

EDGECOMB PLANNING BOARD  
MINUTES, MARCH 15, 2007  
PUBLIC INFORMATIONAL MEETING

Proposed Article III, Section 6, of the Edgecomb Land Use Ordinance,  
Large-scale Development Performance Standards

Erin Cooperrider, Chairman, called the meeting to order at 6:37 p.m. Board members present were David Boucher, Katharine Braid, Bruce Cameron, Erin Cooperrider and Lisa McSwain. Alternates Amy Winston and David Clifford were absent. Also present were Town Planner Byron Johnson, Lincoln County Planner Bob Faunce, Charlotte Boynton (press), and nine residents.

Erin Cooperrider said the purpose of the meeting was to discuss the language of the draft ordinance before the final version, which will be on the warrant for Town Meeting, is presented at a public hearing on March 24 at 10 a.m.

Vice Chairman Katharine Braid introduced the ordinance amendment drafted by Lincoln County Planner Bob Faunce who has drafted similar ordinances for neighboring communities. The amendment details the performance standards for appropriate commercial development in Edgecomb and is recommended by the Planning Board.

Article V, Section 4.14 of the Edgecomb Land Use Ordinance was read as well as the definition of Large Scale Development in the proposed amendment.

*4.14 Size Standards*

*Notwithstanding any other provision of this Ordinance, no single retail business, whether located in a single structure, a combination of structures, single tenant space, or aggregate of structures or tenant spaces in an aggregate of structures, shall exceed 35,000 square feet of floor area. All adjacent retail or service establishments which share a common check stand, management, controlling ownership or storage areas shall be considered a "single retail business" and their aggregate square footage of floor area shall be used to determine compliance with the standards of this Ordinance. This maximum floor area restriction shall apply to all new retail businesses and to all expansions of existing retail businesses.*

*Large Scale development. Unless otherwise described, a retail sales establishment that exceeds 10,000 sf of gross floor area or a non-residential development that exceeds 25,000 sf of gross floor area, a commercial development with a drive-thru facility or outdoor fuel sales, or a formula restaurant; large scale development does not include agricultural buildings or commercial greenhouses and nurseries accessory to a retail or wholesale sales establishment.*

In response to Bob Krink's question whether the ordinance applied to hospitals, Katharine Braid said it included all non-residential developments over 25,000 square feet. He asked whether the size cap of 35,000 s.f. applied to hospitals and was told that it did not; it applies only to retail establishments.

With regard to the exclusion of agricultural and commercial greenhouses and nurseries, Braid said that the Edgcomb Comprehensive Plan directs that the town remain rural and agricultural uses be encouraged. Braid said that most agricultural buildings could not meet the performance standards and would not be allowed unless excluded from the standards. Bob Faunce added that most greenhouses would also not meet the performance standards and were exempted in Waldoboro regardless of retail sales. There was general agreement that agricultural and commercial greenhouses and nurseries should be excluded.

The Planning Board had considered excluding marine uses inasmuch as the Comprehensive Plan also encourages marine uses. This would include uses such as boat storage, boat repair, shrink wrapping, and boat construction whether or not they were located on the water. Applying the standards would most likely make buildings more expensive and would discourage such uses. In response to Tita Townsend's question why marine uses should be excluded, Braid said that marine uses are encouraged in the Comprehensive Plan; Cooperrider added that marine uses have traditionally been part of the economy in this part of the state and any young person starting out in a marine business probably would not be able to afford building according to the performance standards. In addition she said that she had never seen a boat-building structure that would meet the standards. Corning Townsend said he had no objection to the exclusion if the building were not visible, which would be difficult if the building were on the water.

Barry Hathorne expressed concern about pollution caused by both agricultural and marine uses. Braid said that State and federal statutes deal with pollution; the Planning Board has jurisdiction only over erosion control during construction and stormwater runoff as part of the site plan review process.

Corning Townsend suggested that instead of exemptions for a few uses, require those buildings which are visible to meet standards, and those that are not visible would not have to meet the standards. Section 6.9 allows retail development over 20,000 s.f. if the building is not visible from designated roads. There was discussion regarding visibility and buffering from adjacent undeveloped land.

Regarding the exclusion of public facilities such as a hospital, YMCA, community building, fire hall, etc., Braid said that many such facilities such as the Y in Boothbay would not meet the standards but are important to families, and the demographics of the town should be considered. On the other hand, these buildings were not exempted in other towns and if designed by architects and could be made to conform. April Lawrence asked whether the ordinance would apply to State buildings such as methadone clinics. She was advised that if they were larger than 25,000 s.f., they would be governed by the performance standards unless exempted.

Braid asked those present whether natural resource based, value-added manufacturing (e.g. furniture-makers) should be exempted as suggested at the public meeting on March 3. The majority did not agree that it should be excluded.

A poll was taken and there were nine in favor of excluding agriculture, nine in favor of excluding greenhouses and nurseries, five in favor of excluding marine uses and none in favor of excluding either public facilities or natural resource based, value-added manufacturing.

In a discussion of the proposed performance standards, Corning Townsend asked how the landscaping standard would be policed and enforced. Faunce said that the Planning Board

approves a landscaping plan, which has to be maintained. The CEO and Board of Selectmen enforce the ordinance. If existing trees are part of the landscape plan and are removed, Faunce said, they must be replaced. There was discussion about the preservation of large, existing trees, and the necessity or practicality of removing them. Also discussed was the definition of buffer which is that it must mitigate or partially obstruct but not completely obscure.

Regarding the appearance standards, it was suggested that they not apply to buildings that are not visible. Faunce recommended that only the appearance standard be exempted. Visibility all year round and from where (i.e. abutting properties, the road) was discussed, it being pointed out that buffering does not necessarily mean that the building is completely obscured. Faunce recommended that buildings be exempted from the appearance standard if they are not prominently visible. This phrase would give the Planning Board the ability to negotiate with the developer. Cooperrider said that the exemption would apply only to large-scale retail developments greater than 20,000 s. f. There was a consensus that there be an exemption from the application of the appearance standard for commercial and retail buildings if they are buffered or not prominently visible from a public road or abutting landowners.

The Planning Board will hold a public hearing on the proposed standards at 10 a.m. on March 24. Comments or suggestions from the public will be considered for inclusion and may be made to the Planning Board until March 22. Comments from the Town's attorney will be incorporated as needed into the final version that will be emailed to the Planning Board. The Board will meet at 9:30 p.m. before the public hearing to vote on the final language.

The public meeting adjourned at 8:10 p.m.