**China Planning Board**

**Approved Meeting Minutes**

**February 24, 2009**

**Members Present:**

Michael Martin, Jim Wilkens, Milton Dudley, Blaine Bronson, and Scott McCormac.

**Others Present:**

CEO Scott Pierz, Planning Board secretary Lisa Knight, Mary Grow, Peter Foote, Paul Macdonald, Donald Poulin, Linda Poulin, Jim Coffin, Jim Hart, Ron McPherson, Cynthia Wooley, Andrew Harris, Shirley Harris, Karel Knox, Dave Knox, Mary-Cay Pitre, Dale Pitre, Mike Redman, Angela Hardy, Jeni Frazee, Alan Corson, Jason Tyler, George Studley, Erica Boynton, Jeff Goggin, Veronica Resendez, Jesse Glidden, Joann Clark Austin, Betsy Farley, Daniel Boynton, Melanie Boynton, Donald Pratt, Sherri Glidden.

**7:00 PM Business meeting called to order:**

Planning Board Chairman Martin called the meeting to order at 7:00 pm. Planning Board Chairman Martin appointed Planning Board member McCormac to voting capacity in the absence of Planning Board member Isenbrand.

**7:00 PM Communications:**

CEO Pierz presented items under communication with the Planning Board. These items included:

CEO Pierz stated that Mr. Al Althenn has continued his case to the Maine Supreme Court, and Joe Sears remains in the legal process.

CEO Pierz stated that he has exchanged e-mails back and forth with Kay Rand from the Berstein-Shur Governmental Services regarding the Central Maine Power and its Maine Power Reliability Program. Ms. Rand has been watching the recent changes to the Town’s Land Use Ordinance (i.e. land use table) and the Definitions chapter. The big question was whether the Maine Power Reliability Program (MPRP) and issues related to the Planning Board’s permitting authority were covered under the local Land Use Ordinance applies. Mr. Pierz stated that as you look at the land use table and, based upon different land use districts, the information about height and height limitations does not apply in areas of Shoreland zoning. “Then where does the MPRP fit into the context of China’s code? This project is certainly classified as an essential service, and that type of project is an acceptable review item across the different zones. I believe the Planning Board is the permitting authority and is empowered to review the MPRP as an essential service no matter what zone it’s located in.” CEO Pierz stated that the MPRP should be starting the permitting process soon, and representatives of that project would like the chance to make a presentation to the Planning Board on March 10, 2009.

CEO Pierz stated also said that he was waiting to hear from LaMarr Clannon, the representative from NEMO (Non-point Source Education for Municipal Officials), to see if she will be available to make a presentation as well on that March 10 date.

CEO Pierz stated he had obtained copies of different Sign Ordinances from the towns of Manchester, Belgrade, Orono and Gardiner. CEO Pierz stated that the Planning Board will need to talk about what they want to do with the Sign Ordinance.

CEO Pierz stated that he has started working on the Shoreland Ordinance update review, and he hopes to have it available for the Planning Board members shortly, but before March 24, 2009.

CEO Pierz stated that he had seen a revision to a subdivision plat. “I have been approached by some folks who own one of the lots on the Winding Hill Road in the former Adams subdivision. One of the lots had an open space preserved upon it. There has been a conveyance from a father to a son. This is a lot carved out of an existing subdivision, and that being said this matter should come back to the Planning Board. It is a change to the originally approved plan. The China Code indicates that if you are going to adjust any existing subdivision plat, especially where there is a new lot created, the matter should come back to the Planning Board.” Planning Board Chairman Martin asked if there was an issue about the open space being preserved. CEO Pierz stated he was unaware this was an issue. “I informed the parties they should plan on bringing this back for review, even though it is a family member who is being deeded the parcel.” Planning Board member Wilkens stated, “We had discussed this before. What we approved and what is happening now [are two different things]; we need to know about.”

CEO Pierz stated that for the March 10, 2009 meeting, if the Planning Board receives information for the public hearing tonight and deliberates the two projects on the agenda at that March 10 meeting then that would constitute the agenda for that evening. “We would be into the project reviews at 8 o’clock. It will be hard for the Sign Ordinance discussion to get some time on the agenda. From the tentative date this June for the next Town meeting, it would be necessary to have the information on the Sign Ordinance at least 45 days prior to the June town meeting - the time frame to work with the Selectmen to get the item into the warrant. We have not run out of time yet, but we will out of time in the middle of April.”

**Old Business:**

**7:13 PM** *Scheduled public hearing regarding a Conditional Use Permit Application prepared by E.S. Coffin Engineering on behalf of Jason Tyler d/b/a Comprehensive Land Technologies to construct a 7,000 square foot commercial building at a location along Route 3 in China, Maine. The property is located in Rural and Shoreland Districts within the East Basin Watershed of China Lake as identified by China Tax Map 28, Lots 1and 1-A.*

Planning Board Chairman Martin opened the public hearing at 7:13 PM. Jim Coffin of E.S. Coffin Engineering in Augusta approached the Planning Board representing Jason Tyler. Mr. Coffin stated that a Maine Department of Transportation (MDOT) permit for the project has been obtained. He also stated that a Department of Environmental Protection (DEP) permit had been obtained for storm water management. “We looked at the entire site to be sure the buffers were in place with regard to storm water treatment. We have a letter from Mr. Philbrick, an area well-driller, who states that he has drilled in that area with no problem. The project is located well off the Route 3 corridor. We tried to minimize the impact on adjacent neighbors. We mentioned that there would be no sumps (to pump water out of the proposed building). Used waste oil will be taken off-site. The building portion of project is not within the flood zone associated with the wetland resource to the south. We have indicated the wetlands on the plan. The building is proposed to be 7,000 square feet. Most parts are for maintenance of his equipment. His company does work all throughout New England, so the proposed building will be the headquarters for the business. Mr. Tyler stated he harvests trees and knows very well issues regarding wetland protection implementation measures in states such as Massachusetts, Maine and New Hampshire (not New England in its entirety). “We are not home much,” he commented. Planning Board member Wilkens stated that the Planning Board had questions about the septic system design and pumping effluent into the designated area shown by the plan. Mr. Coffin stated the force main pipe would pump from a pump station to a higher elevation where the proposed septic field is located. “We have two spots on the site that work,” he said. Planning Board member Wilkens inquired if there was an area for a backup system. CEO Pierz stated that if something goes with that initial septic system a replacement would have to be designed and installed. Should something go wrong with the pump, it would simply be replaced. Mr. Coffin added that the pump station would be fitted with an alarm. Planning Board member Wilkens asked, “Is this a maintenance facility for skidders and things like that?” Mr. Tyler stated there would be fluid changes for skidders and forwarders and excavators and the like, but used fluids would be removed from the property. “We have a screen that we set the oil filters on top of, and that waste oil is then contained in a barrel and removed off-site.” Planning Board member Wilkens also stated he was concerned about the wetland to the south of the proposed facility. “We talked about bringing in some wood and chips,” Mr. Tyler added. “How close would that be to the wetlands?” asked Planning Board member Wilkens. Mr. Coffin stated that wood chipping, stump grinding, etc. would be done on the rear apron of the building area. Planning Board member Wilkens again asked how close those activities would be to the resource area. Mr. Coffin stated there would be about fifty (50) feet to the edge of the resource. “That [50 feet] is not a buffer; the wetland is forested and has a lot of woods in it,” he concluded.

Planning Board member McCormac stated that it seemed like at the last meeting the concern was the noise impact on the neighbors, and that you would limit the outdoor activity. Mr. Tyler stated he was open to suggestions with that idea, but wanted to be clear that it would be consistent with noise levels associated with ice cream shops and car washes. “I don’t want to be [made] an example.” Planning Board member McCormac asked if it would just be the equipment for the wood splitting outside that would make the most noise. “Is there a reasonable limit that could put on those activities as far as hours of operation; or restricting the use of outside equipment,” he wondered.

Mr. Coffin stated the proposed hours of operation would be 7AM to 7PM Monday through Saturday. “There will not be there a large period of time spent at the site, as our business takes us all over,” Mr. Tyler stated. “Any outside equipment use would be incidental t[to the primary function of the building]. Typically people burn 8-10 cord of firewood a year, so we are talking about 50-60 cords produced on site annually. People would normally work their firewood on Saturday and Sunday. Ours would be during the week during normal working hours,” he finished. Jeff Goggin, an abutters across Route 3, stated that he did not see that the inside activities would create a problem. “I am concerned about other equipment use, like starting trucks at 6 AM in the morning. Will you be grinding your chips while I am having dinner? I am not so much concerned with the 7Am to 5 PM hours. But after 6:15 PM everyone is home by then. I don’t want to listen to you making 15 yards of erosion control mix while trying to enjoy my home. There is potential for significant impact for noise for all of us. To compare you to an ice cream store or car wash is not fair. I would not seek to restrict what you do in the garage. If you are in there at midnight changing hydraulic fluid, that is not an issue. But on the weekends we are not all up and going by 7 o’clock in the morning,” he added. Joann Clark Austin, who sold the land to Mr. Tyler, stated that she had the highest level of confidence that Mr. Tyler would listen to people’s issues. “The ice cream store across the street from an apartment building had an antique car gathering that did not prove to be problematical to the residences near there. There is a general noise level on Route 3. I do not think Jason’s project would create a real problem,” she thought.

Cynthia Wooley, another abutter across route 3, stated that her concern was about the traffic, and the “jake-breaking” noise of large trucks entering the site. “I have almost been pushed off the road in that area before.” Mr. Goggin stated to Mr. Tyler, “You and I could have a gentleman’s agreement that you would not operate at certain times, but that would not protect either of us down the road. If you were to fail in the business and someone else [i.e. another business owner] ends up in there, then that could be devastating. I think we need to stipulate in writing the hours of operation. What tools are available to us if this arrangement does not work out,” he asked. Planning Board Chairman Martin stated, “That is why we decided to have a public hearing tonight, to determine if there would need to be conditions on the permit.” Mr. Coffin stated, “If for some reason Mr. Tyler does not stay in this area and someone else comes in, [those new owners] would have to come back here [before the Planning Board].” CEO Pierz added, “I think if Mr. Tyler closes that business and leaves the area, and that building becomes vacant, it would necessarily have to be reviewed by the Planning Board. The Planning Board could place a condition on the permit that, upon conveyance of the business with a new entrepreneur, the new owner would have to return to the Town for subsequent review,” he stated. Planning Board member McCormac asked, “What if we said 7 AM to 6 PM Monday through Friday, and Saturday 8 Am to 5PM?” Mr. Tyler said he would be willing to concede to the Saturday hours if the weekday hours were 6 AM to 6 PM. Mr. Goggin stated, “I am still in bed at 6 o’clock in the morning. The only things that bother me on Route 3 are the tractor trailers. [Noise] may not be an issue at all, but we need to have an avenue of recourse other than a gentleman’s agreement.”

CEO Pierz suggested a condition with a time period set so that Mr. Tyler could revisit the matter with the Planning Board again after operation commences. “Then we can see how things are going,” he suggested. Mr. Tyler stated he felt that was probably over thinking it. “I would like to make it simple.” Mr. Tyler stated, “I am willing to agree to the hours of operation of 6 AM to 6 PM. The only time we would ever be there would be during daylight hours anyway. I am asking for an hour and I am giving up more,” he said. Mr. Coffin asked, “What if Mr. Tyler is getting ready to go out of State and needs to get [a piece of machinery] out early.” Mr. Tyler addressed Mr. Goggin stating, “I envy you for still being in bed at 6 o’clock in the morning.” Planning Board Chairman Martin stated he thought that the concern would be the outside grinding. Mr. Goggin stated, “I am only one person. I see my neighbors here, and I would like to hear their concerns too.”

CEO Pierz stated that he had received an e-mail from other abutters, Ronald McPherson and Veronica Resendez, at 5:49 PM tonight, and he read the e-mail communication into the record. The concerns mentioned were the hours of operation with the level of noise, the entrance, hazmat issues, and fear of water contamination and detriment to abutting residences. “This is our home, not a business,” the emphasized.

Planning Board member McCormac asked Mr. Tyler if he would need to operate the wood splitter very early in the morning. Mr. Tyler stated he would not. Mr. Goggin stated, “I am in business; I understand that there are extraordinary circumstances. I am concerned with the repetitiveness of you starting up a truck and waking me up every day.” Ron McPherson stated, “You may understand you may be running the equipment all day Saturday as well. Maybe we could stipulate the hours of operation on outside operations now. We will have to listen to you all day Saturday if you are over there.” Peter Foote suggested, “Would the Planning Board consider hours of operation of 6 AM to 6 PM with limited hours of operation for outside equipment use?” Mr. Tyler stated, “By the tone, I guess everyone is looking ahead, hopefully to a place I will not go.” Planning Board Chairman Martin stated that he could see the Planning Board doing something like that and being clear about the hours. Mr. Tyler stated, “If my business was ever sold or there was ever a sale, the permit might be conditioned to require a Planning Board visit.” CEO Pierz stated that the clearer the Planning Board’s permit with the conditions could be, the easier it would be to enforce the permit.

Mr. Goggin asked, “What is the buffer zone [distance] off Route 3 to your parking area?” Mr. Coffin stated it was about 130 feet to the nearest pavement. “Mr. Tyler is on the old woods road about 500 feet from your house.” CEO Pierz stated that due to existing ledge that would be removed so that the building was lower in elevation than the topography, there would be a natural ledge “wall” and tree line to reduce noise levels. Ms. Austin stated that the sound would be hitting the ledge.

Planning Board Chairman Martin stated that in terms of suggestions for reasonable operation, we have looked at opening at 6 AM with no grinding until after 7 AM. CEO Pierz suggested 6 AM to 6PM Monday through Friday, and 8 AM to 5 PM on Saturday. Mr. Goggin asked, “How about we negotiate and say 6:30AM? I would say 6:30 AM would be more amenable to me. I also like 5 PM on Saturday better than 7 PM.”

Jim Hart of the Kennebec Water District (KWD) stated that he thought there were nearly three (3) acres of new impervious surface associated with the site. “The KWD wants to ensure that the storm water plan has been taken into account. I would be inclined to have a conservative form of storm water management. That is a very large area of impervious surface being planned. I would like to have more than a good engineering guideline to address this project.”

Planning Board Chairman Martin stated that the Planning Board had heard some concerns regarding the hours of operation and noise issues. “We will take some time to develop findings of fact, and we will now consider the hearing closed. The next meeting will be March 10, 2009 when we resume our review of this proposal.”

**7:50 PM** *Scheduled public hearing regarding a Conditional Use Permit Application submitted by Jesse Glidden d/b/a Glidden’s Auto Service to conduct an automotive service and repair business at the location of 87 Southern Oaks Drive in China, Maine. The property is identified by China Tax Map 34, Lot 3-H in a Rural District.*

Planning Board Chairman Martin opened the public hearing. Applicant Jesse Glidden approached the Planning Board. “I have been in the auto business for 14 years. I built a home with a 3-bay garage and would like to start to repair cars, and do it legally. I am proposing 45 dollars an hour rates as opposed to $60-85 dollars an hour by other garages in the area. I propose to conduct the business would be performed indoors Monday through Friday 8 AM to 5 PM. There would be no noise since I will be doing all work inside the garage space. The building footprint will not change. I cannot expand it due to the layout of the land, septic, and placement of the road [in front of my building].”

Planning Board Chairman Martin asked Board members if here were any questions. Planning Board member Bronson stated he was wondering if the road is paved or dirt. CEO Pierz stated that the road was a private graveled road. “Mr. Glidden’s father had developed subdivisions in that vicinity, and used an old and existing “rangeway” as access to the Southern Oaks and Maple Grove Subdivisions. Planning Board member Wilkens asked Mr. Glidden, “The property was transferred to you, under warranty deed with warranty covenants? Do we know what the warranty covenants are?” CEO Pierz stated that he believed that the restrictive covenants associated with Southern Oaks and Maple Grove did not apply to Jesse Glidden’s lot. “Is there a book in the page reference for covenants [associated with Mr. Glidden’s lot],” Planning Board member Wilkens asked. CEO Pierz said that in reviewing Mr. Glidden’s deed, there did not appear to be any restrictive or protective covenants associated with that deed.

Planning Board member Wilkens stated that he would like to make sure that all the issues were covered. An abutter, Mike Redman, said he had a copy of his warranty covenants in his deed and presented that information to the Planning Board. CEO Pierz re-stated that there was no similar reference in Mr. Glidden’s deed. “[For owners in the nearby subdivision developments] there is a recorded list of protective covenants; however, I do not see these [covenants] in the warranty deed that Jesse Glidden’s father gave over to him,” CEO Pierz said. Planning Board Chairman Martin asked if everyone had the same warranty deed. The abutters in the audience said, “Yes”. Planning Board Chairman Martin read through sections of Mr. Glidden’s deed. CEO Pierz stated he was clear to him that Mr. Glidden’s property was not subject to the same restrictive covenants as others in the adjacent developments.

Angela Hardy, an abutter to the project, stated, “I owned Jesse’s prior property. I am subject to the same covenants as others [in Southern Oaks and Maple Grove development]. I am not sure why his property does not the same covenants.” CEO Pierz asked Mr. Glidden if the property Mrs. Hardy referenced was property that his father (Mahlon Glidden, Jr.) previously conveyed to him. Mr. Glidden answered yes.

Dale Pitre, also an abutter, stated, “When we bought our home, knowing a commercial company would be put across the street would have had a big affect on whether we bought our house. With the use of our roads that we maintain, there is a lot to think about. If we were to sell our home, who would want to buy a house with a garage across the street? I don’t think it is fair.” Karel Knox, a resident of the Maple Grove Subdivision (but not an abutter) stated, “We were told the Town would never take this road over because of the road standards. We all have children that walk on this road. If someone gets hurt [as a result of Mr. Glidden’s operation] on that road will we be sued? People do not drive safely on this road, including Mr. Glidden himself.”

Shirley Harris, and abutter, presented two (2) photos looking out her front window toward Mr. Glidden’s residence and stated, “We are directly across from Mr. Glidden and that is the view we see. There is no buffer there. This [business] will affect our peaceful enjoyment [of our property]. It says operating hours of 9 AM to 5 PM. Does that mean he can change [those hours]? The other thing is the provisions for loading. Ours is not a public road,” she said. Mrs. Harris’s son, Andrew Harris, stated he is worried about the pollution generated from the proposed business. “We all have wells in the area. There is also a stream behind his house. There is no drain in his garage? Who will pay the extra maintenance fees on the road with cars going up and down it? How can we enjoy our property if there is a line of traffic on the road all the time?” were questions Mr. Harris asked. Abutter Mary-Cay Pitre stated she was worried about her well also. “He is going to be allowed to have three (3) vehicles on the property. More than 3 would be considered a junkyard. There would be only 180 days that he could keep the vehicles on the property. All the oil and antifreeze could seep into the ground. Who will pay for my well to be tested for our children’s sake? Will he pay for an appraisal for the surrounding areas to see the affect on the value of others properties? It will affect us all. I also have liability concerns. [His business] will be inviting these [customers] down on the private road.”

Angela Hardy stated, “I would like to respond to a couple parts in the conditional use permit application. I own the house he previously built. We share a property line. He is creating a fire safety hazard [by having this business there]. There is no city water where we are. I want to make sure there is some sort of sprinkler system for this business. There is wooded area within 15 feet of his facility. It is a dirt gravel lot, and the only buffers are trees. When there is no leaf cover on the trees the noise travels very easily; even in the summer when there is leaf cover, when he was working on his apartment all hours of the night we still heard noise. We were under the impression that everyone had the same covenants regarding peaceful enjoyment and [the impact of] noise and increased traffic. Can we be sure that the 9 AM to 5 PM hours can be regulated? He is allowed to have 10 customer vehicles. It is a gravel drive and a gravel driveway. It is a lot that is situated on a hill. I am concerned about our well. Our realtor said most definitely there would be an effect on the value of property. There are three houses for sale in our neighborhood with two more going up for sale soon. I am extremely concerned about ground water seepage. I would like to know where the floor drain leads to. If his is a home garage, it might not meet the code of a commercial garage,” she concluded.

Audience member Jeni Frazee stated she was present representing Patricia Moran. Ms. Frazee read a letter from Ms. Moran stating that some concerns about how this proposed business would affect their property, and asked the following questions: “Would there be requirements for buffers for visual screening? Repairs should be done on the inside of building. Would there be limits on the traffic? Could they use the most direct route from Route 3 to the business? Are there provisions for the storage of hazardous substances? What would happen to anything that would leak? How could we ensure that the vehicles would remain inside the garage? The presence of the business would likely negatively impact the value of our properties,” she asserted.

CEO Pierz stated that photographs presented by Mrs. Davis and Mrs. Hardy would go into the record. Mr. Glidden stated that as far as drainage issues were concerned, there would be no floor drains in the shop. “The [concrete] floor is sloped to the middle of the garage. My well would be the closest well. I don’t want to contaminate my own well. We talked about my handling of waste oil disposal, and that all repairs would [be conducted] indoors. The doors will be closed,” he said. Planning Board member McCormac asked, “What about the fact that it is private road?” Mr. Glidden stated that he had always paid his [road association] dues and gone above and beyond to smooth out the road when it was needed. “It is a private road. I would pay more dues if that was something to take into consideration,” he offered. Mr. Harris stated, “We don’t have it in for Mr. Glidden; but we do have legitimate concerns. Mistakes happen. Are we not in a watershed? Is Mr. Glidden going to keep [all his work] inside in the summer when it is 100 degrees out?” Mr. Pitre stated that the property value issue was a big one. “Mr. Glidden’s house was not there yet when we bought our house,” he stated. David Knox stated, “We are all Mr. Glidden’s neighbors; we are not trying to attack him, we are just looking out for our own properties. This is not the place for an operation like [Mr. Glidden is proposing].” Mary-Cay Pitre stated it was incompatible for [Mr. Glidden] to have a business there. “There is incompatible land use. To be placed in the middle of all these subdivisions, it is an incompatible use and should not be allowed,” she asserted.

Mike Redman asked, “Is there a legal issue if someone is on the road that we do not like?” Planning Board Chairman Martin stated that the CEO Pierz would have to do some research. Mary-Cay Pitre asked, “If the Association owns the road, why we were not notified?” Dale Pitre stated, “It should be up to the homeowners on that road to put restrictions on [the proposed business. I do not see how we could let that fly.”

CEO Pierz reported that the public notices were produced based on the definition of “abutter” as seen in the China Land Development Code. He asserted that, based on a court case that went to the Maine Supreme Court, the ownership of the road was unknown. The Town acted properly in issuing the public notice based on the Code’s requirement to contact the abutters.

Angela Hardy stated, “He built us a wonderful house. We specifically asked him when he moved here why he was selling his house. He said he wanted to downsize.” Mrs. Pitre stated, “We did not think anything otherwise because we thought he had the restrictions like everyone else had.” Planning Board member Wilkens stated that there was still the question on the warranty covenant language that needed to be checked. CEO Pierz stated it would take some time to research that. Mrs. Harris asked if there would need to be some kind of water study done. CEO Pierz stated that he believed the project site was in the West Branch of the Sheepscot River’s watershed and the Town does not regulate that watershed.

Abutter Betsy Farley stated, “I really like Mr. Glidden. I am really torn. I am concerned about the wear and tear on the road and the fact that there is spring runoff from between his old house and his new one. It flows under the [Maple Grove] road and directly over my lawn. I am concerned about my well. I do not know where that water originates, so I do not know if his business would affect that.” Mr. Glidden stated that the water that flows underneath Maple Grove is storm water and snow melt. “It is generally uphill from my property to [Ms. Farley’s]. As far as contamination, I cannot emphasize enough that the business will be [conducted] indoors. I have an environmental waste management [firm] all lined up,” he said.

CEO Pierz read a letter into the record from CYN Environmental Services, stating that they intend to pick up used fluids at the proposed business. CYN Environmental is licensed by the Department of Environmental Protection to handle used waste fluids from automotive repair garages. Mr. Glidden indicated that this was the same firm that other automotive repair shops in China are currently using. Mrs. Harris stated, “If this [permit] goes through, can [Mr. Glidden] be required to put a fence? There is no buffer that applies to me.” Planning Board Chairman Martin stated placement of a fence could be considered as a condition of the permit. Mr. Pitre asked, “If the property values go down, would our taxes go down?” Mary-Cay Pitre asked how big the waste disposal vehicles were. Mr. Glidden stated these vehicles were [the size of] a box truck to a pickup truck size. Mr. Pitre asked when a decision would be made. Planning Board Chairman Martin stated that hopefully a decision would be made at the March 10, 2009 Planning Board meeting.

When all comments concluded, Planning Board Chairman Martin closed the public hearing and stated, “This is an emotional issue and I appreciate the ability to communicate civilly. The public hearing was closed at 8:35 pm and a there was a 5-minute break before moving on to the next agenda item.

**8:40 PM** *Signing of the approved modification to the Sunset Estates Subdivision requested by Alan Corson concerning the property of Michael & Elizabeth Coonan (formerly Diane Corson at China Map 7, Lot 45-7) and that of abutter Omer & Carol Thibodeau (China Tax Map 7, Lot 45-8). The properties are located in Shoreland Districts within the Three Mile Pond Watershed.*

The Planning Board members signed the plat for the amended Sunset Estates Subdivision plat pertaining to Diane Corson that was approved at the previous meeting.

Additional Business

8:50 PM *Discussion: Sign Ordinance*

Planning Board Chairman Martin asked CEO Pierz about the handouts that were provided to the Planning Board members regarding local Sign Ordinances. CEO Pierz stated that they were documents he had pulled off the Internet from their respective websites: the Town of Oakland, the Town of Manchester, the Town of Orono and the City of Gardiner. “I also started to obtain additional ordinances related to home occupations, noise ordinances, etc. But we also really want to keep the discussion going on the Shoreland Zoning update also. Planning Board Chairman Martin stated that there was also a deadline for the adoption of amendments to the Land Use Ordinance pertaining to Shoreland Zoning. CEO Pierz said that date was July 1, 2009. “In addition, to address concerns over the existing sign provisions in the current ordinance, we may need to spend an evening on developing a revised Sign Ordinance,” CEO Pierz said. Planning Board Chairman Martin stated that the next Planning Board meeting looked like it would have a full agenda, and that probably the Planning Board should consider a scheduling a special meeting to take up the ordinance review.

In illustrating the need for ordinance development CEO Pierz stated, “As an example as to why we need to work on the Sign Ordinance, anyone driving to the other end of the lake by the lumber yard with its new 7,000 square foot addition will see across that new building a new sign that is not permitted. I am not sure what to do with this situation,” he stated. “If I were to consider the number of grandfathered signs at the facility, the business has put up at least two (2) new signs since I have been around. The maximum number of signs allowed for a commercial business is limited to two (2) in number. This means that the facility is in non-conformance with the Land Use Ordinance. This has been a continuing issue for the Code Officer. Businesses need more than a couple of signs for their needs, but many businesses simply ignore that requirement.” Planning Board Chairman Martin asked whether the Planning Board members would be willing to have another meeting that was outside the regular meeting schedule. Planning Board member Dudley suggested meeting on an alternate Tuesday until the Planning Board can get the ordinance “knocked out”. Planning Board Chairman Martin stated, “Maybe we only need a couple of hours at only one meeting.” CEO Pierz stated that when Planning Board member Isenbrand comes back she may be able to help wordsmith language for the Board’s review. Planning Board Chairman Martin stated, “We have to sequester ourselves…..to get this done.” CEO Pierz admitted that recently the findings-of-fact for proposals before the Board have become way more important than worrying about the Sign Ordinance. “One of the reasons I gave you these other sign ordinances was to provide the Board with working examples of existing ordinances; some of them are a little more complex, but I wanted to give the Board some variety. Belgrade’s sign ordinance was for commercial development. Also, the Manchester and the Belgrade ordinances appear to be similar,” he said.

“I think that having no more than two commercial signs is hard for businesses in town,” Planning Board Chairman Martin stated. “It would be nice to not have something that is not fourteen pages long,” he added.

CEO Pierz asked the Planning Board members to take a minute and specifically look at the Manchester ordinance. “It looks like they have some form of zoning in Manchester,” he said. Planning Board member Bronson asked if it would be reasonable to allow the square footage of signs to be based on the square feet [of floor space] of the business. Planning Board member Bronson stated he felt it would be a fair way. Planning Board member Wilkens stated that he thought it would be horrible and said, “People would put up billboards.” Planning Board member Bronson stated, “If you look at the Hannaford sign in Waterville, it is way bigger [than what the current code allows]; how do you fit that in?” he pondered. CEO Pierz stated that when the Planning Board approved the Hannaford project, the Board essentially approved the types of signage that were talked about. “However, our ordinance does not address all the types of signs that Hannaford ultimately wishes to have,” CEO Pierz said. Planning Board member Bronson asked, “Is the sign on the front of the store not considered a sign?” CEO Pierz stated that was what the Planning Board had been wrestling with. “It is only in the context of what we believe the Planning Board approved that Hannaford can argue that the logo is part of the façade and, therefore, not a sign.” In concluding the Board’s discussion, Planning Board Chairman Martin asked the Planning Board members to look at these ordinances, and see if there is something reasonably acceptable to be able to discuss.

CEO Pierz stated that he would be working on the findings-of-fact from tonight’s public hearings, based on what was discussed.

Adjournment:

 9:05 PM*Scheduling of the next Planning Board meeting March 10, 2009*

*Adjourn*

Finally, Planning Board member Wilkens made a motion to schedule the next meeting for March 10, 2009 and to adjourn. Planning Board member Dudley seconded the motion and the Planning Board voted 5-0 to so set their next meeting date and to adjourn at 9:05 PM.