per day. The project is proposing to tie into public sewer service and pump their sewage directly to the treatment plant via new force mains. A letter from the Great Salt Bay Sanitary District, dated May 17, 2022, has been provided indicating that adequate collection and treatment capacity is available. Therefore, the project meets the requirements for adequate sewage waste disposal. Public water access is detailed in item 11 below.

The applicants have indicated that the clearing of trees associated with this development, which had been previously logged for large timber, is expected to generate approximately 248 cubic yards of stumps. Per the application materials: "the clearing may include high-quality trees, suitable for saw logs. These will be cut and exported to an appropriate sawmill from the site, separately from the remaining materials. The remaining wood biomass will be cut or chipped on site. The biomass will either be retained on site for erosion control materials or processed and sent to a biomass facility. Since pine stumps are larger and bulky, these stumps will be excavated and/or chipped onsite for use as erosion control mix or landscaping mulch." Other solid waste generated during construction will be hauled by private haulers. There are no known hazardous or special wastes at the site.

Post-occupancy, the applicants plan to dispose of their trash at the Nobleboro-Jefferson Transfer Facility. There are no known capacity constraints regarding solid waste, therefore, in the opinion of staff, the project is consistent with this section.

The proposed development will be equipped with a sprinkler system to provide fire suppression in the event of an emergency within the facility. Hydrants will also be provided on-site for additional fire suppression. A turning template for the Fire Department's largest apparatus has been submitted which confirms that the truck will be able to adequately navigate the site. Additionally, the Fire Chief has reviewed the application materials to ensure that emergency access will be appropriate. The Department has indicated that they would like to see an additional fire hydrant towards the road near where the generator is located which would allow ideal access without concern for vehicles striking out hoses. Additionally, the Department has requested a sprinkler hookup as well as a knox box installed on the building. Condition #18 notes that the final locations and number of hydrants must be determined by the Fire Department prior to the applicant submitting any building permits for the project. Additionally, Condition #19 notes that the exact location and details of a knox box will be provided to and approved by the Fire Department prior to the Issuance of a Certificate of Occupancy.

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), governing the Stormwater Management Plan. A detailed discussion of wetland impacts is provided in item 12 below.

9. Sec. 102.6(L): Stormwater Management

The site slopes gently from a central ridge running north-south on the property. As elevations drop to the west, slopes become increasingly steep (reaching over 15%). Slopes to the east remain generally in the 5-6% range, similar to the center of the site. The site is located with an area of minimal flooding according to the FEMA Flood Insurance Rate Map for the area.

The existing stormwater flows from the aforementioned central ridge towards the west to an unnamed stream that forms the western property boundary, and towards the east to three separate drainageways, all of which drain to a stream on the adjacent parcel that was donated to Coastal Rivers Conservation Trust.

Sec. 102.6(L) notes that the post-development runoff cannot exceed the pre-development runoff during extreme storm events. The table below, which was included in the applicant's stormwater report, summarizes the peak runoff values for pre-development and post-development conditions during each of the analyzed storm events (demonstrating that this standard has been met).

PRE-DEVELOPMENT AND POST-DEVELOPMENT PEAK RUNOFF VALUES		
Storm Return Period	Pre-Dev Peak Q at Design Point 1 (cfs)	Post-Dev Peak Q at Design Point 1 (cfs)
2-Year	3.29	3.15
10-Year	7.66	6.75
25-Year	11.18	9.87
50-Year	14.89	14.19
Peak Q at Design Point 2 (cfs)		
2-Year	4.66	3.24
10-Year	9.31	5.93
25-Year	12.89	7.98
50-Year	16.57	10.77
Peak Q at Design Point 3 (cfs)		
2-Year	4.11	4.10
10-Year	8.38	8.34
25-Year	11.69	11.66
50-Year	15.13	15.09
Peak Q at Design Point 4 (cfs)		
2-Year	2.28	1.55
10-Year	4.56	3.22
25-Year	6.32	5.71
50-Year	8.12	7.96

The proposed development includes a variety of small, decentralized stormwater Best Management Practices (BMPs) designed to capture and treat runoff from the project. The BMPs include drip edge filters surrounding the perimeter of the new building, seven bioretention cells dispersed across the property, three underdrain soil filters, and a section of pervious pavement on each side of the western fire lane. These BMPs have

been sized and designed in accordance with current State of Maine Chapter 500 Stormwater Law and come directly from the recommended Low Impact Development (LID) practices as described in the LID Guidance Manual for Maine Communities.

Snow storage areas are shown on the revised Site Plan and have been sited to allow for adequate buffers between freshwater areas (such as the wetlands on the northeasterly portion of the site and the adjacent stream to the west). Stormwater retention cells are placed strategically between the proposed snow storage areas and the wetlands in order to allow for areas for snow runoff/melt to be treated.

The applicant has applied for a Site Location of Development Act permit through the Maine Department of Environmental Protection (DEP). The project has been designed to provide treatment for 98% of the proposed impervious area and 99% of the developed area, in accordance with the Chapter 500 Regulations for Basic, General and Flooding Standards. Condition #14 requires that documentation of the DEP permit being granted is submitted to the Town Planner prior to the issuance of any building permits for the proposed project.

The applicant is proposing to retain ownership of the stormwater management facility and has provided a Stormwater Maintenance Plan outlining their responsibilities post-occupancy to ensure that the stormwater facilities continue to perform as designed. Maine DEP requires permittees to perform a “check-up” on their stormwater systems and recertify that the systems are operating as approved every five years from the issuance date of their permit.

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

The proposed development is for a 102-bed nursing home facility (an approximately 75,000 s.f. building) and associated site improvements, and the project will be completed over an approximately 18-month period from Spring 2023 to the Fall of 2024. All stormwater, drainage, and water effluent are managed appropriately for the proposed use as outlined in the analysis above.

The applicant has submitted a NRCS Web Soil Survey, which shows the predominant soil types on site as Buxton/Lamoine and Scantic silt loams (with small areas of Tunbridge/Lyman complex rocky soils at the edges of the property). Additional geotechnical information was gathered by SW Cole Engineering, on behalf of the applicants, which generally confirm the mapping illustrated on the web survey. Onsite soils are moderately susceptible to erosion. Thus, pursuant to Section 102.6(M), an erosion and sedimentation control program proposal has been submitted. Construction activities are proposed to be stabilized through the installation of silt fencing or erosion control berms down slope of any disturbed areas (with additional measures at the foot of steep slopes or adjacent to the wetland areas) and erosion control blankets or riprap stabilization atop steep slopes. Maintenance of the erosion and sedimentation control areas will be the responsibility of the site contractor during construction, in accordance with the *Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers (2016)*. Construction entrances will be stabilized with crushed stone to minimize tracking. Temporary stockpiles will be stabilized and protected. Post-construction, areas not subject to other restoration (e.g. paving or riprap) will be loamed and seeded.

The erosion and sedimentation control plan, as submitted, is satisfactory to meet the requirements of Section 102.6(M).

11. Sec. 102.6(N): Water Supply

The proposed project is for a 102-bed nursing facility. The applicants anticipate an 85 gallon per room per day water usage, with a total estimated usage amount of 8,670 gallons per day. The applicants have provided documentation from the Great Salt Bay Sanitary District indicating that they have the ability to provide water to the proposed project.

As the project will be served by both public water and sewer, a hydrogeologic study is not required. Materials at the site with the potential to cause groundwater contamination may include household cleaning chemicals or fuel tanks. As these will be stored inside buildings within normal household quantities, in the opinion of staff, this standard has been met.

12. Sec. 102.6(O): Natural Beauty

Trees near the front property line are proposed to be impacted by the construction of the proposed building as well as the easterly emergency access drive. However, the building has been sited in an area where historical tree clearing has occurred and which is now predominantly an open field. In an effort to replace trees slated for removal, a total of 54 evergreen trees that are 6' to 7' tall are proposed in key areas around the site, including at the edge of the emergency access road on the western side of the property, surrounding the parking areas, and to highlight the entrance of the building and surrounding courtyards. A total of 100 deciduous trees of various heights are also proposed in similar key areas. A variety of shrubs and other small landscaping are also proposed. Additionally, condition #15 requires that the applicant install fencing around the dripline edge of all existing trees designated to be protected, as shown on the plan.

According to wetland delineation conducted in the winter of 2021, no potential vernal pool habitat was identified within the project site.

Approximately 14,505 s.f. of freshwater wetlands are proposed to be impacted by the proposed development. The proposed wetland impacts must be reviewed under a Tier 1 permit from the Maine Department of Environmental Protection under the Natural Resource Protection Act. The applicants have indicated that this permit is currently under review by the DEP. Additionally, authorization from the Army Corps of Engineers is required for the proposed wetland impact. Condition #14 requires the applicants to submit documentation to the Town that the DEP permit, as well as authorization from the Army Corps of Engineers, have been obtained prior to the release of a building permit.

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

The applicant has submitted documentation from the Maine Historic Preservation Commission indicating that no documented archeological or historic resources will be impacted by the proposed development. Therefore, this standard has been met.

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

All excavation will be incidental to the proposed development 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

As discussed in item 7 above, the applicant is proposing to tie into the existing public sewer system and has received confirmation from the Great Salt Bay Sanitary District that there is adequate capacity to serve the sewage generated from the proposed development. Therefore, this standard has been met.

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

As described further in item #1 above, buffers have been provided sufficient to meet the standards of this section. When natural features in the buffer areas do not exist sufficient to screen the proposed development from adjacent properties and from roadways within the proposed project, additional landscaping has been provided in accordance with this section. The buffer area plantings are diverse, with multiple varieties of trees, evergreen trees, and shrubs being used. Condition #16 reaffirms the requirement of this section that, if landscaping dies, is removed, or otherwise requires replacement, it shall be considered a violation of any approval granted by this Board and shall be subject to enforcement provisions.

Fencing is proposed around the trash collection and in the service area. All ground-mounted mechanical units will be similarly screened.

18. Sec. 102.6(U): Signs

All signage will be designed to meet the Town of Damariscotta Sign Ordinance and will be reviewed by the Code Enforcement Officer in accordance with the provisions of that ordinance.

19. Sec. 106.6(V): Building Appearance

As the proposed building is larger than 7,500 s.f. in floor area, the Large-Scale Development Standards for Building Appearance (described in detail under item #20 below) shall apply.

Large-Scale Development Standards

20. Sec. 102.7(A): Building Appearance

Elevations drawings of the building's exterior have been submitted which include the use of pitched roofs, dormers, windows, and vinyl clapboard siding, among other architectural details intended to enhance the outward appearance of the building and to present a residential aesthetic. No façade extends more than 49 feet without an architectural feature, such as an awning or actual protrusion of at least 6 feet.

Additionally, a repeating pattern on each façade is proposed in accordance with this section. Colors proposed are of a neutral tone. The main entrance to the facility is clearly defined through the use of architectural features as well as landscaping and overall site design.

21. Sec. 102.7(B): Outdoor Sales

As the development is not for a retail establishment, these standards do not apply.

22. Sec. 102.7(C): Parking

As described in item #6 above, the parking requirements of Sec. 102.6(H) have been met.

Additionally, no off-street parking has been sited between Piper Mill Road and the closest façade of the building. Therefore, staff has found the standards of this section to have been met.

23. Sec. 102.7(D): Bicycle and Pedestrian Facilities

The applicant has requested a waiver to some of the requirements of this section, as described in the waivers section below. Instead of providing sidewalks that are 8-feet in width, the applicant is proposing to provide 6-foot-wide sidewalks within the parking area, and sidewalks that are 5-feet wide within the courtyard areas.

Condition #17 requires that the applicant install sidewalks along the entirety of the frontage of the subject property in accordance with this section.

24. Sec. 102.7(E): Landscaping

At least 75% of all of the vegetation proposed is native species, sufficient to meet the standard of this section. Landscaping is described in greater detail in item #12 above.

More than 30% of the buildings total foundation is planted with landscaping sufficient to meet the standard of this section. Additionally, landscaping is proposed in the entrance area of the building, in the parking area, as well as along the façade facing Piper Mill Road. Thus, staff has found that the standards of this section have been met.

25. Sec. 102.7(F): Screening

The site plan as proposed incorporates screening and fencing around the trash collection area and into the service area. All ground-mounted mechanical units will be similarly screened. Propane tanks for the facility will be installed underground to reduce the visual impact of essential utility infrastructure.

26. Sec. 102.7(G): Building Reuse

Submittals related to this standard are not necessary. However, applicants are aware of the Selectboard's rights related to vacant buildings.

27. Sec. 102.7(H): Additional Standards for Large-Scale Developments with a Floor Area >20,000 s.f.

- **Sec. 102.7(H)(1):** This standard is not applicable to this project, as it references construction of retail buildings. The proposed project is for a nursing care facility.
- **Sec. 102.7(H)(2):** This standard is not applicable to this project, as it references construction of a retail building.
- **Sec. 102.7(H)(3):** A waiver to this standard has been granted.

Conditional Use Standards

28. Sec. 101.9(C)(2)(a): Conditional Uses

The proposed use will meet the requirements of the Town's Land Use Ordinance, as described in the project data table above, as well as the Site Plan Review Ordinance, as described in the analyses above.

The potential effect of the use on the environment (from air, water or soil pollution), noise, traffic, congestion, soil erosion, the burden on the public sewer and water systems as well as other municipal services have been taken into consideration and have been analyzed in the requirements above. As noted, the proposed use will not have an adverse effect on the health, safety, or general welfare of the public.

G. The applicant has requested and the Planning Board has granted the following waivers to the relevant standards of review:

- a. 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.
- b. 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. The applicants have provided the information on the items in this section that would be relevant to the Planning Board's review.
- c. 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.

DECISION:

- H. Based on its review of the entire record herein, including the November 7, 2022, December 5, 2022 and January 3, 2023 staff report; all supporting, referenced, and incorporated documents; and all comments received; the Site Plan application of Clippership Landing Development, dated through December 23, 2022, and associated drawings stamped and dated through October 17, 2022, for the Clippership Landing Nursing Home project at Map 1, Lot 50 on Piper Mill Road; 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.	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, if applicable.	Code Officer	Prior to Issuing Building Permit
3.	Prior to the issuance of a building permit, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the Town and hold a pre-construction meeting with the Town if necessary.	Town Planner	Prior to Issuing Building Permit
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 three 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

	Condition	Staff Assigned	Must be Completed By:
7.	A waiver has been granted pursuant to Site Plan Review Ordinance Section 102.7(D), which allows the applicant 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.	Town Planner	Ongoing
8.	Only the topsoil directly impacted by proposed buildings, access ways, and parking areas may be removed from the site without returning to the Planning Board for further review, per Section 102.6(A).	Town Planner	Ongoing
9.	All exterior lighting fixtures shall be full cut-off (shielded) fixtures in accordance with Section 102.6(D).	Town Planner	Ongoing
10.	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
11.	Prior to holding a pre-construction meeting and submitting a building permit, wetlands and associated setbacks and stream setbacks are to be staked to ensure that all erosion and sedimentation controls and site disturbance and construction activities avoid the protected wetland.	Town Planner	Prior to Submitting a Building Permit
12.	In order to allow the standard of Sec. 102.6(G)(1) to be met, the applicants have submitted a roadway clearing plan for existing vegetation found on both sides of Piper Mill Road to the west of the proposed service entrance. The clearing of vegetation as depicted on the submitted plan must be completed at the applicant's expense prior to the issuance of a Certificate of Occupancy.	Town Planner/Code Officer	Prior to Issuing Certificate of Occupancy

	Condition	Staff Assigned	Must be Completed By:
13.	Applicants are required to complete the installation of a 25mph speed limit sign on Piper Mill Road near the School Street intersection, as well as the installation of standard curve warning signs on both approaches to the S-curve intersection of Piper Mill Road in order to alert drivers to the street realignment.	Town Planner/Code Officer	Prior to Issuing Certificate of Occupancy
14.	Prior to the issuance of a building permit, the applicants are required to submit to the Town Planner confirmation from the Maine DEP that their Site Location of Development permit and their NRPA permit have been approved. Additionally, confirmation that the Army Corps of Engineers have approved the wetland impacts is required to be submitted prior to the issuance of a building permit.	Town Planner	Prior to Issuing Building Permit
15.	Prior to submitting a building permit, the applicant shall establish fencing at the drip line of all trees that are designated for preservation in the approved Site Plan. No construction staging or other construction-related activity is permitted within the drip line fence barrier.	Town Planner	Prior to Submitting a Building Permit
16.	If landscaping that dies, is removed, or otherwise requires replacement, is not replaced within thirty days (or as seasonally required by the species), it shall be considered a violation of any approval granted by this Board and shall be subject to enforcement provisions.	Code Officer	Ongoing
17.	In accordance with Sec. 102.7(D), the applicant shall install sidewalks along the frontage of the entirety of the subject property (all of the property identified as Tax Map 1, Lot 50 at the time of this approval) at their own expense, or will come to a mutual agreement with the Town to fund the installation of sidewalks along this area. Sidewalks will be installed at no cost to the Town. Sidewalk installation shall be completed within one year of the issuance of a Certificate of Occupancy.	Town Planner	Within 1 year of the Occupancy

	Condition	Staff Assigned	Must be Completed By:
18.	The final locations and number of hydrants must be approved by the Fire Department prior to the applicant submitting any building permits for the project.	Fire Dept./Code Officer	Prior to Submitting a Building Permit
19.	The exact location and details of a knox box will be provided to and approved by the Fire Department prior to the Issuance of a Certificate of Occupancy.	Fire Dept./Code Officer	Prior to Issuing Certificate of Occupancy
20.	A waiver has been granted 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 (see analysis above).	Town Planner	Ongoing
21.	A waiver has been granted 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. Instead, the applicants provided relevant information to the Planning Board during the hearing, negating the need for this requirement.	Town Planner	Ongoing
22.	Prior to the issuance of a Certificate of Occupancy, the applicants will be required to submit a plan to turn down lighting to the minimum extent practical for security purposes at night. This will need to be reviewed to the satisfaction of the Code Enforcement Officer, Town Planner, and Police Chief.	Town Planner	Prior to Issuing Certificate of Occupancy

Planning Board Signatures:

Pending Planning Board Review



Town of
Damariscotta

Isabelle Oechsle <ioechsle@damariscottame.com>

RE: Damariscotta - Seeking Opinion re: Land Use Definition of Dwelling

1 message

Legal Services Dept <legal@memun.org>
To: Isabelle Oechsle <ioechsle@damariscottame.com>

Thu, Dec 15, 2022 at 4:06 PM

Dear Isabelle,

It seems that the definition of "dwelling unit" in your land use ordinance is determinative here. It specifically states that the term "shall not include recreational vehicles or motels, hotels and other similar facilities not equipped with a kitchen." Given the fact that these 102 rooms are served by a central kitchen and not individually equipped with a kitchen, I do not see how these rooms can be characterized as individual dwelling units, regardless of the duration of their occupancy. Moreover, since the definition of "multi-family dwelling" is "three or more dwelling units in single or multiple buildings on a single lot," I also don't see how this proposed development could be reviewed as a multi-family dwelling.

I think the "nursing care facility" designation is the more appropriate designation for this proposed development.

I hope this helps. Please let me know if you need anything further.

Sincerely,

Rebecca McMahon, Director
Legal Services Department

Maine Municipal Association
60 Community Drive, Augusta, ME 04330
Phone: 207-623-8428
1-800-452-8786 (in state)
FAX: 207-624-0187
legal@memun.org

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

From: Isabelle Oechsle <ioechsle@damariscottame.com>
Sent: Wednesday, December 14, 2022 11:25 AM
To: Legal Services Dept <legal@memun.org>
Subject: Damariscotta - Seeking Opinion re: Land Use Definition of Dwelling

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning,

I've been asked to seek opinion regarding the land use of a project that our Planning Board is currently reviewing. The proposal is for a 102 bed nursing home facility. The application materials are in the Town's Google Drive here: https://drive.google.com/drive/folders/1_D93U8txEQVCXBqp0Oep9IIYFGKaZp4G?usp=share_link

Staff (myself and the Code Enforcement Officer) have reviewed this as a "nursing care facility" use, given that they have indicated in their application materials that they require a Certificate of Need from the State of Maine Department of Health and Human Services and that licensing will be forthcoming. Additionally, the applicants have indicated that the facility will be staffed 24 hours per day and have provided information for the Planning Board regarding approximate timing of shift changes during the public hearings on this item. For your knowledge, the definition of a nursing care facility outlined in our [Land Use Ordinance \(Sec. 101.4\)](#) is as follows: "A facility that provides 24-hour skilled nursing care services, rehabilitation and long-term care nursing services to patients or residents. Nursing care facilities are regulated and licensed by the State of Maine."

I received a question regarding whether or not the 102 rooms are considered "dwelling units" under the definition of such in the same section of our Land Use Ordinances (Sec. 101.4). In this case, we have a couple of pertinent definitions; one for dwelling ("A building designed or used as the permanent or seasonal living quarters for one or more families") and one for dwelling unit ("A room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles or motels, hotels and other similar facilities not equipped with a kitchen.") We also have a use for "multi-family dwellings" (which is "Three or more dwelling units in single or multiple buildings on a single lot").

It seems important to also note that the rooms proposed include individual bathrooms, but are served by staff cooking meals in three different central kitchens (one each in each wing).

Given the above, should we be reviewing this project under a "nursing care facility" use or a "multi-family dwelling" use in your opinion? The point that the questioner provided was that people might be residing in this building for anywhere from a few weeks to a few years, depending on their care needs.

Thanks for any help that you can provide - we will be reviewing this application again during the Planning Board's meeting in January, so if we could receive an opinion by December 23rd for inclusion in their meeting packet that would be a big help.

If there are any questions, I can be reached at (207) 563-5168 the most easily.

Thanks again,

Isabelle Oechsle

Town Planner

Town of Damariscotta

Office: (207) 563-5168

Now available: [Subscribe to be notified when Planning Board agendas are posted!](#)



December 23, 2022

Damariscotta Planning Board
Town of Damariscotta
21 School Street
Damariscotta, ME 04543

Re: Clippership Landing

Dear Planning Board Members,

It is our understanding that our Site Plan and Conditional Use approval for our proposed nursing care center will be voted on at the January 3, 2023 meeting. We would like to provide the following supplemental information for your consideration as you continue to deliberate this project:

1. The attached letter from our legal counsel discussing the relationship between site plan review and the town's Comprehensive Plan
2. Photographs of similar senior care facilities we have completed in recent years illustrating the residential character of our designs and plans for Clippership Landing.
3. A Letter of Support from LincolnHealth discussing the importance and need for this project.

This new modern senior care facility replaces existing licensed nursing care beds and nursing care level programs at LincolnHealth. It will allow these services to remain in the area and within close proximity to the hospital. We are particularly proud of our ability to provide all private bedrooms that much better address infectious diseases such as Covid. The State supports the development of new centers with private bedrooms.

We believe this site is a great location for this project. While the building will be visible to a few neighbors, it is very challenging, if not impossible, to find a large enough site anywhere in Damariscotta on public water and sewer that would support this project and not have some residents see the building. Please note that the town voted earlier this year to amend the Land Use Ordinance to allow nursing care facilities in C1, C2 and rural districts to include this site.

We are certainly sensitive to any impact we have on the neighborhood. We have a history of working with neighbors and doing the best we can to mitigate their concerns. Regarding visibility, we would propose allocating an additional \$50,000 to our landscaping budget to supplement our proposed landscape buffers with additional trees. We would suggest making this a condition of our approval.

Real Estate Services for the Healthcare Industry

217 Commercial St., Suite 201 PO Box 110 • Portland, Maine 04112 • TEL: 207.558.6060

www.SandyRiverCompany.com

Once the building is constructed, we would be pleased to meet with abutting neighbors and determine together the best location for additional trees. We have often voluntarily added trees and additional buffering during construction beyond what is in our approved landscaping plans and site plan approvals.

Regarding traffic concerns, given the volume of traffic that currently exists on School Street, our traffic engineer does not believe the traffic Clippership Landing will generate will be significant. It is also important to note that this facility will generate less traffic than virtually any other viable development on this property such as a condominium project or other housing projects that are allowable on this site.

Finally, we believe we have provided all information requested of the Planning Board and have designed this project in accordance with the standards in the Site Plan Review Ordinance. We appreciate your support of this very important senior care facility in the Town of Damariscotta.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Maguire', with a long horizontal flourish extending to the right.

Daniel J Maguire
Managing Partner
Sandy River Company



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

T (207) 774 - 1200
F (207) 774 - 1127

Mary E. Costigan
Shareholder
207-228-7147 direct
mcostigan@bernsteinshur.com

December 23, 2022

Damariscotta Planning Board
Town of Damariscotta
21 School Street
Damariscotta, ME 04543

Re: Clippership Landing Nursing Home

Dear Planning Board Members:

I am writing on behalf of Clippership Landing Development, LLC in regard to their application for Site Plan and Conditional Use approval for a proposed nursing care facility at 2 Piper Mill Road. It is our understanding from the Board's deliberations on this project that the Board is, in part, analyzing the project's compliance with the Town's Comprehensive Plan. This letter is intended to provide information regarding the relationship between site plan review and a town's comprehensive plan and to request that the project be assessed in accordance with the applicable standards set forth the Site Plan Review Ordinance (the "Ordinance").

I will first note that compliance with the Comprehensive Plan is not a separate review criterion in the Ordinance. Rather, it is one of the many recognized purposes of the Ordinance set forth in Section 102.2(K). As such, one purpose of the Ordinance is that compliance with the review criteria will result in projects that comply with the Comprehensive Plan. The Board is not required nor permitted to do its own, separate analysis as to whether an individual project complies with the Comprehensive Plan.

The leading caselaw on this topic is from a 2009 case in Fryeburg in which the Maine Law Court made several findings regarding the relationship between a comprehensive plan and land use ordinances. Notably, the Court found that the comprehensive plan "is visionary, not regulatory" and that the ordinances adopted pursuant to the comprehensive plan are its regulatory teeth. "A comprehensive plan imposes an obligation on the *town*, not on private citizens or applicants for permits. It dictates how the town effectuates its land use planning obligations. The ordinance is the translation of the comprehensive plan's goals into measurable requirements for applicants." Nestle Waters N. Am., Inc. v. Town of Fryeburg, 2009 ME 30, ¶ 16.

Finally, the Land Use Ordinance was amended by the 2022 Annual Town Meeting to add congregate care and independent living facilities, assisted living facilities, institutions or services for the disabled, nursing care facilities, residential care facilities, and group care facilities as conditional uses in the C1, C2, and Rural districts. By passing the amendments, the Town has acknowledged that allowing those uses in those locations is consistent with the Comprehensive Plan.

We therefore respectfully request that the Planning Board review the proposed development in accordance with the standards set forth in the Site Plan Review Ordinance and not in accordance with the goals of the comprehensive plan.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Costigan", is centered below the word "Sincerely,".

Mary E. Costigan

cc: Daniel Maguire



December 22, 2022

Damariscotta Planning Board
Town of Damariscotta
21 School Street
Damariscotta, ME 04543

Re: Clippership Landing Nursing Home

Dear Planning Board Members:

I am writing to provide some context of the importance of the proposed Clippership Landing Development, LLC nursing facility at 2 Piper Mill Road.

For the last several years, LincolnHealth has been looking at various options to make sure that nursing and skilled nursing care is available in Lincoln County for years to come. The urgency increased year after year, as we watched nursing care facilities close due to inadequate reimbursement, lack of staffing, aging facilities and restrictive regulations.

We have not been immune to sizeable financial losses and regulatory pressures, and we do not want Lincoln County to become one of those communities where the closest nursing home is multiple hours away.

Clippership Landing will keep care close to home. It will be built by Sandy River Company, a highly respected senior care development firm with a proven track record in the senior care arena. North Country Associates, an experienced nursing care provider which operates more than 25 homes will run the day-to-day operations, while LincolnHealth will provide medical leadership by appointing a Medical Director.

There has been much commentary during this project about finding an alternate site. The reality is that we collectively looked at every option, and the Town of Damariscotta and this location offered much-needed access to the property, water, power and other amenities that are necessary

for long-term sustainability. All options on the LincolnHealth campuses were evaluated as well and were not viable.

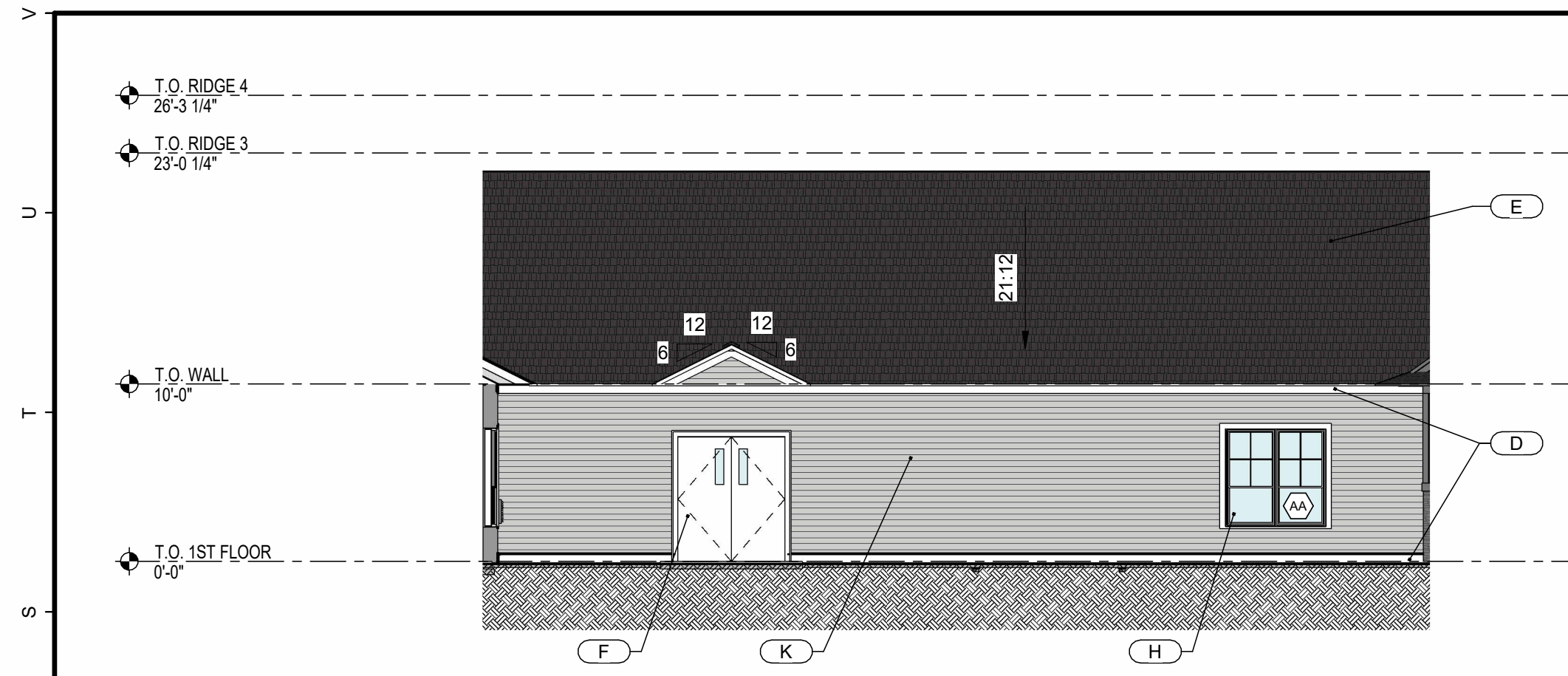
Sandy River Company has built beautiful homes that provides residents with a neighborhood feel. If approved, this home will be only the second in Maine with all private rooms. Expert landscapers will add to the beauty of the area.

While I recognize this is not a condition of approval, I ask you to consider the project's importance to our communities. Without it, there is no guarantee that much-needed nursing care will be available in Lincoln County, adding so much hardship to our neighbors, families and friends.

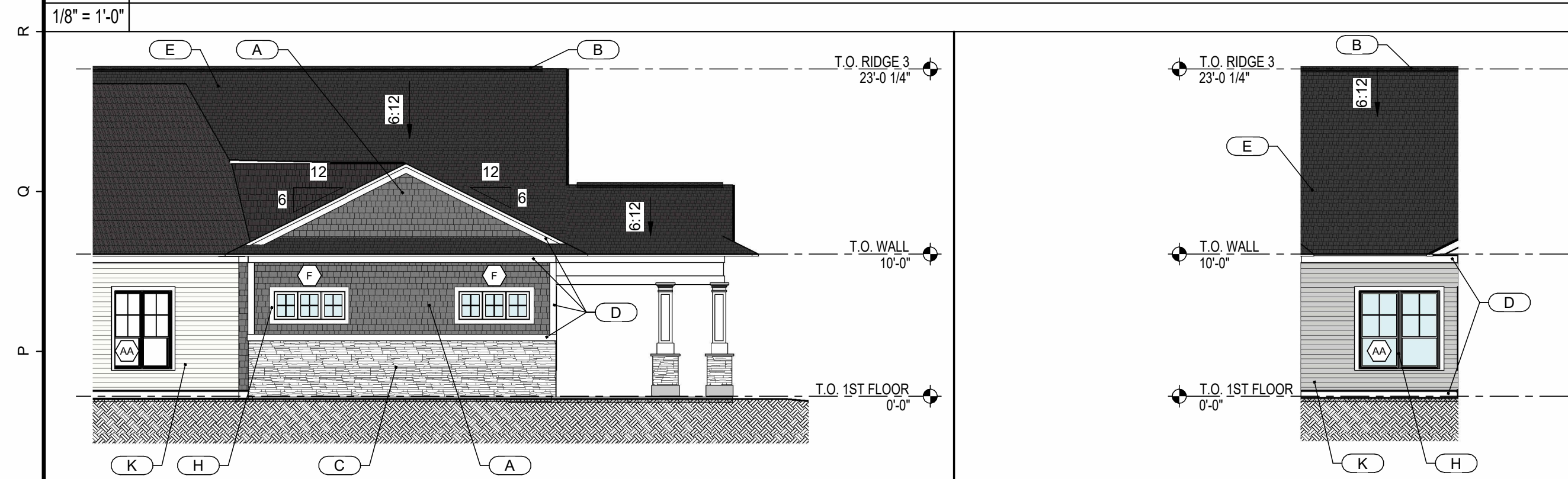
Sincerely,

A handwritten signature in blue ink, appearing to read "Cynthia Wade". The signature is fluid and cursive, with the first name "Cynthia" being more prominent than the last name "Wade".

Cindy Wade
President, LincolnHealth

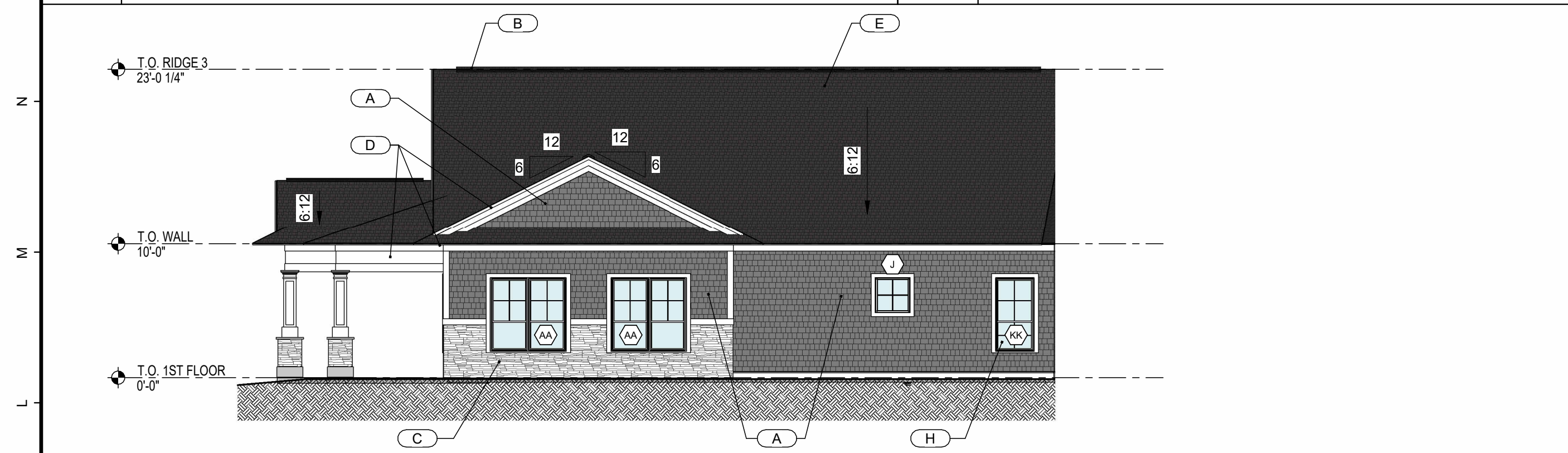


R1 EXTERIOR BUILDING ELEVATION

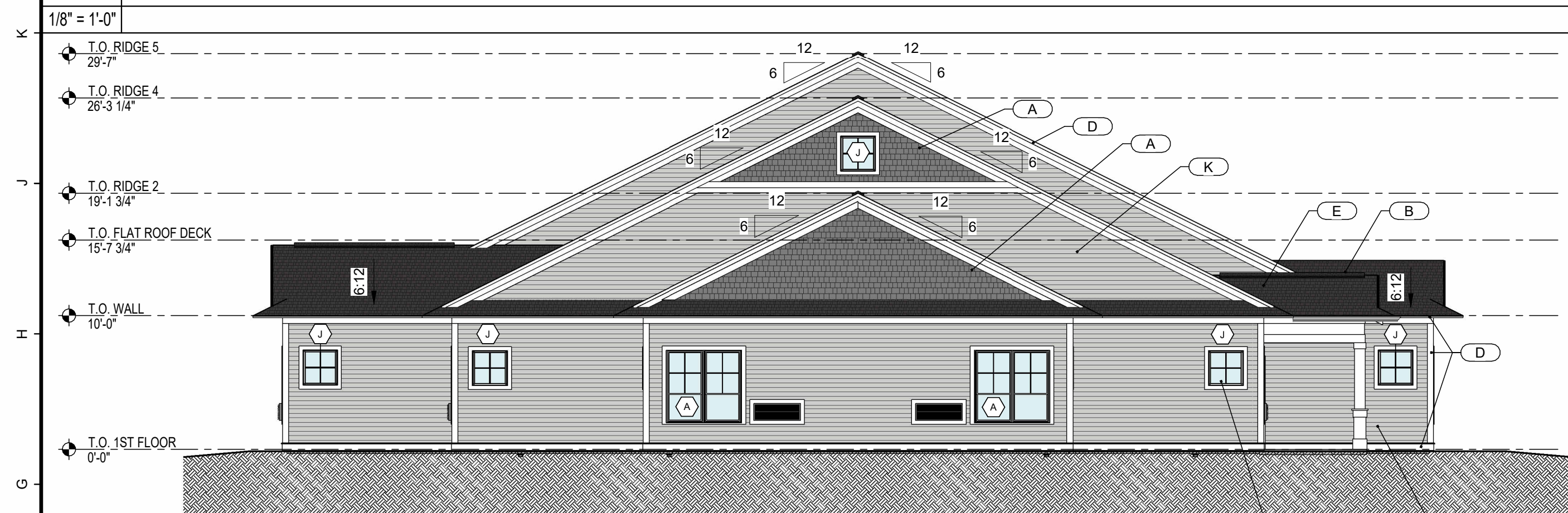


O1 EXTERIOR BUILDING ELEVATION

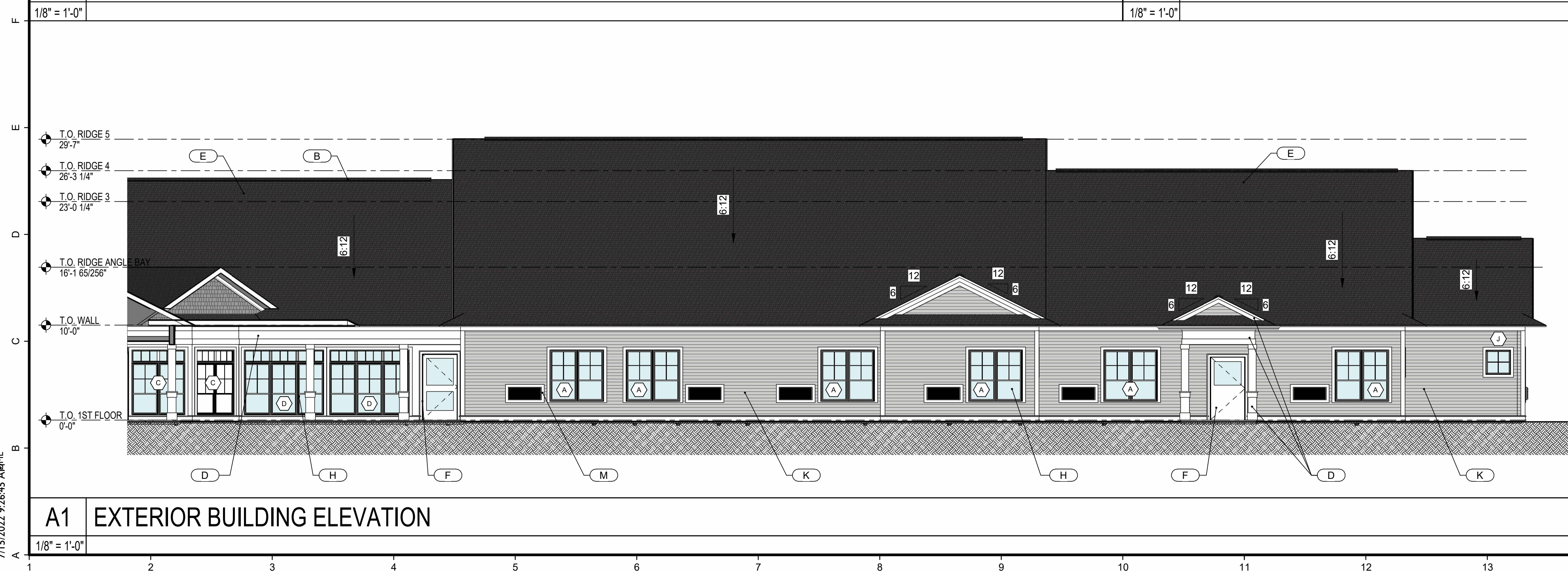
O6 EXTERIOR BUILDING ELEVATION



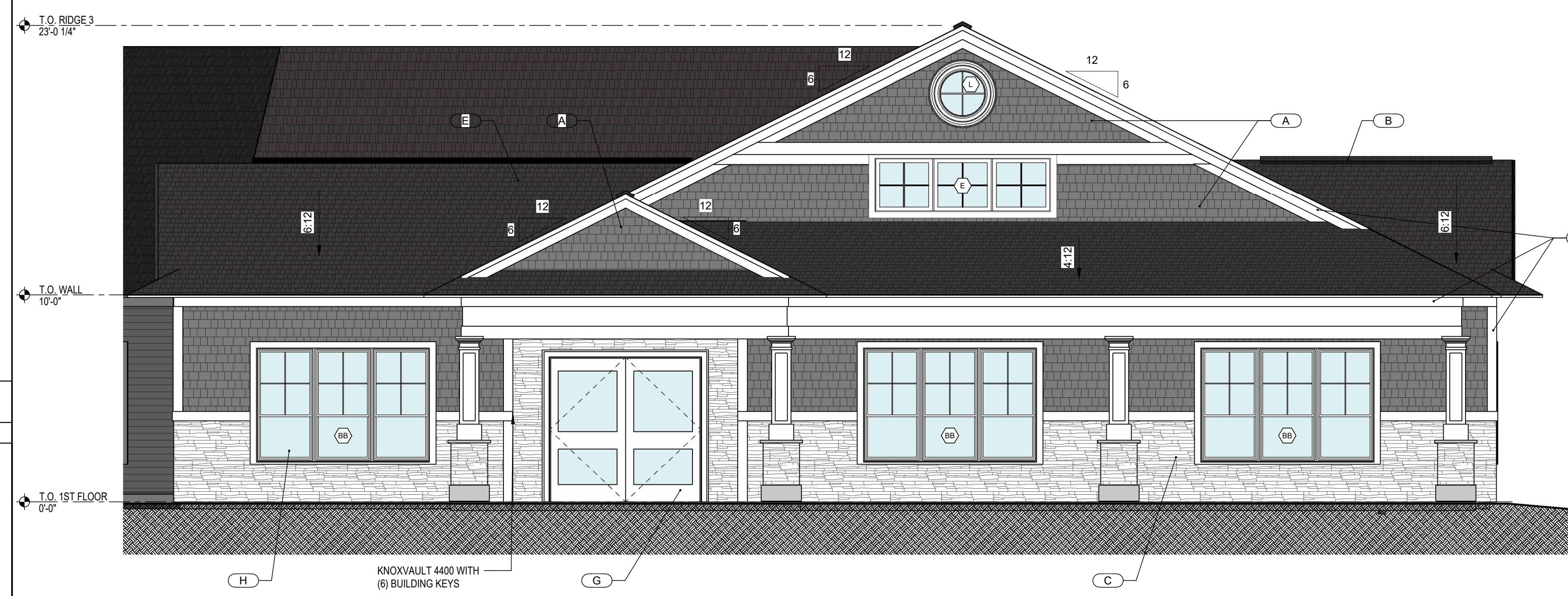
K1 EXTERIOR BUILDING ELEVATION



F1 EXTERIOR BUILDING ELEVATION



A1 EXTERIOR BUILDING ELEVATION

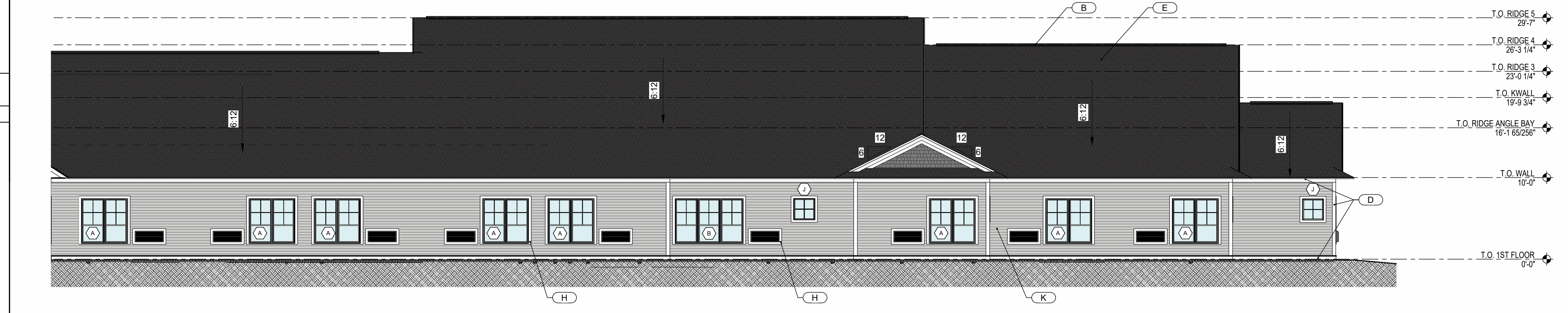


P10 EXTERIOR BUILDING ELEVATION

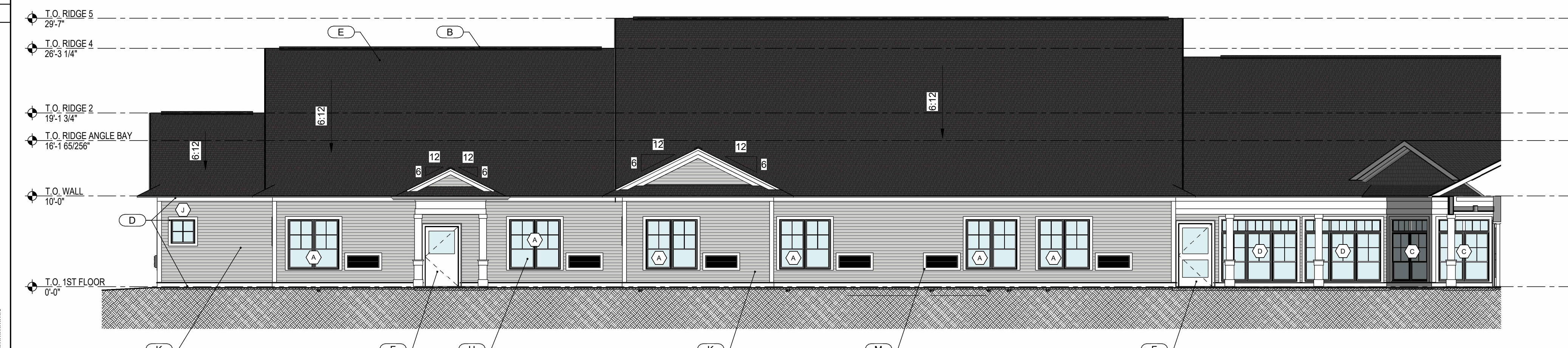
EXTERIOR ELEVATION NOTES:
1. COLORS ARE FOR GRAPHICAL PURPOSES ONLY. ACTUAL COLORS MAY VARY.
2. GRADES WILL VARY FROM SHOWN.

EXTERIOR MATERIALS LEGEND	
(A)	VINYL SHAKE SIDING - 4" EXPOSURE
(B)	RIDGE VENT
(C)	THIN NATURAL STONE VENEER
(D)	PVC FASCIA AND TRIM / PANELING
(E)	ASPHALT SHINGLES
(F)	EXTERIOR HOLLOW METAL DOOR
(G)	ALUMINUM ENTRANCE ASSEMBLY
(H)	SINGLE-HUNG, FIXED, AND AWNING LOW-E FIBERGLASS WINDOWS
(J)	GUTTER SYSTEM - REFER TO ROOF PLAN
(K)	VINYL CLAPBOARD SIDING - 4" EXPOSURE
(L)	DOWNSPOUT
(M)	PTAC UNIT

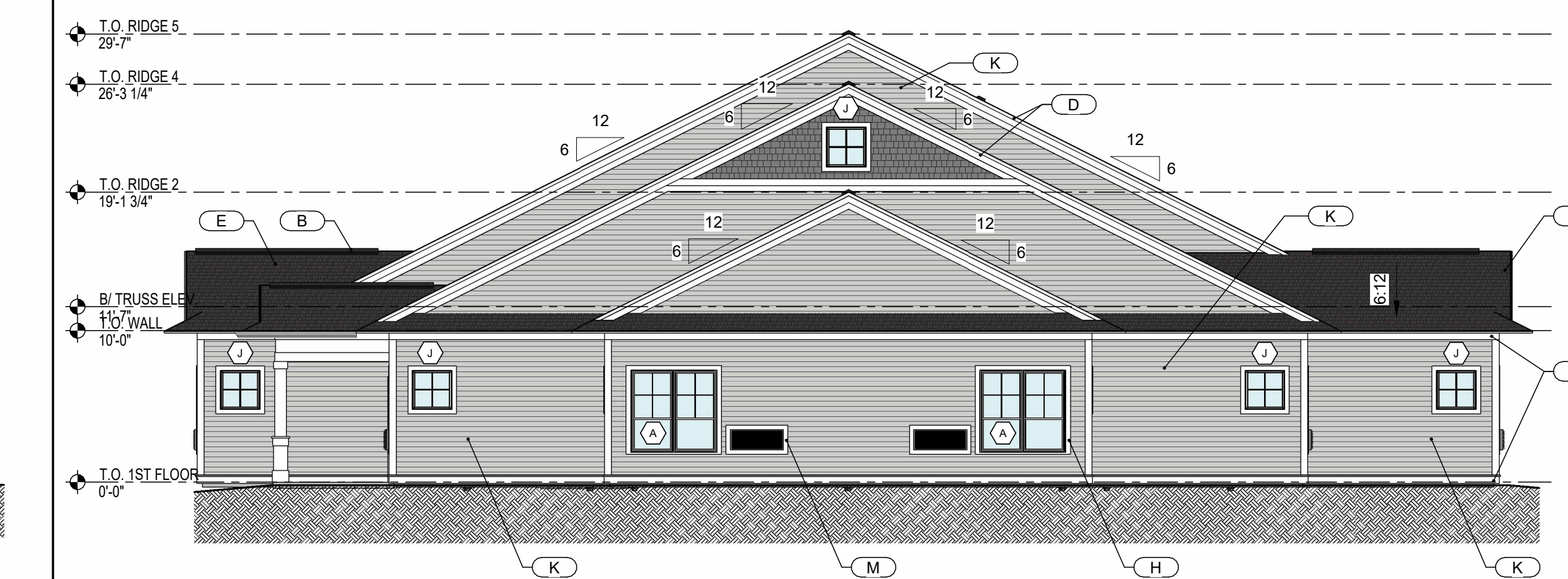
P22 EXT. MAT. LEGEND



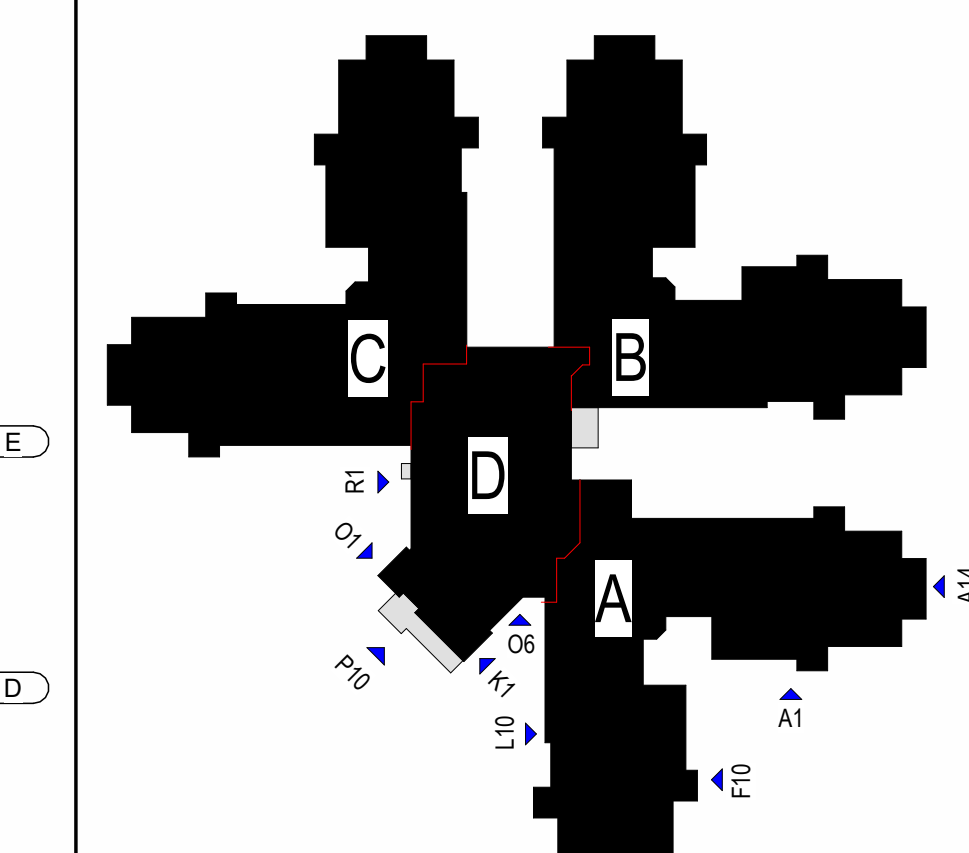
L10 EXTERIOR BUILDING ELEVATION



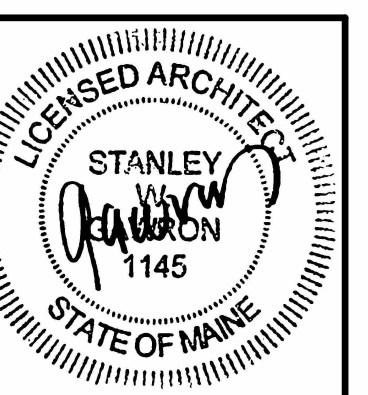
F10 EXTERIOR BUILDING ELEVATION



A14 EXTERIOR BUILDING ELEVATION



A22 KEY PLAN



29 BLACK POINT ROAD
SCARBOROUGH, MAINE 04074
207-883-4307
WWW.GAWRONTURGEON.COM

**GAWRON
TURGEON**
ARCHITECTS, P.C.

CLIPPER SHIP LANDING
PIPER MILL ROAD
DAMARISCOTTA, MAINE 04543

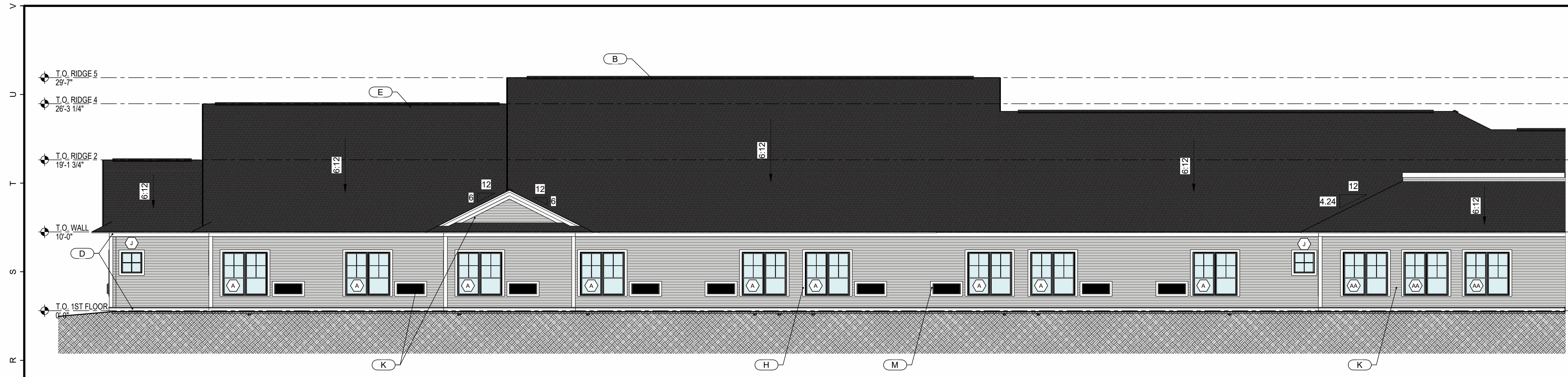
REVISIONS		
#	DATE	DESCRIPTION

DATE:	07.12.2022
PROJECT #:	020722
DRAWN BY:	OML
CHECKED BY:	RLD
DRAWING SCALE:	As indicated

SHEET TITLE
EXTERIOR ELEVATIONS

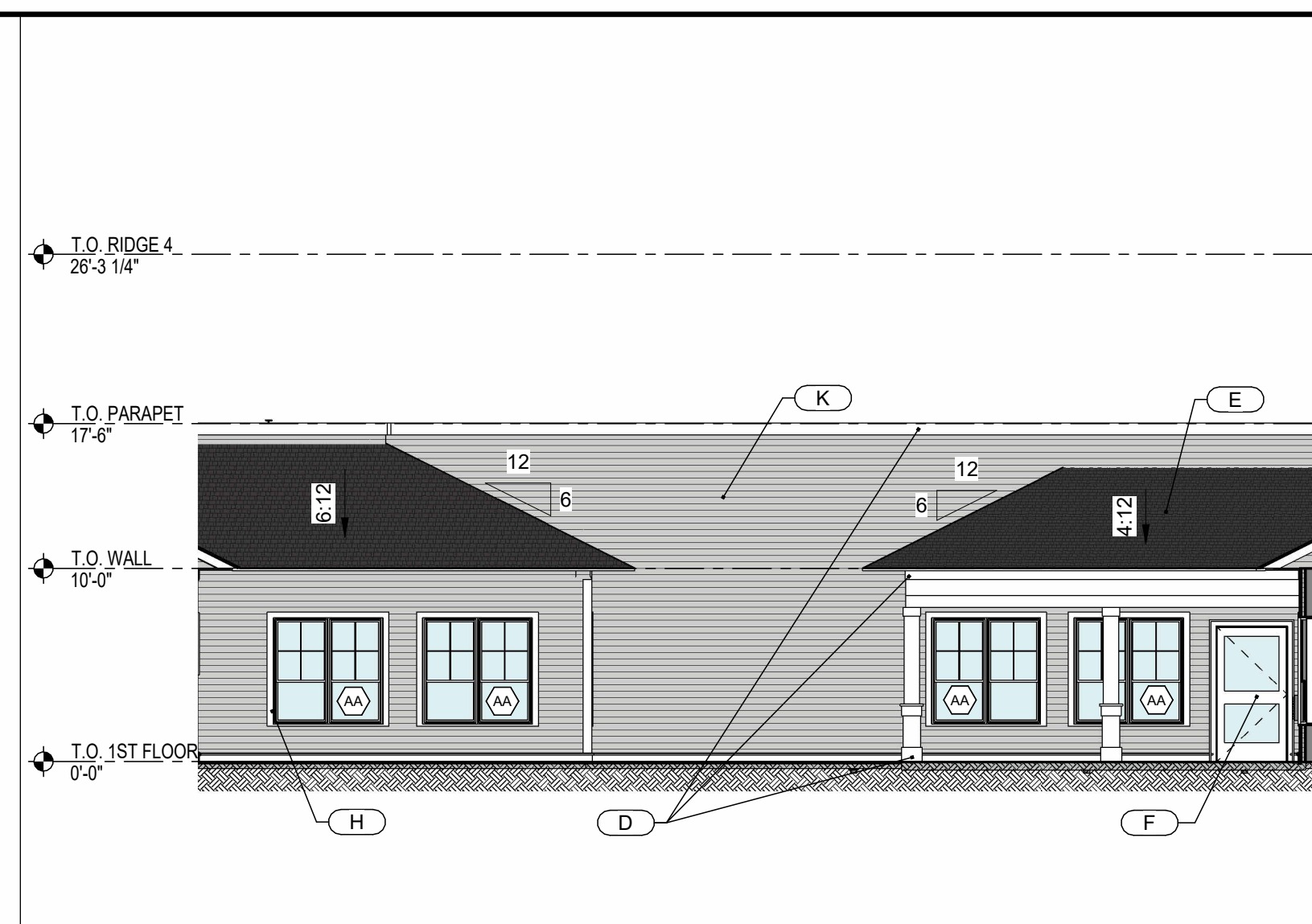
A401

© COPYRIGHT 1988-2022
ALL RIGHTS RESERVED. NO REUSE OR
REPRODUCTION OF THIS DRAWING OR
ANY PART THEREOF IS PERMITTED
WITHOUT THE WRITTEN PERMISSION OF
GAWRON TURGEON ARCHITECTS, P.C.



Q1 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



Q17 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"

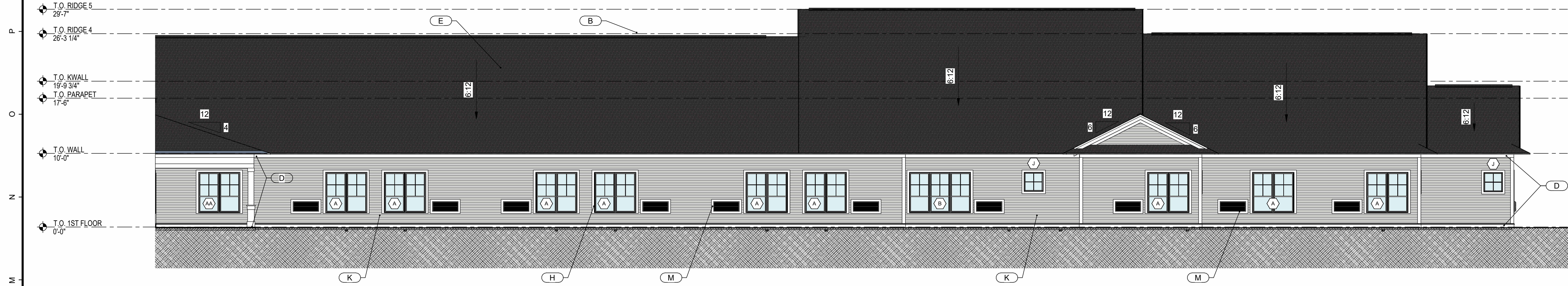
EXTERIOR ELEVATION NOTES:
1. COLORS ARE FOR GRAPHICAL PURPOSES ONLY. ACTUAL COLORS MAY VARY.
2. GRADES WILL VARY FROM SHOWN.

EXTERIOR MATERIALS LEGEND

- (A) VINYL SHAKE SIDING - 4" EXPOSURE
- (B) RIDGE VENT
- (C) THIN NATURAL STONE VENEER
- (D) PVC FASCIA AND TRIM / PANELING
- (E) ASPHALT SHINGLES
- (F) EXTERIOR HOLLOW METAL DOOR
- (G) ALUMINUM ENTRANCE ASSEMBLY
- (H) SINGLE-HUNG, FIXED, AND AWNING LOW-E FIBERGLASS WINDOWS
- (J) GUTTER SYSTEM - REFER TO ROOF PLAN
- (K) VINYL CLAPBOARD SIDING - 4" EXPOSURE
- (L) DOWNSPOUT
- (M) PTAC UNIT

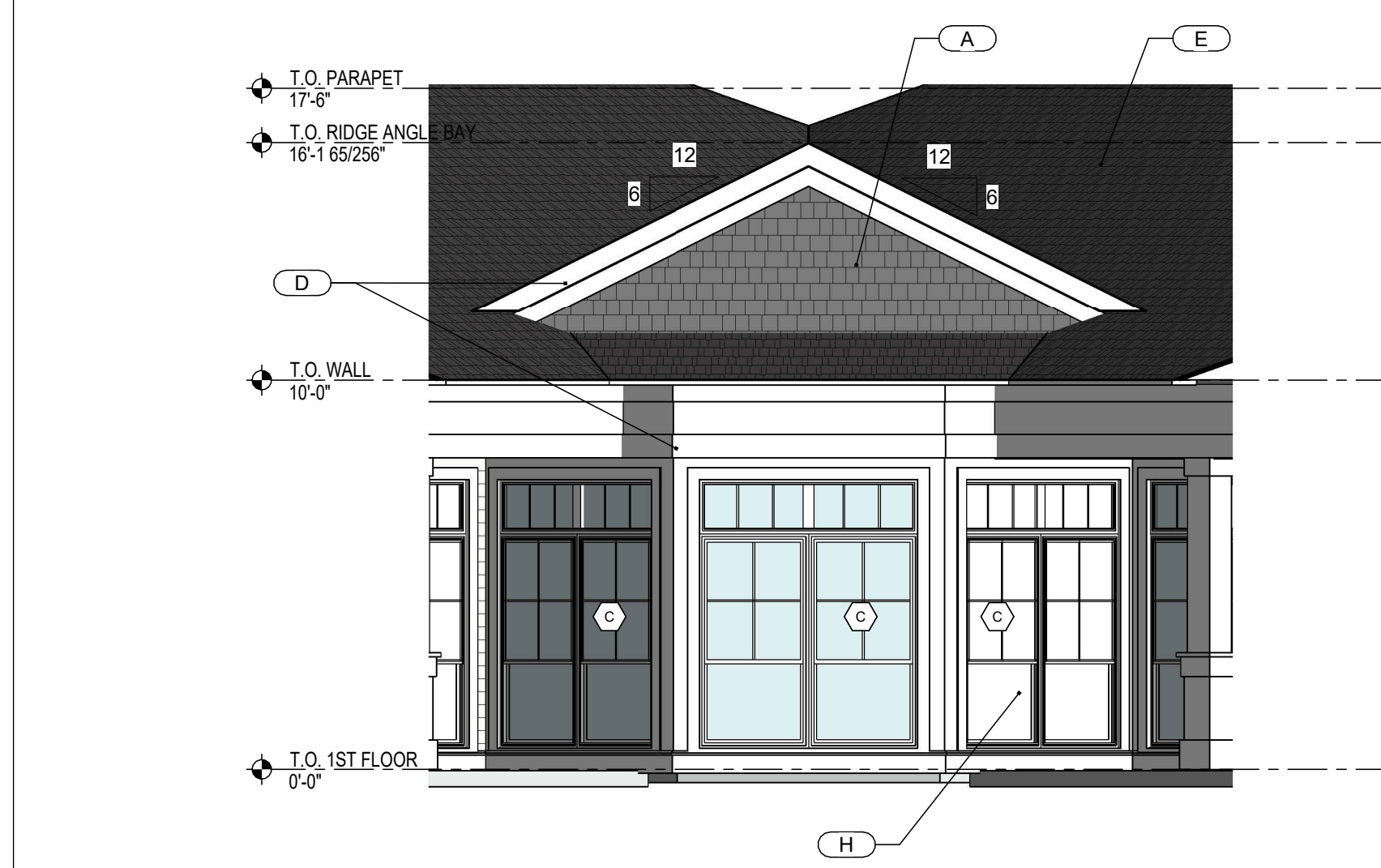
Q22 EXT. MAT. LEGEND

NTS



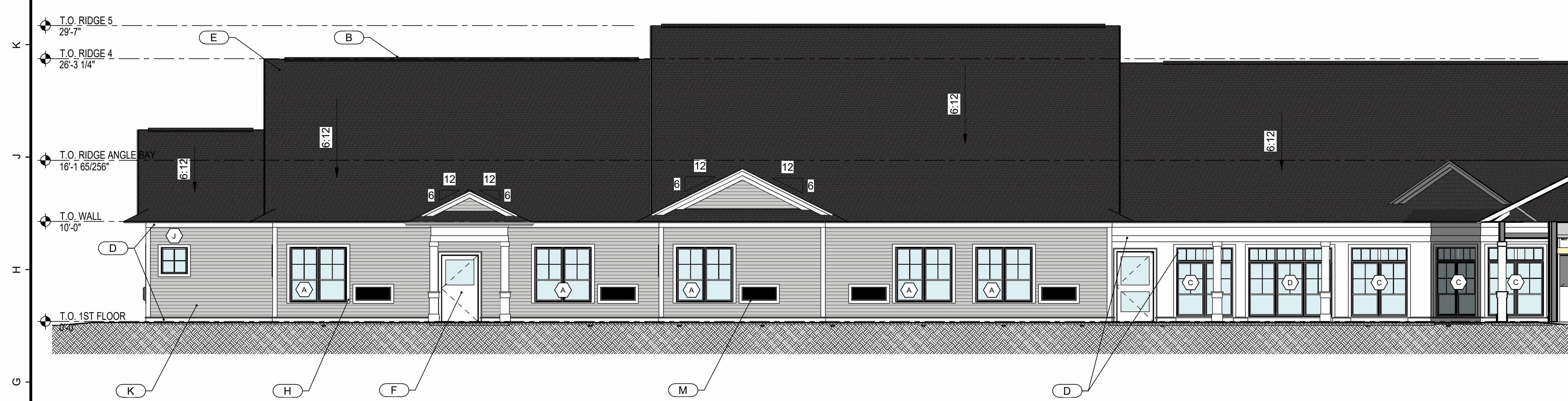
L1 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



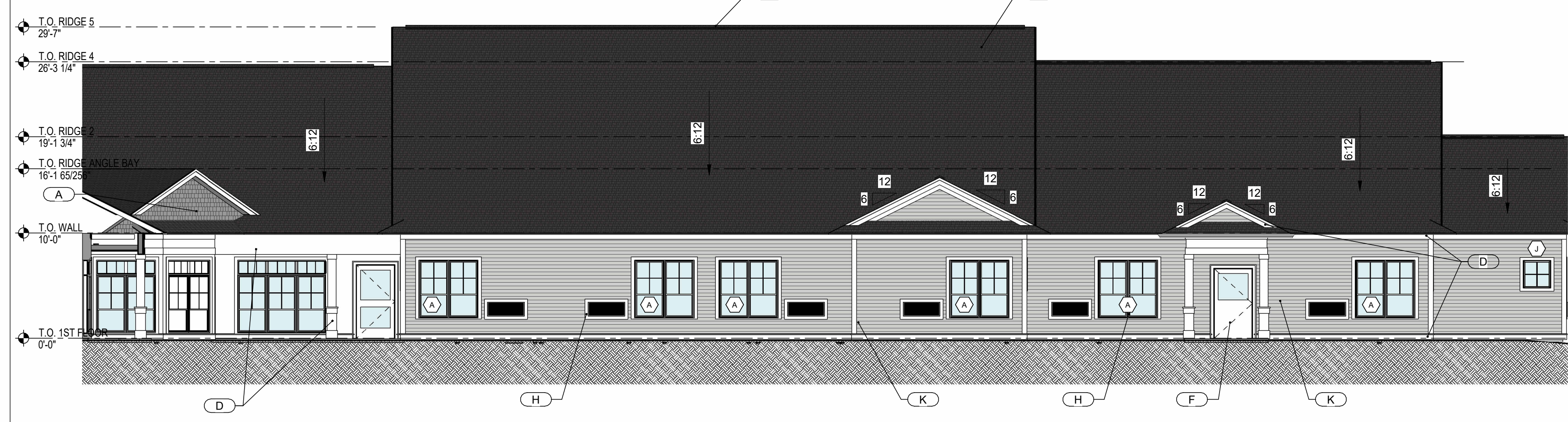
L18 EXTERIOR BUILDING ELEVATION

1/4" = 1'-0"



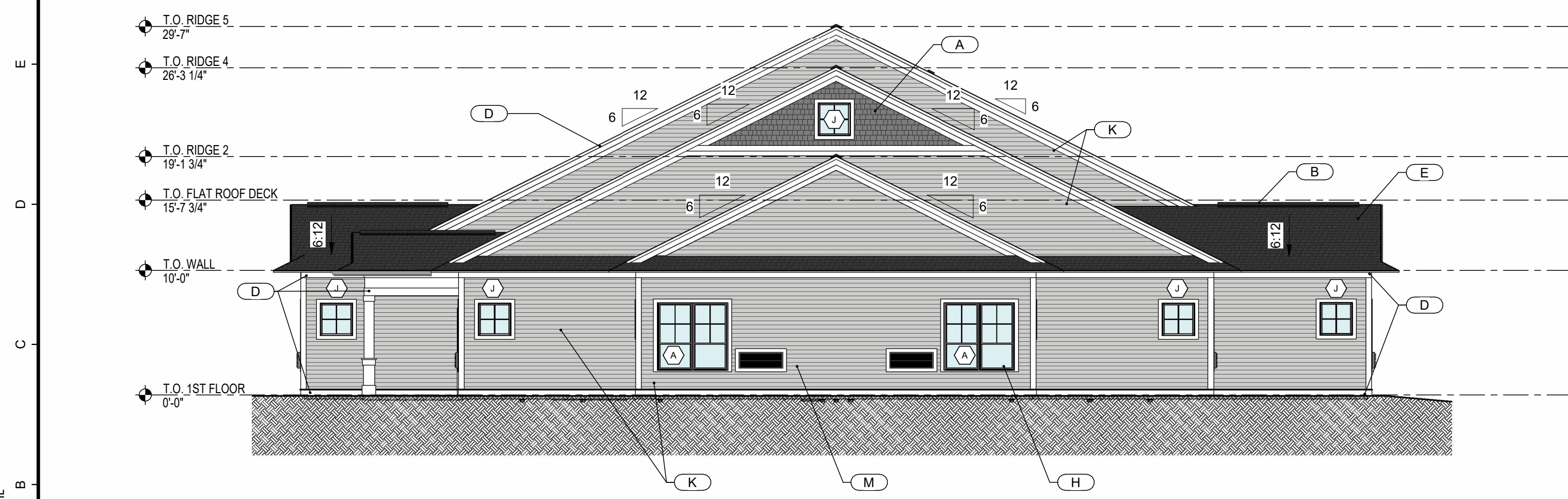
F1 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



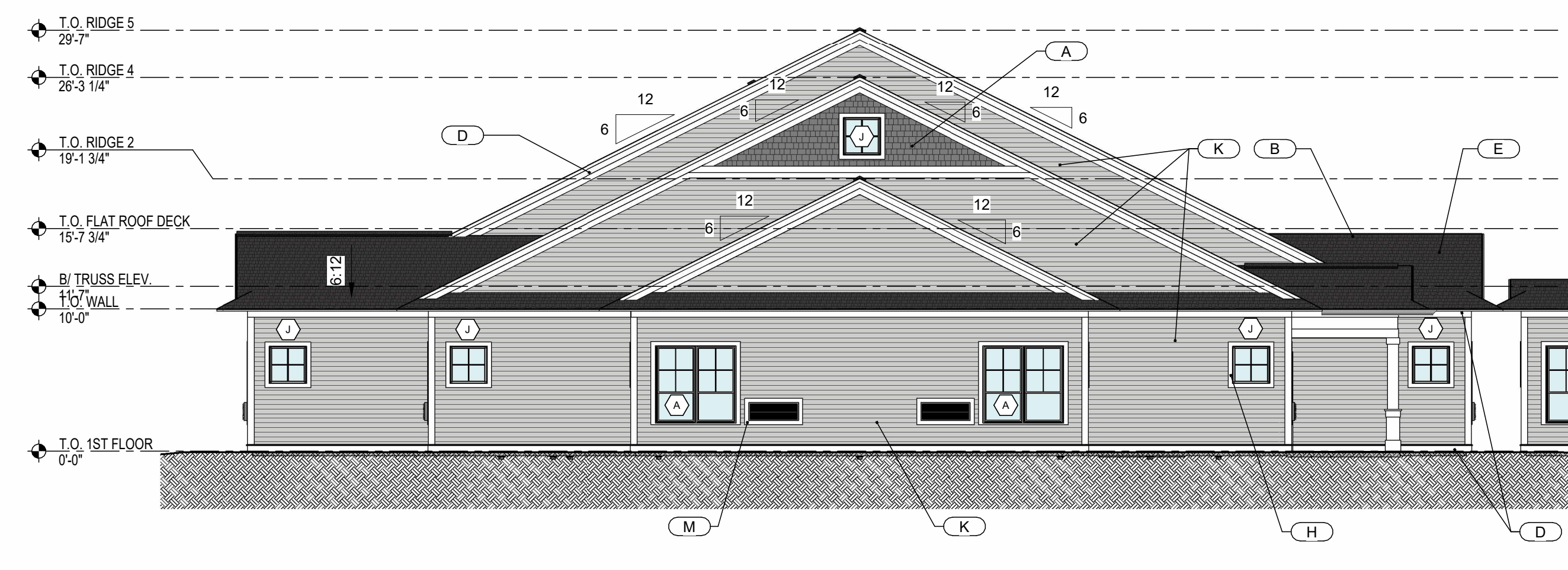
F13 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



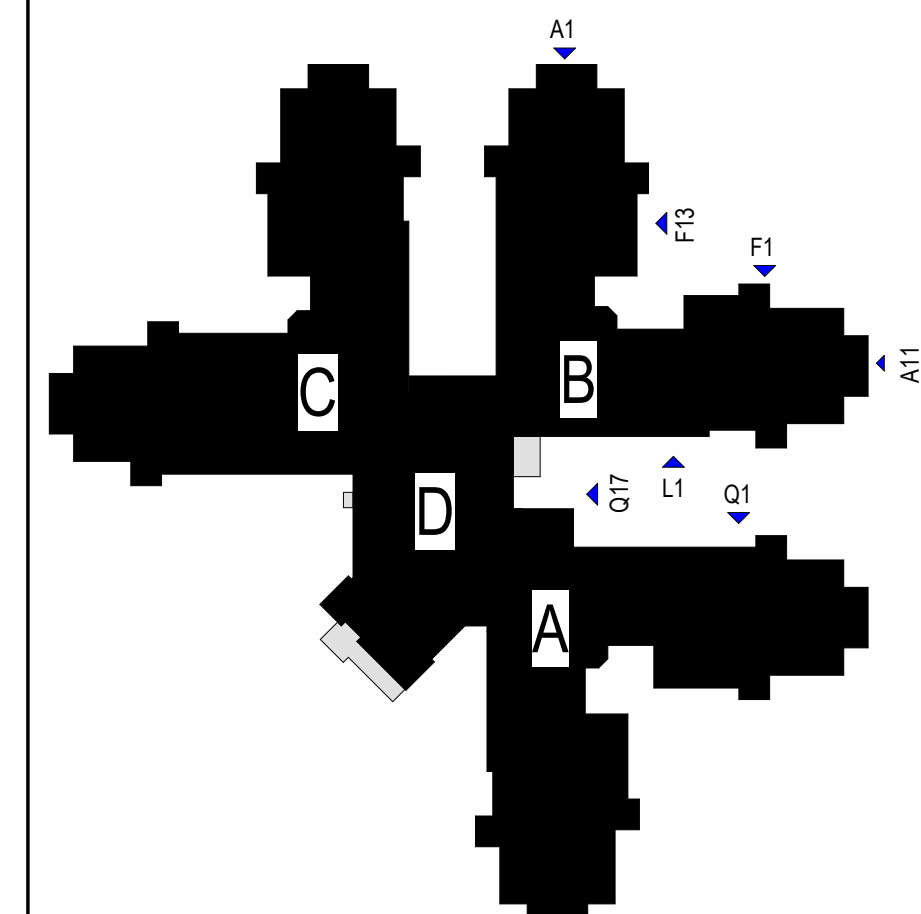
A1 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



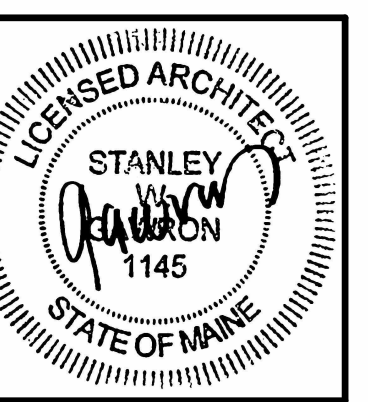
A11 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



A22 KEY PLAN

NTS



29 BLACK POINT ROAD
SCARBOROUGH, MAINE 04074
207-883-4307
WWW.GAWRONTURGEON.COM

**GAWRON
TURGEON**
ARCHITECTS, P.C.

CLIPPER SHIP LANDING
PIPER MILL ROAD
DAMARISCOTTA, MAINE 04543

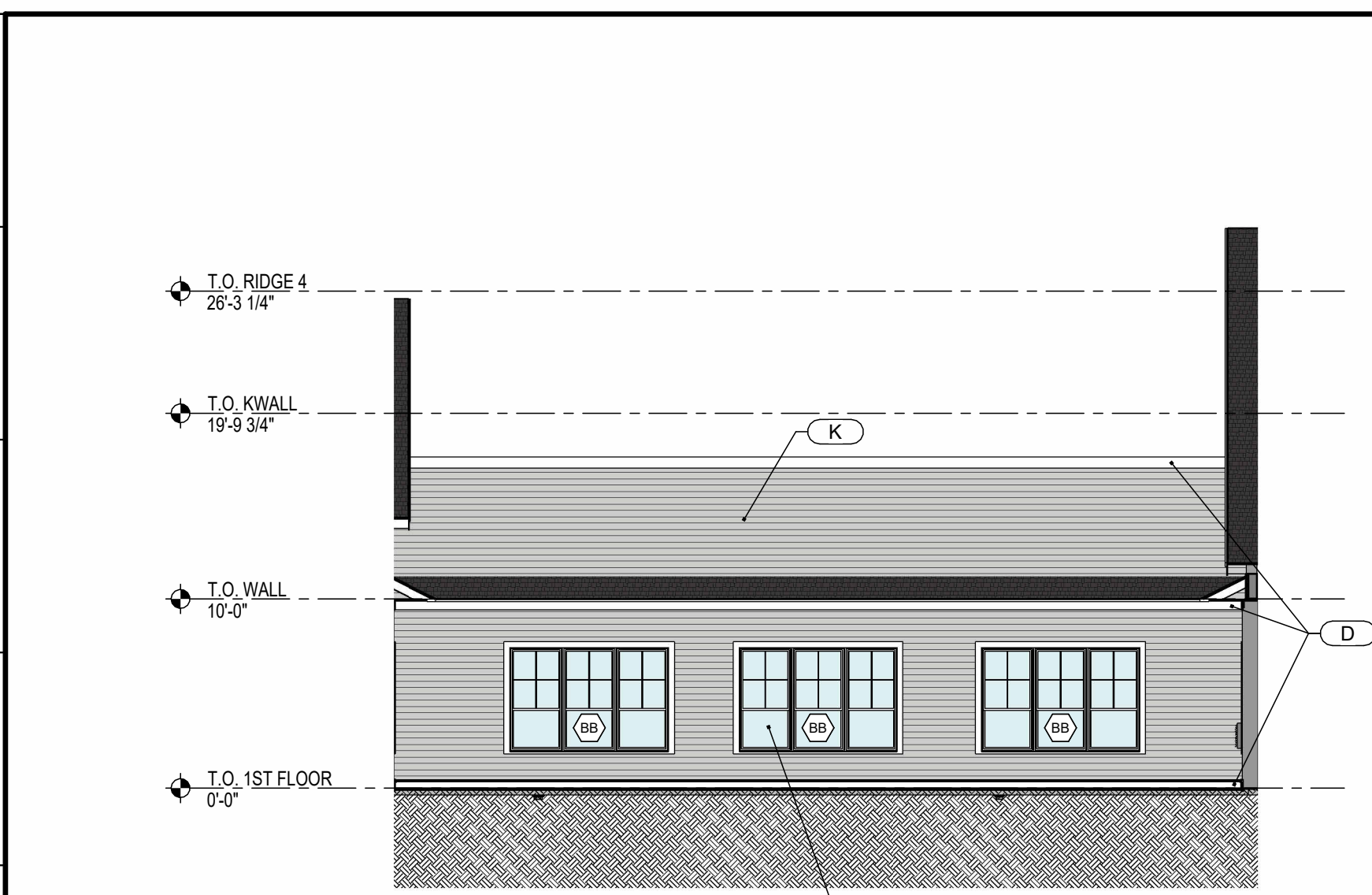
REVISIONS		
#	DATE	DESCRIPTION

DATE:	07.12.2022
PROJECT #:	020722
DRAWN BY:	OML
CHECKED BY:	RLD
DRAWING SCALE:	As indicated

SHEET TITLE
EXTERIOR ELEVATIONS

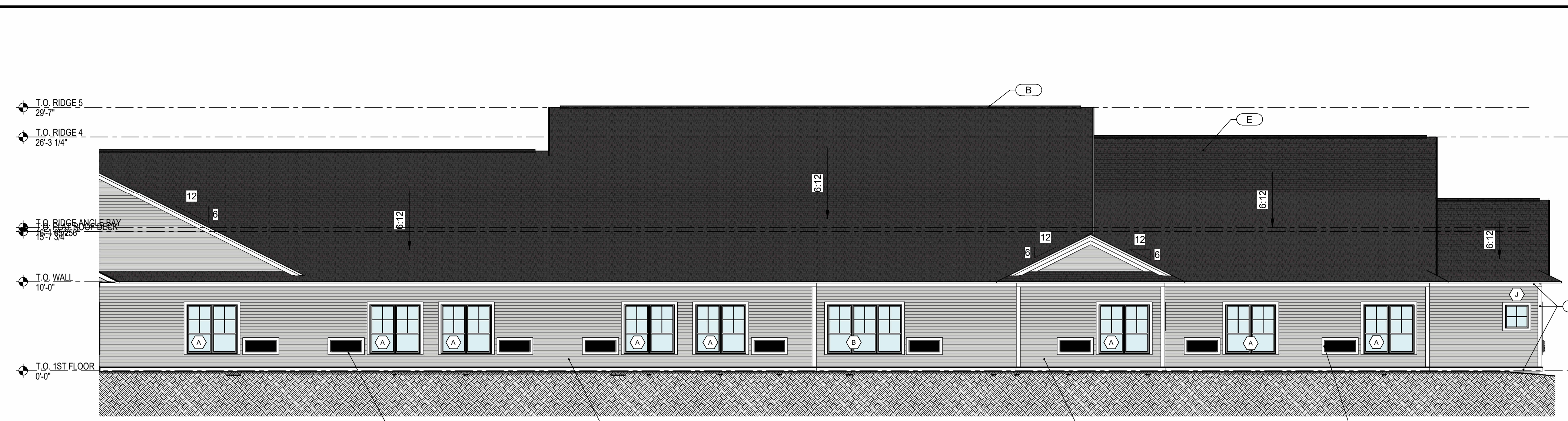
A402

© COPYRIGHT 1988-2022
ALL RIGHTS RESERVED. NO REUSE OR
REPRODUCTION OF THIS DRAWING OR
ANY PART THEREOF IS PERMITTED
WITHOUT WRITTEN PERMISSION BY
GAWRON TURGEON ARCHITECTS, P.C.



Q1 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



Q8 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"

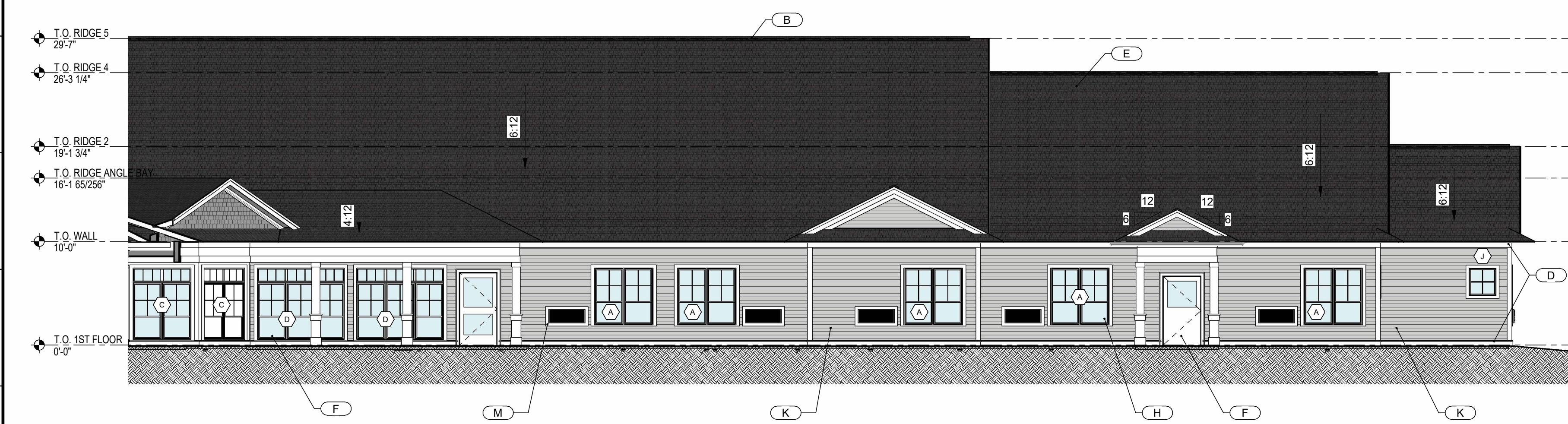
EXTERIOR ELEVATION NOTES:
1. COLORS ARE FOR GRAPHICAL PURPOSES ONLY. ACTUAL COLORS MAY VARY.
2. GRADES WILL VARY FROM SHOWN.

EXTERIOR MATERIALS LEGEND

- (A) VINYL SHAKE SIDING - 4" EXPOSURE
- (B) RIDGE VENT
- (C) THIN NATURAL STONE VENEER
- (D) PVC FASCIA AND TRIM / PANELING
- (E) ASPHALT SHINGLES
- (F) EXTERIOR HOLLOW METAL DOOR
- (G) ALUMINUM ENTRANCE ASSEMBLY
- (H) SINGLE-HUNG, FIXED, AND AWNING LOW-E FIBERGLASS WINDOWS
- (J) GUTTER SYSTEM - REFER TO ROOF PLAN
- (K) VINYL CLAPBOARD SIDING - 4" EXPOSURE
- (L) DOWNSPOUT
- (M) PTAC UNIT

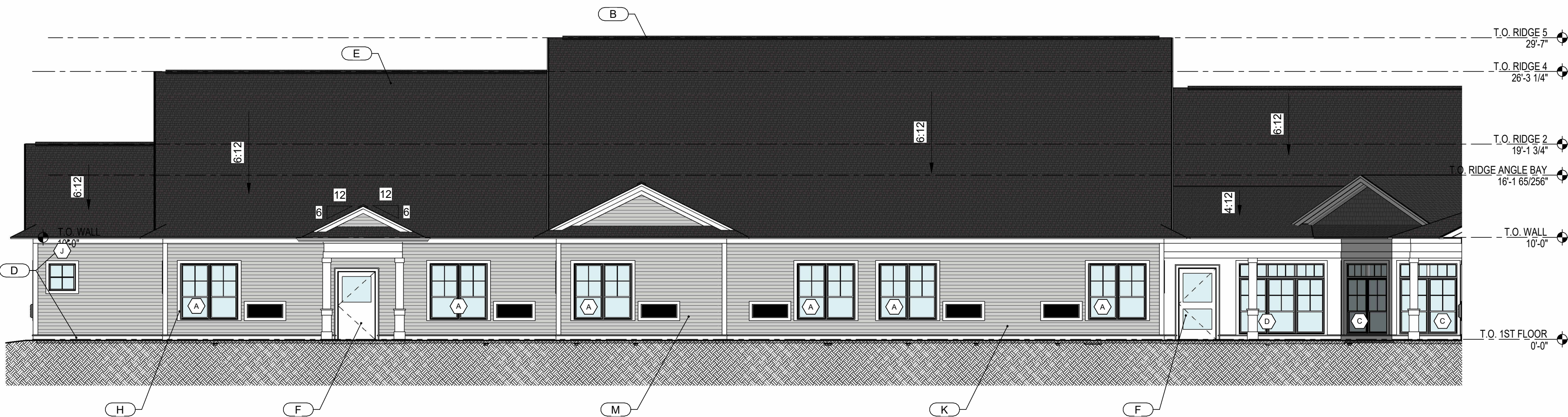
Q22 EXT. MAT. LEGEND

NTS



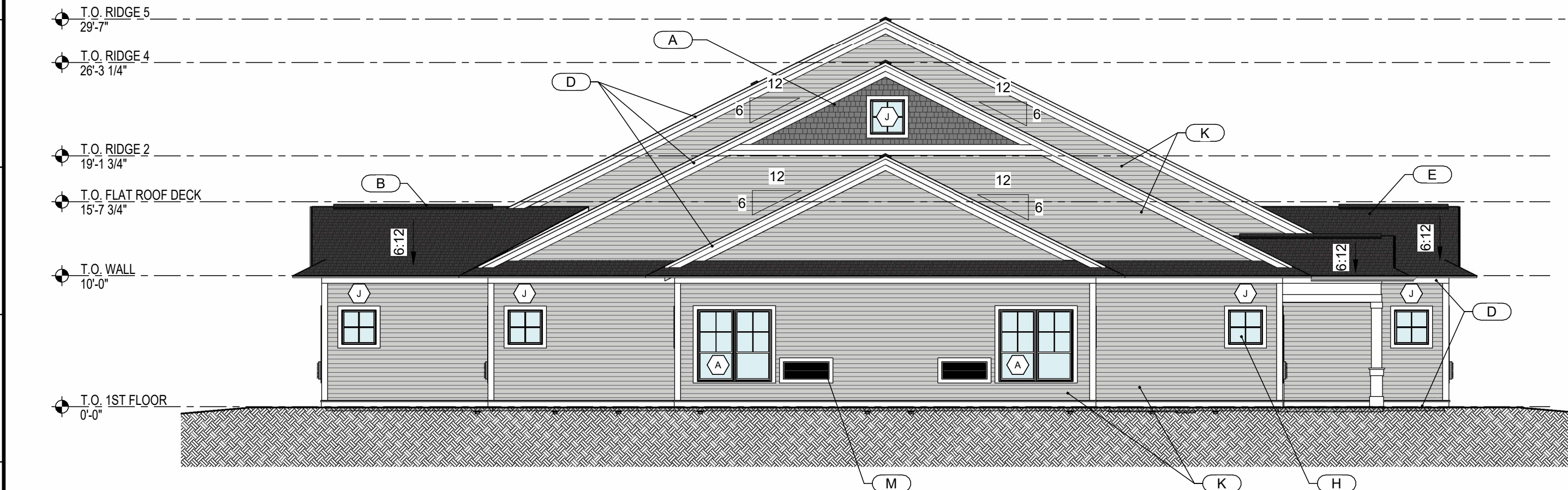
L1 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



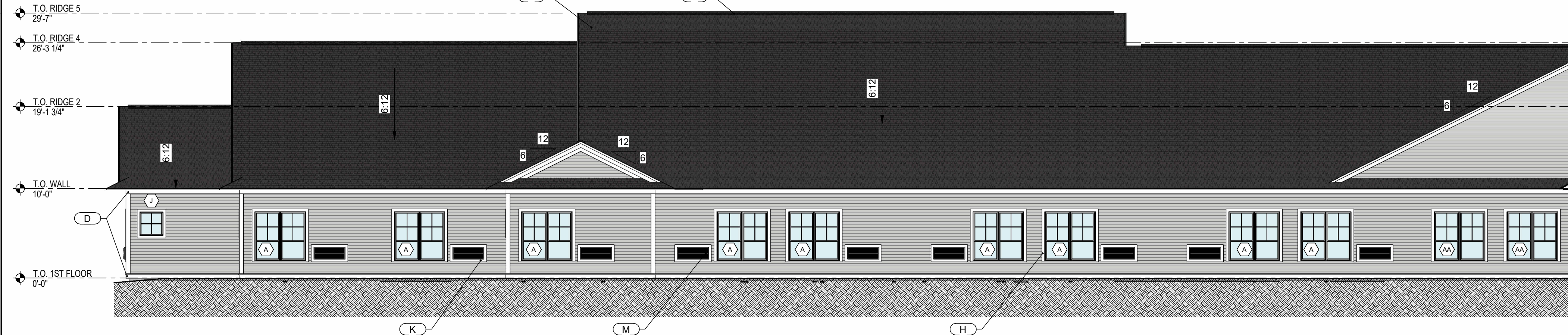
L13 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



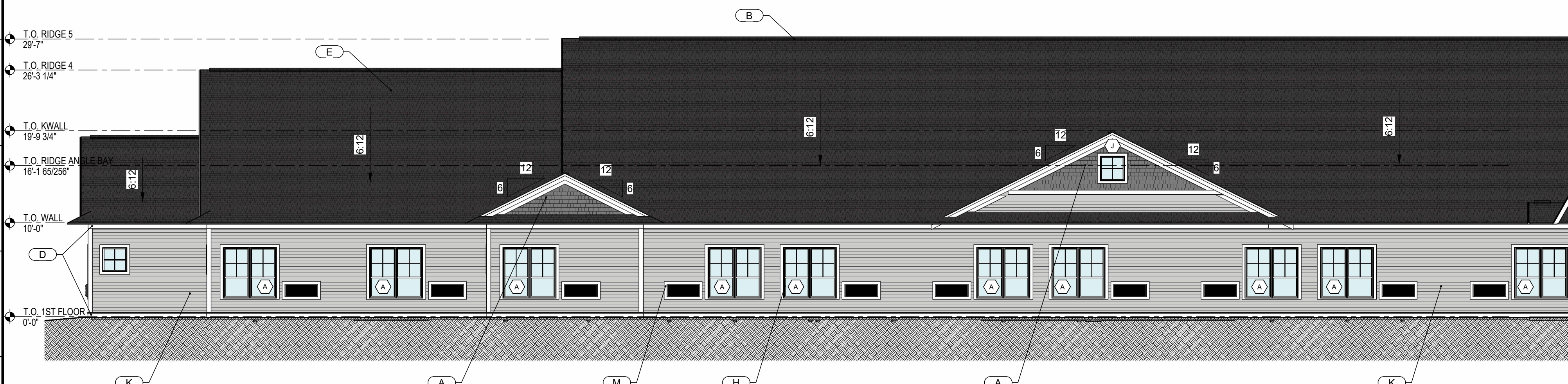
F1 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



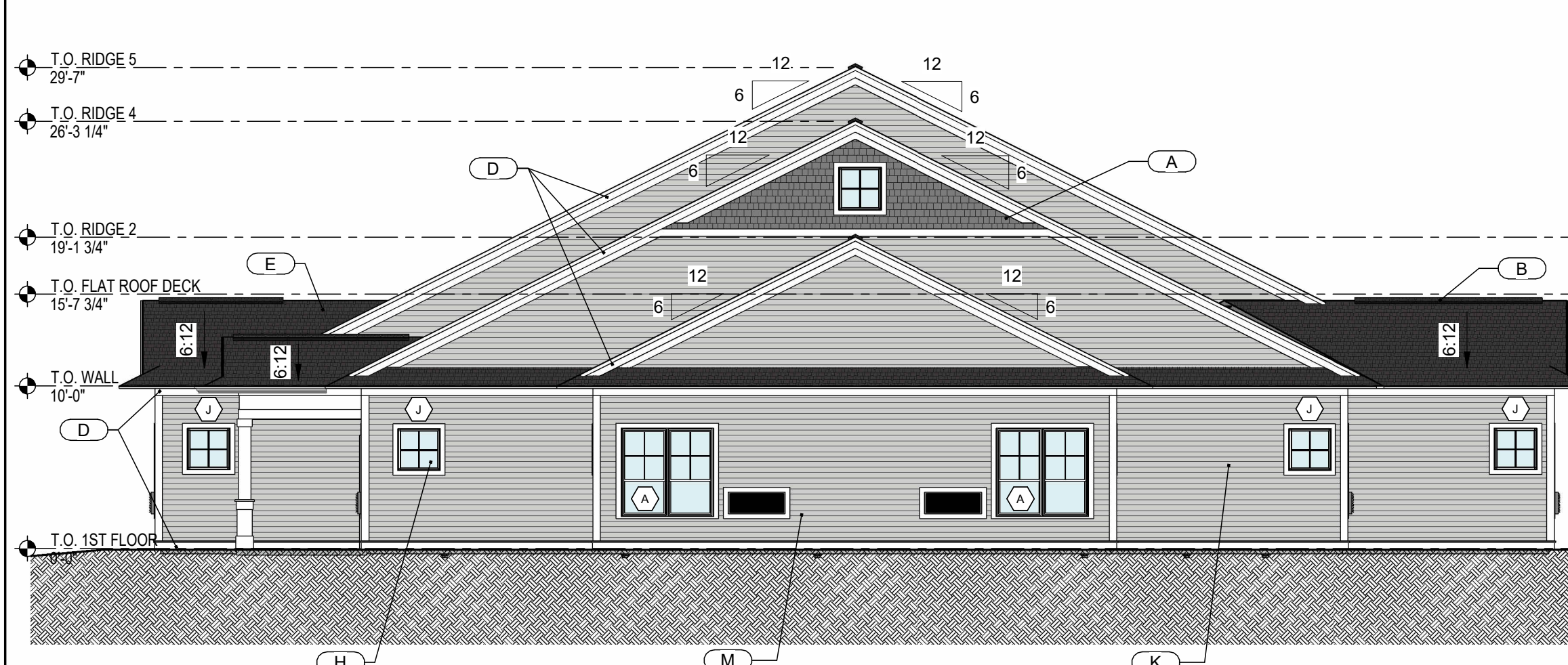
F11 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



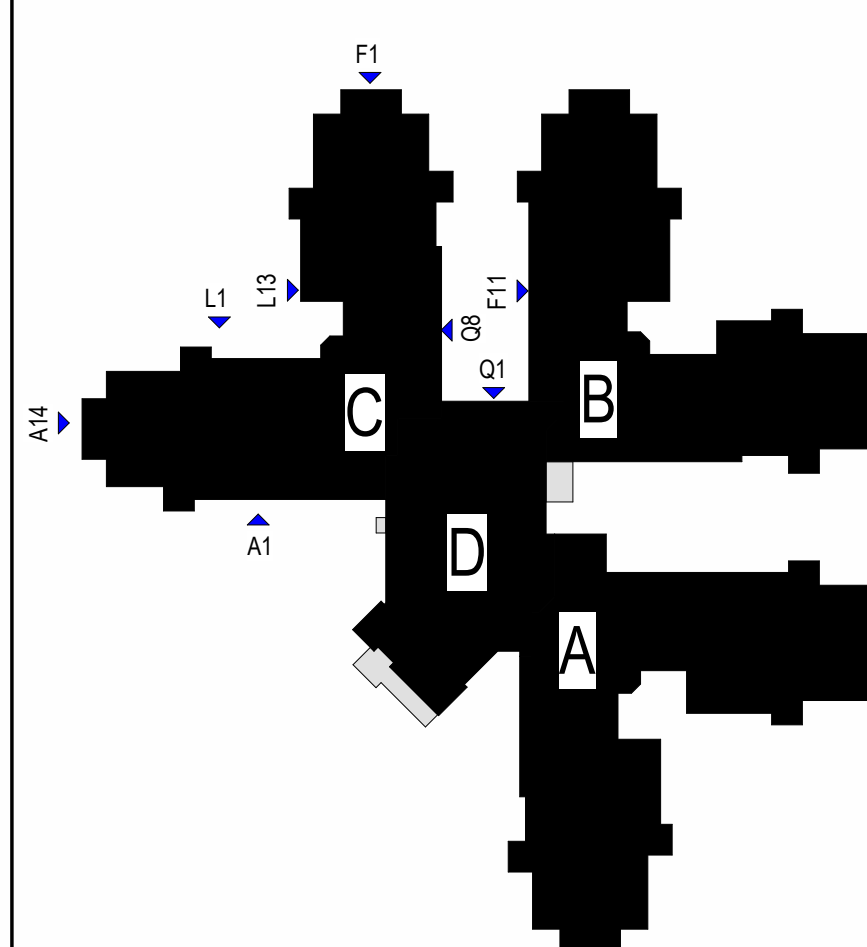
A1 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



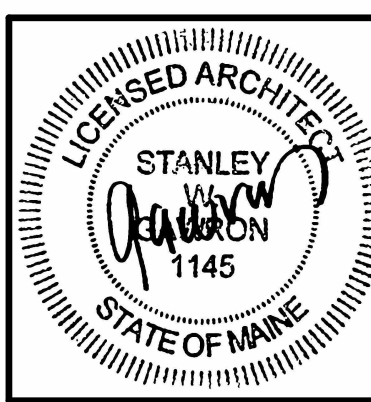
A14 EXTERIOR BUILDING ELEVATION

1/8" = 1'-0"



A22 KEY PLAN

NTS



29 BLACK POINT ROAD
SCARBOROUGH, MAINE 04074
207-883-4307
WWW.GAWRONTURGEON.COM

**GAWRON
TURGEON**
ARCHITECTS, P.C.

CLIPPER SHIP LANDING

PIPER MILL ROAD
DAMARISCOTTA, MAINE 04543

REVISIONS

#	DATE	DESCRIPTION

DATE:	07.12.2022
PROJECT #:	020722
DRAWN BY:	OPL
CHECKED BY:	RLD
DRAWING SCALE:	As indicated

SHEET TITLE
EXTERIOR ELEVATIONS

A403

© COPYRIGHT 1988-2022
ALL RIGHTS RESERVED. NO REUSE OR
REPRODUCTION OF THIS DOCUMENT IS
PERMITTED WITHOUT THE WRITTEN
CONSENT OF STANLEY TURGEON ARCHITECTS, P.C.



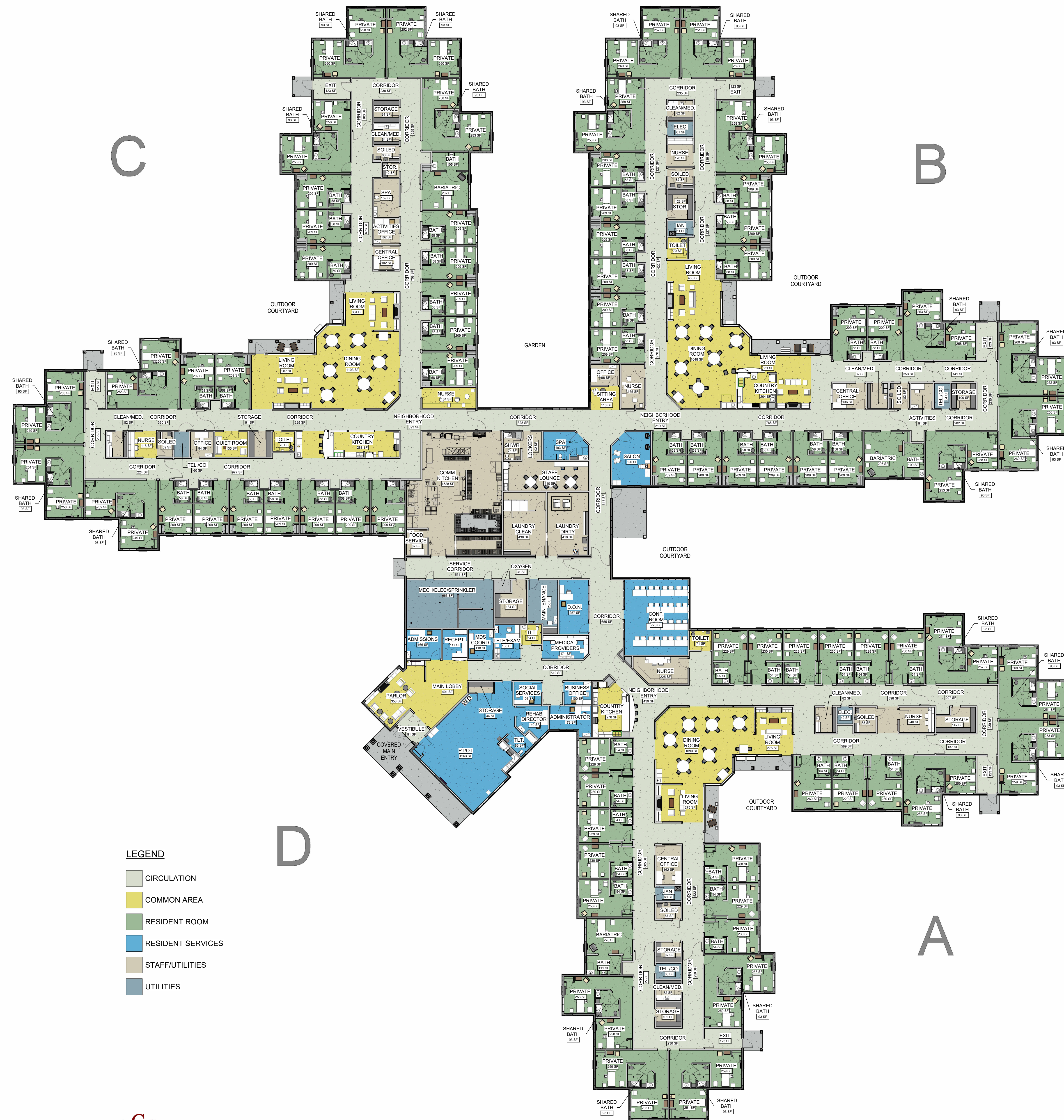
Sandy River
COMPANY

NORTH COUNTRY
NC
Where YOU come first!

CLIPPER SHIP LANDING
SCHEMATIC RENDERING

CORDJIA
CAPITAL PROJECTS GROUP

GAWRON
TURGEON
ARCHITECTS, PC
207-883-6307 | WWW.GAWRONTURGEON.COM



- LEGEND
- CIRCULATION
 - COMMON AREA
 - RESIDENT ROOM
 - RESIDENT SERVICES
 - STAFF/UTILITIES
 - UTILITIES

Sandy River
COMPANY

NORTH COUNTRY
NC
Where YOU come first!

CLIPPER SHIP LANDING

GROUND FLOOR LAYOUT

CORDJIA
CAPITAL PROJECTS GROUP

GAWRON
TURGEON
ARCHITECTS, P.C.
207-883-4307 | WWW.GAWRONTURGEON.COM









Town of
Damariscotta

Isabelle Oechsle <ioechsle@damariscottame.com>

Tier 1 review for Clipper Ship

1 message

Jennifer Fox <foxhaus@outlook.com>

Wed, Dec 7, 2022 at 11:29 AM

To: Isabelle Oechsle <ioechsle@damariscottame.com>

Isabelle,

I sought out more information from MEDEP on the tier 1 wetlands review for the Clipper Ship application. Is the planning board aware this application is tied to the applicant's SLODA application, due to more than 3 acres of structures proposed for the site, and has a review deadline of March 2023? There will not be a ruling in a few weeks on the wetlands application. I am surprised the developer thought this was the case.

Please share my email with the planning board.

Thank you,
Jennifer Fox

Get [Outlook for Android](#)



Town of
Damariscotta

Isabelle Oechsle <ioechsle@damariscottame.com>

Opposition to the proposed 102 room Nursing home

1 message

Lucy Smith <lucys@tidewater.net>

Sun, Dec 11, 2022 at 12:23 PM

To: Isabelle Oechsle <ioechsle@damariscottame.com>

We are concerned about losing the quality of our neighborhood here on High Street due to the exponential increase in traffic resulting from the proposed nursing facility. The proximity to the rifle range, loss of green space and wetlands and light pollution are also major concerns. Loss of quality of neighborhood translates to the loss of the charm and character of Damariscotta.

High Street has a diversity of residents. On this short, narrow street with no sidewalks you are likely to see someone being taken for a wheelchair walk, a father pulling his child in a little red wagon, multiple people walking their dogs and cars stopped to have a chat with their walking friends.

We are not against nursing homes, however this project is too much, too big and too fast. There is a way to satisfy the needs of our special community without sacrificing its character.

Realizing Lincoln Health and its business partners have checked all the boxes for development, shouldn't blind the fact building such a large facility so close to residents has its pitfalls.

Peter Jackson and Lucy Smith
23 High Street
Damariscotta



Town of
Damariscotta

Isabelle Oechsle <ioechsle@damariscottame.com>

The proposed 102 Bed Nursing Facility on Piper Mill Road

1 message

Diane Ranes <diane6020@gmail.com>
To: ioechsle@damariscottame.com

Sat, Nov 19, 2022 at 3:25 PM

Dear Ms. Oechsle,

I live at 12 Brickyard Cove Lane in Damariscotta and take the School St, Road daily. I was actually surprised to see town residents claim that the road is "already busy" at the town meeting. That was quite an overstatement in my experience. It is true (and I have written in the past to Robin Mayer when she was a Selectman), about the problems at the intersection of School Street and Main Street where a light is needed. In my experience, multiple times a day, that is the only place where 2-3 cars back up waiting to make the dangerous crossing on to the next segment of the road. Perhaps a light is needed there.

That said, it is a poor equation to stop the development of badly needed nursing care facilities for all of us who are aging because of an unrelated (and perhaps more overstated) traffic issue.

I am a retired mental health professional, but as a citizen of Maine and the town, I am writing in support of the very great need to put a nursing facility in our town.

As you already know, aging baby boomers in the US are living longer and further away from children all the time. Here in Maine, many of our young people leave for better opportunities and are not available for family assistance to seniors (which makes up 95% of in home aging care". Since we are living in the oldest demographically aged county in Maine, we need to prepare for the growing problems of aging and chronic illnesses that require support. The US Census bureau points out that the senior population in the country will double by 2060 (US Population Reference Bureau). We are soon to go from underserved in this county, to badly underserved for aging health care services. Many adults locally will also be divorced, widowed or single by choice and may not have a partner to care for them. Others may need facilities for financial as well as health care needs.

All these facts line up with the reality that family members available to support our seniors are limited and our health care system is already limited.

Formal care is badly needed both immediately and as preparation for the future. Please support this proposal as we need more nursing services — both to care for those who need care and to provide jobs for younger professionals to return to Maine and build family lives here.

Thank you for listening and I hope to see the town Planning Board accept the proposal.

Sincerely,

Diane

Diane H. Ranes, PHD MSW.
12 Brickyard Cove Lane
Damariscotta ME 04543

Letter to Editor of Lincoln County News

cc: Damariscotta Planning Board, Select Board, Town Manager, Coastal Rivers
Conservation Trust

The proposed Clippership Landing facility for senior/assisted living in the Piper Mills area has significant valid arguments for denying its approval. While there is a realistic need for this type of facility in our community, another section in town should be located that does not have an irreversible and extremely negative environmental impact.

It would strongly alter a prime animal wildlife corridor and protected wetlands.

The dark skies which are crucial to migratory patterns, and the circadian rhythms of both humans and animals, would be forever dented by the necessity of abundant artificial lighting.

There will surely be many, many more animals run over by increased vehicle traffic.

We are all aware that automobiles are prone to fluid leakage. These dribble into the ground and runoff into ponds/lakes/drains/and such.

I have over a decade of personal experience living in a residence that is bordered by this same wildlife corridor and protected wetlands. Full grown moose have strolled my property, at times crossing over Bristol Road headed toward Miles Campus ponds.

Skunks frequently have made their "presence" noticed. Image how much more of an increased **perpetual** need to release their protective spray will be forthcoming due to this considerable human invasion now permanently residing in their home turf. I can testify that when the weather allows for having my home and car windows open, this strong scent aggressively invades and lingers for days, and even weeks.

Skunks can accurately spray up to 15 feet. Senior and handicapped residents out for a stroll might have a challenge outdistancing themselves from their emission. While the spray does not lead to permanent damage, it can cause significant eye irritation and possible temporary blindness (to pets as well).

Yours,
Shari Sage
92 Bristol Road

**PLANNING BOARD MEETING MINUTES
TOWN of DAMARISCOTTA
December 5, 2022 6:00 P.M.**

Live and via Zoom

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

ALTERNATES: Gary Rosenthal, and Dan Day

ABSENTEES: Ann Jackson; Gary Rosenthal

STAFF PRESENT: Isabelle Oechsle, Town Planner; Lynda Letteney, Recording Secretary

PUBLIC PRESENT: Brooks Betts, Daniel Maguire, Sandy River (Clippership); Rebecca Dillon, Gawron Turgeon Architects (for Clippership); Andy Johnston, Atlantic Resource Consultants (for Clippership); Blaine Buck, applicant's representative (Clippership); Meg Robbins, DC Ledgewood, LLC; Steve Bushey, (Gorrill-Palmer Consulting Engineers, for DC Ledgewood, LLC); Steve Weatherhead, DC Ledgewood, LLC; Andrea Keushguerian, resident; Tom Hausmann, abutter; Amy Lalime, resident; Geoff Keochakian, abutter; Larry Sidelinger, LCTV; Evan Houk, *Lincoln County News*

I. Pledge of Allegiance

Chairperson Eaton led the Pledge at 6:00 p.m.

II. CALL TO ORDER

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

On motion (Genthner/Hunt) to appoint Dan Day as the alternate in place of regular member Ann Jackson with all voting rights and privileges for this meeting 12/5/22. **Vote: 4-0-0**

IV. BUSINESS MEETING

A. OLD BUSINESS

1. Continuation of Public Hearing begun 11/7/22, continued until tonight's meeting 12/5/22. **Rebecca Dillon** provided a presentation on anticipated scenic impacts, showing mark-ups of how the project will look from School Street.

Jennifer Fox of High St. began the public comment. "If the current vegetation is removed, what remains?" She is concerned about the impact that this project may have on the community feel. Scenic impact as seen from Newcastle up the hill is also a concern. She said she was not looking to stop the project, but is looking for detailed planning. **Jonathan Eaton** commented about the lack of visibility from Newcastle and the gateway to Damariscotta. **Tom Hausmann**, 53 High Street, felt the pictures presented were not giving the whole view. He encouraged the Board to look at Clippership in Rockland and see what a massive project this is in comparison to others in Damariscotta. He said it is enormous, 75,000 sq. ft. is hard to imagine. **Geoff Keochakian**, 86 School Street, began by saying that the Planning Board had the responsibility to look at the criteria for such a project. "But, what about the "spirit" of the project – does it fit the community?" School Street already has a traffic problem. The Rifle Club is concerned it might become an unfriendly neighbor. As far as High Street, he feels that the increase in traffic will be huge. The wetlands variance, in his opinion, doesn't fit. **Isabelle** interjected that there are differences between waivers and variances. Variances are subject to strict State standards and must be

granted by the Board of Appeals, whereas waivers are frequently granted by Planning Boards based on good cause and evidence shown. **Geoff** said he meant waivers. **Jennifer Fox** asked if the larger parking lot required a waiver. **Isabelle** responded saying the Town ordinance provides minimum parking requirements only, but that Damariscotta does not have parking maximums. **Jenny Begin** said there is a lot coverage requirement regarding impervious surface for storm water. **Andy Johnston** said there is a threshold of 3 acres or more, but there are no lot coverage requirements.

Andrea Keushguerian, Water Street, is concerned about the light pollution from the top of the hill. It will be seen all over town. **Isabelle** said that in the 11/7/22 packet included the lighting information. They will be reduced to minimum for security. There is no light trespass off the property as shown on the lighting plans provided. Lighting is required to be full cut-off (shielded) fixtures and be within 2500 to 3000 Kelvins in color temperature. **Neil Genthner** asked how tall the poles were. **Andy J.** said 16' maximum, per the Town's Ordinance. **Tom Hausmann** said this means 1 acre would be lit - "as needed"- what does this mean? "More specifics are needed to address our concerns and those of our neighbors." **Jenny Begin** asked if there would be motion sensors in the parking lot. **Andy J.** said that they (the applicants) are acutely aware of safety concerns and have planned for safety. **Isabelle** noted that the Board may find it appropriate to adopt a condition of approval that a plan to turn down lighting to minimum amount required for security, to be reviewed by staff including the Police Department, Town Planner and the CEO, is provided by the applicants.

Jennifer Fox was concerned about access to the property at School Street. That is a State maintained road and she believes it needs a movement permit from DOT. **Isabelle** responded that, as far as she is aware, it does not. **Jennifer Fox** questions the adequacy of Piper Mill Road and the compliance with the Comprehensive Plan. **Jennifer** is concerned about "village expansion" area. She believes there is too much impervious surface, and the runoff into clam and oyster beds could be harmful to the environment and the community.

Isabelle said it is the Board's responsibility to address this and evaluate whether the proposed projects meets all requirements of the Town's Ordinances. **Wilder Hunt** said a good percentage of our population is elderly. There is a tremendous need for this type of facility. Based on his assumption that the material presented is accurate, he is in favor. **Rebecca Dillion** said the renderings the Board has are to scale as defined in the ordinance. Height, design standards and density are all in compliance. **Amy Lalime** was concerned about the water. Other towns protect trees and have to measure first before removal.

Jonathan Eaton replied that the storm water plan is very good. There is a tributary which connects with Castner Creek. **Mr. Hausmann** referred back to the traffic saying that there are pictures of right/left visibility, but the right onto High St is actually left and there are no pictures of right turning traffic. Also, in the November packet, there was reference to Bar Harbor hydrants and blasting- he thinks it should have been Damariscotta to which it was referring. **Andy J.** said he would fix any typos and make the change to Damariscotta.

Dan Maguire said they have had positive comments from the neighbors with regard to the Rockland facility. It is the first in the state to have all private beds. This facility in Damariscotta will replace two existing facilities. The project developers are aware of its size and have tried to make it as small as possible. **Jennifer Fox** went to Rockland today and drove by the ocean side of it; it does not have a comfortable "village" feel to it. It looks like a space ship. The construction is impressive, but not small

by any means – it is formidable.” She feels the Board needs to take a field trip and see it for themselves. The wetlands consideration needs a Tier I review from the State. “You have no DEP or Army Corps of Engineers permits.”

Andy J. addressed the permits saying that the timeline is lengthy. Currently, we have the Army Corps permit and we are in the midst of the State review. Hoping to have final approval of the site location by the end of the month. **Jenny Begin** asked if there were any mitigations. **Andy** said that the proposed impact only necessitates a Tier I permit. Only Tier II permits require mitigations, such as wetland compensation fees to be paid to the Town.

Jonathan Eaton introduced **Bill Bray**, Traffic Engineer. He summarized the supplemental memo provided in the meeting packet. He recommends removing low level brush and a couple of trees which are slightly impeding sight distances from High Street turning onto School Street. Jonathan Eaton asked if this was a State issue. **Bill Bray** said he thought it was a local responsibility, but he wasn’t sure.

Mr. Hausmann said in the real world people go faster [on School Street] than the posted 35 mph. He feels more sight distance is needed, and reiterated his desire to make sure developers think ahead and make this project as safe as possible.

Bill Bray suggested that the Town consider creating a 4-way stop at the School Street / High Street / Piper Mill Road intersection if there is concern about speeding traffic on School Street and safety issues exiting from High and Piper Mill.

Jenny Begin asked about landscaping. Could they show her where the plants and evergreens would go? **Andy J.** said they are planning on 6-7’ conifers and deciduous tree mix and spread through the courtyard as will allow. **Jenny** asked which species are planned. **Andy** said a mixed buffering species. The intent is to mimic what is there now.

Jonathan Eaton asked if clarity had been provided [to the public] through the public hearing? Have all questions been answered before closing? **Wilder Hunt** said, regarding the public hearing, there has been ample time and opportunity to have input. In addition, the Chair could allow for public comment at the next meeting even after the public hearing has been closed. **Isabelle** noted that if the Planning Board was considering closing the public hearing, they should either make a decision this evening or communicate with the applicants what is still missing from the application. **Neil Genthner** said he believed only typos were left to address. **Geoff Keochakian** asked what the next steps are if this project is approved. **Isabelle** provided summary of the “condition compliance” process, where the applicants will begin to fulfill conditions of approval prior to submitting for building permits. **Mr. Hausmann** asked if the project addresses the “village character” part of the Comprehensive Plan. Does the developer’s proposal comply with the Comprehensive Plan? **Jonathan Eaton** read the relevant Comprehensive Plan policy surrounding this growth area into the record. The Growth Area identifies allowable uses such as: senior/elder care; handicapped accessible apartments; and small-scale businesses. **Neil Genthner** said according to this, it complies. **Andrea K.** asked about pedestrian traffic. **Isabelle** noted that one of her suggested conditions of approval was that the applicant will provide sidewalks along their property to School Street.

On motion (Hunt/Begin) to close the public hearing and table further review until the January 3, 2023, meeting.

Vote: 4-0-1 (Genthner abstaining)

B. New Business

1. Sketch (Conceptual) Plan Review: Proposed 2-story building to contain 32 age-restricted (senior) dwelling units at 207 Ledgewood Court Drive (Tax Map 1, Lot 50-3)

Meg Robbins began the presentation stating that they desire to expand the present development which lies within the Rural Zoning District and the Village Extension Growth Area (per the Comprehensive Plan). The applicants plan to construct 32 units of affordable, senior apartments. Senior apartments is a conditional use in the Rural Zoning District. Maine Housing Authority will be involved and tax credits are available. The proposed building will be two stories with internal sidewalks, parking areas, and associated site improvements and will be limited to those age 55+ who make less than 60% of Area Median Income as determined by the US Department of Housing and Urban Development. Amenities include laundry rooms on each floor; 33 parking spaces based on 33 beds. They will be clearing less than 2 acres and the building is proposed to be built within a fairly wooded area of the site, so will be less visible from the road.

Steve Bushey added that there was common space for groups and private gatherings/meetings. Each unit is about 585 sq. ft. The building will have pitched roofing; the 6/12 pitch will have hips. There is a three-color scheme for the building. There are no outside porches, but they are planning on raised flower beds which connect to the outside and the common area. **Jenny Begin** asked if anyone had considered something different than what is already there. Could they rethink the design to incorporate patios, porches, and an appealing common area? Response: They looked at “L” shaped design, but very difficult given site constraints, including wetlands. There is laundry on each floor and it’ll be fully sprinkler accessible.

Ledgewood, LLC is going to purchase the property and are currently the management company. **A site visit** is needed by Ordinance, which is scheduled for **December 19, 2022, at 3 p.m.** as there is a required notice to the public. The proposed site is flagged and staked. The Board would like to see the parking area also flagged and staked. **Jenny Begin** reiterated her desire to see more access to the outside.

C. OTHER

1. Questions from the Public -

Isabelle asked if the Board had any desire to adopt a Remote Meeting Policy, to allow Board members to participate via Zoom in an emergency. **Neil Genthner** said that this should be looked at. There are times people are out of town, but could attend via Zoom; or, as we’ve seen over the last couple years, quarantine has not permitted in person meetings. Remaining Board members seemed to be in favor.

Isabelle also mentioned that there are a couple vacancies on the Comprehensive Planning Committee if anyone wants to join, or if anyone knows of a community member who would like to join. Please contact her.

2. Housekeeping - None

3. Planner’s Report- None

D. Adjournment

On motion (Genthner/Day) to adjourn the meeting at 8:58 p.m.

Respectfully submitted,

Lynda Letteney
Recording Secretary

We the undersigned approve the minutes for the Planning Board Meeting of December 5, 2022.

Jonathan Eaton, Chairperson

Minutes of the Planning Board (cont'd) December 5, 2022

Jenny Begin

Neil Genthner

Wilder Hunt

Absent
Ann Jackson

Daniel Day (alternate)

____ **Absent** _____
Gary Rosenthal (alternate

Minutes for (December 5, 2022) signed _____
Date