

TOWN OF WATERBORO

PLANNING BOARD

MEETING MINUTES

January 7, 2015

7:00 p.m.

I. ROLL CALL

Board Members

Present: Tim Neill Frank Allen Judy Carll

Absent: Andy Cote Kurt Clason Lee Nelson Dwayne Prescott

Others Present: Katy Mann Tom Ursia David Lowe Gary Lamb
Tammy Bellman

The meeting was called to order at 7:01 p.m. by Tim Neill, Chair. Tim Neill announced that they would wait until 7:15pm for a quorum of members.

The meeting was cancelled at 7:20pm due to lack of a quorum.

II. APPOINTMENTS

- *Katy Mann – Conditional Use for Residential Zone verbiage – moved to the first appointment on January 21, 2015.*
- *Ron Roberge – per conversation with CEO will not be meeting with the Planning Board until much later in the spring.*

I. MINUTES OF PREVIOUS MEETINGS

II. REPORT OF OFFICERS

III. OLD BUSINESS

IV. Communication

V. Miscellaneous

VI. New Business

VII. ADJOURNMENT

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
January 21, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Frank Allen Judy Carll Andy Cote Lee Nelson
Dwayne Prescott

Absent:

Others Present: Katy Mann Bob Gage Travis Letellier Troy McDonald
Tim Neill Matt Bors Douglas Foglio Jack Seely
Tom Ursia David Lowe Gary Lamb Glenn Charette
Tammy Bellman

Kurt Clason, Vice-Chair called the meeting to order at 7:02pm.

II. APPOINTMENTS

- ***Election of chairperson*** - Tabled by Kurt Clason until after the Board of Selectmen accept Tim Neill's resignation
- ***Katy Mann – Conditional Use verbiage for Residential Zone verbiage*** – Kurt Clason gave an overview of the procedure thus far to amend the Residential Zone Conditional Use section of the Zoning Ordinance. Tom Ursia offered, with the Planning Board's consensus, to contact the Attorney to see if both the Planning Board and the Board of Selectmen need to have a Public Hearing or if a joint Public Hearing would suffice. Tom will email the response from the attorney. Andy Cote made the motion to accept the verbiage as written. Frank Allen seconded. No discussion. Voted 6-0 passed. The Public Hearing is scheduled for February 18, 2015 at 7pm in the Town Hall Selectmen's meeting room.
- ***Dollar General – Discussion/Vote*** – Dwayne Prescott recused himself from the board. A history was provided by Kurt Clason. Troy McDonald introduced his team. Troy provided the following:
 1. Asked for a vote and was approved;
 2. Public Hearing did not change the plan provided; it will remain the same;
 3. Meets the Zoning Ordinance for the driveway; actually exceeds the ordinance. Ordinance has 50 feet the plans provide for 110 feet;
 4. Stalls 40 total based on 1 for every 200 square feet of store space and 1 to 3 for employees

Andy Cote provides that based on the public hearing the Roberge property has no screening as the other sides are being provided. In fairness to the abutter, Andy is asking the applicant to give screening allowance to the abutter property in question. After a brief discussion Bob Gage agreed to provide the Roberge property owners \$2,500 so they can put in the screening that they would like/approve. Kurt Clason then read from the Site Plan Review – Site Plan Review Ordinance III. Administration - Attachment 1 provides the wording with Planning Board comments and decisions. II. Site Plan Review

Standards – Attachment 2 provides the wording with Planning Board comments and decisions. Andy Cote made a motion to waive the Performance Guarantee. Frank Allen seconded. No discussion. Vote 5-0 with 1 abstention (Prescott). Motion approved. Andy Cote made the motion to approve the Dollar General Site Plan with the following conditions:

1. \$2,500 landscape allowance to be paid to the Roberge abutters;
2. Fill-in/cap the old well on-site per State Standards; and
3. Receive MDEP Stormwater permit before the CEO building permit is issued or the Certificate of Occupancy.

Frank Allen seconded the motion. Discussion – reviewed prior approval motion from October, 2014. Snowmobile trail will not need to be included per Tim Neill. Judy Carll agreed that the cobbler shop would not be able to be moved and will not pursue the issue. Kurt made the comment that the Town can only uphold the ordinance. What someone wants or desires or would like to see is not an ordinance. The applicant has met the ordinances required for the construction of the Dollar General. The Driveway Ordinance has been met and the applicant has the more than twice met the setback based on the Driveway Ordinance. The truck only entrance would not be enforceable by Dollar General. Vote 5-0 with 1 abstention (DP). Frank Allen made the motion to accept the Findings of Fact. Andy Cote seconded. No discussion. Vote 5-0. Approved.

Andy Cote resigned from both the Planning Board and the 20/20 Committee.

Dwayne Prescott came back to the Board.

I. MINUTES OF PREVIOUS MEETINGS

- ***December 3, 2014*** – Frank Allen made the motion to accept the minutes from December 3, 2014. Judy Carll seconded the motion. No discussion. Vote 4 – 0 to reflect the numbers on the board.
- ***December 17, 2014*** – Frank Allen made the motion to accept the minutes from December 17, 2014. Kurt Clason seconded the motion. No discussion. Vote 4 – 0.
- ***January 7, 2015*** - Frank Allen made the motion to accept the minutes from January 7, 2015. Judy Carll seconded the motion. No discussion. Vote 2 – 0 in favor. Three Planning Board members were absent that evening.

II. REPORT OF OFFICERS

III. OLD BUSINESS

- ***Up-date on status of Section 2.08 of the Zoning Ordinance*** – Kurt Clason can't believe that Section 2.08 is back before the Planning Board since Natalie Burns has already made the recommendation and the Planning Board has approved that one. Kurt feels the Planning Board is being strong handed by the Administrator.

Frank Allen resigned from the Planning Board.

- ***Up-date on status of the Driveway Ordinance*** – Gary Lamb provided that any comments are premature as he has not heard back from the Town Attorney on the Driveway Ordinance.
- ***Design Guidelines/Standards*** – Kurt Clason shared that this is something that needs to be reviewed and passed through. Judy Carll shared that with Design Standards the commercial buildings will not look like Hannaford but look like the Gorham

Savings Bank. Shawn Shoemaker expressed concerns with not just the commercial buildings but the residential buildings also need design standards. Gordon Littlefield shared that the Design Standards will be needed for the residential also. The CEO can address it with the resident. Shawn is concerned that the design needs to be within reason and not over regulated. Dwayne Prescott shared that the Board of Selectmen are also looking at this and would like to see design standards come in. Kurt – need to have something on the books – the concerns regarding the Dollar General at the Public Hearing was the building appearance. Shawn guidance is one thing but regulation, we are Waterboro, Maine, we can figure it out. Can't dictate or overburdening. Keep in mind aesthetics think it would overburden. Glenn Charette property maintenance code is not for Waterboro or any town south of Augusta. Will need to hire another CEO if adopted by the Town. State of Maine has ordinances in place that are very protective of the Town. Ordinance to how house looks don't need for homes need for commercial. Need electrical we do plumbing not electrical. Judy need to blend. Kurt next available meeting with no appointments – March 4, 2015. Tom Ursia respect what you say start with guidelines. Franchises that want to come to your Town have multiple guides that can be utilized and negotiated with the Town Planner. If you don't ask you don't get – guidelines are purely guidelines – start with commercial. Shawn don't want the Town to enter into strict standards guidelines are different gives the ability to negotiate.

- ***Carpenter Estates - February 4, 2015 agenda return/Town Planner's up-date*** – Tom Ursia shared that things are beginning to progress. Tom read the following correspondence (1/14/2015, 6:38pm) from Natalie Burns:
Tom,

We have reviewed the draft deed from Haskell and Carpenter to the Waterboro Land Trust. The various deed references and description are fine. I would suggest a couple of minor revisions to the first paragraph on Page 5 of the deed. The first two lines should read: “This conveyance is also made SUBJECT TO the condition that the Grantee, its successors and assigns, shall not interfere with ...”. The final line of that same paragraph should say “attorney's fees”. Otherwise, this looks fine.

Thanks,
Natalie

IV. COMMUNICATION

- ***ZBA Notice of Decision*** – Provided NOD/FOF for the James Maxfield ZBA meeting of November 13, 2014.

V. MISCELLANEOUS

VI. NEW BUSINESS

- Kurt Ordinances do need to be up-dated – a 37 year old ordinance. Glenn offered that they come to him when help is needed and assistance on the ordinances. Be patient with the Administration and hold your head high. I will help any way that I can. Kurt – the Planning Board will be relying on you greatly. Nine towns I work in have great ordinances and when I go in to work I know what I need to do and provide. Kurt we will be relying you.
- Tom made the suggestion that need a working/organizational plan of attack – most important first – what are the priorities the punchlist - create at next

workshop; and Site Plan Review needs to be fixed but not with patches should do one from afresh create it so it works for 2015 and going forward; functional for us. Glenn suggested to contract with Southern Maine Regional Planning, request monies from the Select Board. Tom - SMRP has a great depository in the service area. Look at others in the areas – along the coast just north of here. Gary agrees fine resource and any problems with the way things are done and the way I do things – contact me. Kurt apologized for lashing out. Have to be subjective when looking at ordinances. Town officers can willy nilly suggestion that has no basis on the ordinances that the Planning Board is looking at. Gary - need to improve the communication within the town offices. Gordon - I am a little taken aback by Tim’s resignation – I felt he was a good Chair, I am going to speak with the Chair of the Board Of Selectmen to have a workshop to work these things out. Sorry to have the resignations. Shawn suggests that Gary and Gordon communicate with the Planning Board members that left to get them to reconsider. Kurt – we lost three extremely valuable members and will not be able to with three new members will take years to get to where we were before.

VII. ADJOURNMENT

- Lee Nelson made the motion to adjourn at 8:47pm. Dwayne Prescott seconded. No discussion. Vote 4-0 in favor.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
February 4, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Judy Carll Tim Neill Lee Nelson Dwayne Prescott

Absent:

Others Present: Katy Mann Fran LaPierre Michelle Donovan Cory Donovan
Don Holden Dianne Holden Tom Ursia David Lowe Glenn Charette
Tammy Bellman

Kurt Clason, Vice-Chair called the meeting to order at 7:01pm.

II. APPOINTMENTS

- ***Election of Chairperson*** - Tabled by Kurt Clason
- ***Fran LaPierre, Post Road Surveying - Carpenter Estates5-lot subdivision*** – Fran gave an overview of the project thus far. Requesting approval for the Sketch Plan. Kurt reviewed the procedure for the Sketch Plan approval.

Dwayne Prescott recused himself.

Tim Neill made the motion to approve the Sketch Plan as presented. Kurt Clason seconded the motion. No discussion. 4 – 0 to approve (1 recusal Prescott – abutter).

Kurt reviewed the Subdivision Checklist – Preliminary with Fran. Test pits still need two due to shift of lots. Final details of deed being worked between Town of Waterboro attorney and Land Trust attorney. Tom Ursia read the email from Doug Foglio dated February 4, 2015 “The drainage plan revisions dated 1/22/15 meet our request. Thank you Douglas Foglio, DPW. Glenn Charette recommended that the Planning Board not waive the State soil erosion and sediment control plan (#21) of checklist). The Planning Board does not have the authorization to waive. Tom shared that it is only a partial waiver not the full waiver. Lew Chamberlain, Corner Post Survey, Inc., we usually do plans for regular house plans – they can be submitted for review. Glenn suggested that the plans can be put on the Sketch so that no sediment will leave the site. Each individual owner is responsible for the sediment control. Tom suggested a Plan notation to include subject to CEO approval. Fran Lapierre agreed to add the note to the Sketch Plan and submit. Tim Neill asked if the right-of-way will be a public right-of-way? Fran responded with the land is part of the conveyance to the Land Trust.

Kurt Clason made the motion to approve the preliminary Sketch Plan with note plans as discussed. Judy Carll seconded the motion. No discussion. Voted 4 – 0 in favor (1 recusal – Prescott).

The Public Hearing is scheduled for March 4, 2015 at 7pm at the Town Hall Selectmen's Meeting Room. Kurt reminded Fran of the need for a digital copy of the plans when it goes to Final approval.

- Kurt requested to move Cory Donovan to this point in the meeting. The Board agreed. Kurt gave an overview of the information submitted. There is no established line for follow-through with the Ordinances; the CEO determines the structure compliance not the setbacks; Section 2.08 grants the Planning Board reductions in reference to building permits; 2.08 does not grant the Planning Board authority to reduce setbacks after the fact. Glenn Charette shared that the Town Charter does allow the Board of Selectmen to initiate fines; the proper procedure would be denial by the Planning Board then go directly to the Zoning Board of Appeals to handle. Dwayne asked if the ZBA does have authority and Glenn confirmed.

Tim Neill made the motion to deny the request and refund any monies paid to the Planning Board. Judy Carll seconded the motion. No discussion. Voted 5 – 0 to deny the request for the setback after the fact.

III. MINUTES OF PREVIOUS MEETINGS

- **January 21, 2015** – Kurt Clason made the motion to accept the minutes from January 21, 2015 as noted. Judy Carll seconded the motion. No discussion. Vote 4 – 0 (1 abstention – Neill).

IV. REPORT OF OFFICERS

V. OLD BUSINESS

- ***Up-date on status of Section 2.08 of the Zoning Ordinance*** – After a lengthy discussion on the versions of Section 2.08 that have been provided by the Town's attorney Dwayne Prescott requested to have Glenn Charette review the presented ordinance revisions and make suggestion(s) or re-write the ordinance so that it is easy to understand and enforce. Glenn agreed to review and make suggestion and or re-write.
- ***Up-date on status of the Driveway Ordinance*** – Kurt Clason noted that the Planning Board will need time to review the latest submission of the Driveway Ordinance. Tim commented that the last line is the best where it has to go to Town Meeting and be voted on. Glenn would like to see a timeline for the Director of Public Works. Tom would like the Planning Board and Road Review Committee to make their independent suggestions to the changes. Tom also noted that the only person that can enforce the Driveway Ordinance is the CEO. The Town Meeting is scheduled for June 13, 2015. Kurt to Tammy please put the Driveway Ordinance under Old Business for the February 18, 2015 meeting.
- ***Design Guidelines/Standards*** – Kurt requested that Tom bring in more Design Standards/Guidelines for review. Tom would like to know if it is small town and strictly commercial; guideline (advisory) vs standards (regulatory) or chip away at the process by creating one piece at a time. Kurt would like to see clarity so all applicants are treated fairly. Tom – review templates for franchises; guidelines with standards will give latitude to the Planning Board. Judy would like to see an approach from a historical nature instead of slope of roof. Tom will look for New England Architecture details to give latitude for appearance. Please pick out your favorite pages from the Barrington presentation and these can be modified for

Waterboro. These new Design Standards/Guidelines will be looked at on March 4, 2015 during the Planning Board meeting.

- **Election of Officers** – Kurt Clason tabled until a definite Board of Selectmen decision.

VI. COMMUNICATION

- **Workshop Notes from January 14, 2015 regarding Dollar General** – Kurt asked the Board if they agreed that the notes were just a summary and they agreed.
- **Dollar General Findings of Fact/Notice of Decision** – Dwayne Prescott recused. Glenn requested that the findings be clarified. Kurt made a motion for clarification on statement Findings of Fact that the proposed Dollar General store is a permitted use in the Village Zone and meets all bulk and space requirements. Lee Nelson seconded the motion. No discussion. Vote 3-0 to approve clarification (1 recusal (Prescott) 1 not present (Neill)).

VII. MISCELLANEOUS

- Tom Ursia is looking for a Planning Board member to be on the Site Plan Review Committee going forward. Tom will recommend to the Town Administrator that an evening meeting is requested. Tim would like to start from scratch on re-doing the Site Plan Review and then send to Southern Maine Regional Planning Commission. Tom would like the Planning Board to create the skeleton and then send to SMRP. Current Site Plan Review is 27 years old.
- Glenn Charette raised the question of the best way to get the Planning Board their packets prior to the meeting date. Kurt suggested that the members can pick them up on Friday after tammy sends out an email that they are ready. The Board agreed.

VIII. NEW BUSINESS

- **Cory Donovan** moved to the appointment section of the minutes.

IX. ADJOURNMENT

- Tim Neill made the motion to adjourn at 8:09pm. Dwayne Prescott seconded. No discussion. Vote 5-0 in favor.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
February 18, 2015
7:00 p.m.

PUBLIC HEARING – Residential Zone – Conditional Use

Kurt Clason called the Public Hearing to order at 7:01pm.

Kurt Clason gave an overview on the Residential Zone Conditional Use addition to the Zoning Ordinance.

Andy Cote made a statement regarding the work and support provided by both the Town Planner and the Planning Board for the addition to the Zoning Ordinance – Residential Conditional Use.

No further comments were made. Kurt Clason closed the Public Hearing at 7:03pm.

I. ROLL CALL

Board Members

Present: Kurt Clason Judy Carll Dwayne Prescott Lee Nelson

Absent:

Others Present: Katy Mann Bob and Sandra Leeman Andy Cote Tom Ursia
David Lowe Glenn Charette Tammy Bellman

Kurt Clason, Vice-Chair called the meeting to order at 7:04pm.

II. APPOINTMENTS

Kurt reviewed the agenda and moved the Old Business to the front of the meeting.

III. MINUTES OF PREVIOUS MEETINGS

- ***February 4, 2015*** – Kurt Clason made the motion to accept the minutes from February 4, 2015 as written. Lee Nelson seconded the motion. No discussion. Vote 4 – 0.

IV. REPORT OF OFFICERS

- Tom Ursia will not be in attendance at the March 18, 2015 Planning Board meeting.
- Tom Ursia would really like a Planning Board member at the March 4, 2015 11am Site Plan Review meeting for an Auto Sales and Repair business. Lee Nelson and Dwayne Prescott will attempt to attend.

V. OLD BUSINESS

- ***Up-date of Section 2.08 of the Zoning Ordinance – Glenn Charette’s submission*** – Kurt Clason gave an overview thus far of the current Town Attorney’s version in front of the Planning Board. Glenn Charette gave an overview on the draft he presented to the Board. Kurt made comment to a setback reduction is a variance and should be before the Zoning Board of Appeals. Dwayne Prescott would like to see further latitude for property owners. Tammy will modify the CEO draft to be easier to read – removing the strike-outs and then return it to the Planning Board for further review and comment.
- ***Driveway Ordinance – review and discussion*** – Kurt Clason gave an overview of the progress thus far on the Driveway Ordinance. The Planning Board members were asked for their comments/concerns:
 - Lee Nelson*** – Site distance not obtainable in Waterboro by a majority of the driveways both current and future
 - Comes down to one person – need to have alternative for permit/enforcing
 - Dwayne Prescott*** – Numbers of cars significance?
 - If State Permit given why do they need both State Permit and Town of Waterboro Driveway Permit?
 - No timeline provided for response from Public Works Director, no recourse
 - Refers many times to an Engineer providing a design – the cost for this should not be with the applicant
 - Site Plan Approval should be on the Site Plan – build into Site Plan Criteria
 - Snow removal/plowing – do the job getting paid for
 - Any change to current driveway would need a permit & meet these guidelines
 - Residents of Middle Road cannot meet these standards
 - Separate Residential from Commercial
 - Specs interject safety issue – no guideline referring to safety Issues
 - Appeals process can take up to 6 months
 - How many accidents have occurred from entering/exiting driveways? I will be getting a report from Sheriff/EMS/Fire Department – will get the facts then
 - Traveled way definition – concerns with measuring of where cars sit
 - Started out as new only now any change – including adding basketball area to play with grandkids
 - Judy Carll*** – Site Distance/Feet coming onto road
 - Missing length of trailer truck on bottom of page 4
 - Andy Cote*** – It is good that the Planning Board is looking at amending/changing reviewing ordinances
 - This version not even close to workshop version with the Road Review Committee
 - Over restrictive – over burdensome to the residents of Waterboro
 - Vague language – in need of public safety – should not be there
 - Ask Planning Board on behalf of the taxpayers of Waterboro –to totally reject the ordinance that was drafted supposedly between Planning Board Road Review Committee joint ordinance

- CEO draft ordinance is balanced – serve the town and serve the taxpayer
- Encourage the Planning board to seriously look at the CEO draft
- Need a reasonable ordinance

Bob Leeman – Problems with sight distance

- Approval by CEO better than MDOT specs
- Ridiculous – regulate number of cars in driveways
- Overboard to new permit if any change done
- Double permitting – Town and State
- Timeframe 6 months on when they get the approval
- Engineered Site Plan disagree – new owners can't afford
- Access to property – site line – Maine Statute can't deny access to my property
- Economic Development make so they can build otherwise will kill the growth

Glenn Charette, Code Enforcement Officer: - Overview provided

- Residential driveway the Town cannot govern except where it meets the Town road
- Cannot burden the land owner with engineering fees
- Good start
- Would like to review the Ossipee, NH Ordinance

Kurt Clason – After the first email review looked at it more and more and more and more changes were noted

- More concern to commercial
- Residential covered by IBC
- Keep 10 foot speed rule

Kurt polled the Planning Board for their interest in pursuing the Driveway Ordinance from February 3, 2015; consensus to dismiss the joint Road Review Committee and Planning Board Driveway Ordinance.

Kurt Clason made the motion to not adopt the Town of Waterboro Driveway Ordinance dated February 3, 2015 as being over regulatory and over burdening for residents of the town. Dwayne Prescott seconded. Discussion – separate the residential from the commercial. Vote 4 – 0 to not adopt.

Kurt Clason made the motion to keep working with the CEO to further develop residential and commercial Driveway Ordinances. Dwayne Prescott seconded. No discussion. Vote 4-0 to continue with the CEO's Driveway Ordinance.

- **Design Guidelines/Standards** – Kurt Clason reminded the Planning Board members of the workshop on March 4, 2015. Tom Ursia, Town Planner commented that he has additional visualizations that will be reviewed at the workshop. Glenn Charette passed out the Alfred Building Design and relation of proposed building to environment (applies to only commercial and industrial uses).
- **Election of Officers** - Tabled by Kurt Clason until there is a full board.

VI. COMMUNICATION

- *Email received from Tim Neill*

VII. MISCELLANEOUS

- Glenn Charette raised the question of the best way to get the Planning Board their packets prior to the meeting date. David Lowe will be adding the Planning Board to the same process as the Board of Selectmen utilize. A secure website access with a password. Dave will provide the Board the information. The Board agreed.
- tammy to add the Residential Zone Conditional Use – discussion/vote to the March 4 Planning board Agenda.

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Judy Carll made the motion to adjourn at 8:07pm. Lee Nelson seconded. No discussion. Vote 4-0 in favor.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
March 4, 2015
7:00 p.m.

PUBLIC HEARING – Carpenter Estate – 5-lot Subdivision

Kurt Clason called the Public Hearing to order at 7:01pm.

Fran LaPierre gave an overview of the Carpenter Estate 5-lot Subdivision. The subdivision includes 76.93 acres being conveyed to the Waterboro Land Trust and there will be four buildable lots for outright sale. The drainage easement language for the deeds has been provided to Tom Ursia along with the conveyance language for the Land Trust deed.

No public comments.

Kurt Clason closed the public hearing at 7:05pm.

I. ROLL CALL

Board Members

Present: Kurt Clason Judy Carll Dwayne Prescott Lee Nelson Katy Mann

Absent:

Others Present: Lewis Chamberlain Tom Ursia David Lowe Glenn Charette
Tammy Bellman

Kurt Clason, Vice-Chair called the meeting to order at 7:06pm.

II. APPOINTMENTS

III. MINUTES OF PREVIOUS MEETINGS

- ***February 18, 2015*** – Judy Carll made the motion to accept the minutes from February 18, 2015 as written. Kurt Clason seconded the motion. No discussion. Vote 4 – 0 - 1 (Abstention - Mann was not a member of the Planning Board on February 18, 2015).

IV. REPORT OF OFFICERS

V. OLD BUSINESS

- ***Fran LaPierre – Carpenter Estate – 5-lot Subdivision-Discussion/vote*** – Tom Ursia and Fran LaPierre reviewed the final checklist on Tuesday, March 3, 2015. Per Tom there are 5-6 small things that need to be addressed by Fran before the subdivision is ready to come before the Planning Board for final approval. Fran is hoping to back before the Planning Board on April 1, 2015 for final approval.
- ***Residential Zone – Conditional Use – discussion/vote*** – Katy Mann recused self. Kurt Clason gave an overview of the Residential Zone – Conditional Use verbiage.

Judy Carll made the motion to accept the Residential Zone – Conditional Use verbiage and send the change to the Board of Selectmen. Lee Nelson seconded the motion. No further discussion. Vote 4 – 0 – 1 (1 Recusal – Mann) to forward.

VI. COMMUNICATION

- Tom Ursia thanked Dwayne Prescott and Lee Nelson for attending the Site Plan Review on the Fox project. Tom gave an overview of the project thus far. The Planning Board decided to wait to do the site walk and Public Hearing until further plans have been provided to the Town Planner. Steve Everett is hoping for an April 1, 2015 appearance for information and potential Public Hearing. Dwayne Prescott would like Tom to speak with the applicant regarding the design structure landscaping to put in some landscaping to improve the front facade of the building. Steve Everett is pursuing the MDOT Driveway Permit.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Judy Carll made the motion to adjourn at 7:15pm. Kurt Clason seconded. No discussion. Vote 5-0 in favor.
- The Planning Board went into the Design Guidelines/Standards workshop.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
March 18, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Judi Carll Dwayne Prescott Lee Nelson Katy Mann

Absent:

Others Present: Tim & Inna Fox Stephen Everett Fran LaPierre
 Donna Libby Neil & Anne Haskell Ronald Roberge
 Brigit McCallum David Lowe Glenn Charette
 Tammy Bellman

Kurt Clason, Vice-Chair called the meeting to order at 7:00pm.

II. APPOINTMENTS

- **Ronald Roberge** – Map 40 Lot 6 65 Dean Drive East Waterboro – Setback Reduction/Seasonal Conversion. Ron gave an overview of the proposed project to replace the existing camp with a year round house. The expansion will be for 27% of the allowable 30%. The Site Walk was scheduled for April 1, 2015 at 6pm. Dwayne Prescott requested that the new home and driveway be posted for easier reference. Kurt Clason requested that Ron also be placed on the agenda for April 1, 2015 for a discussion and vote.
- **Timothy Fox** - Map 4 Lot 37-4 Informational Only – Stephen Everett provided the overview of the proposed Auto Sales and Repair business on Route 202/4 near the Old Alfred Road, East Waterboro. The Purchase and Sales agreement is in place depending on the outcome of the Site Plan Review and eventual approval. The parcel is 15 acres in area and has a large wetland area. The building/business piece is approximately a 9,100 square foot building and sales area. Based on the plot design provided, Kurt Clason stated that the solid waste dumpster needs to be fenced in and Glenn Charette, CEO agreed. Judi Carll inquired about a possible green belt in the front of the building. Steve Everett responded that this is where the sales area will be located. Steve also, provided that the swail area will need to remain based on MDEP requirements. Dwayne Prescott requested that aesthetics be considered in your plan decision. A Public Hearing is scheduled for April 1, 2015 at 7pm. Steve assured the Planning Board that the lighting footprint will be on the plan for the 1st. Judi Carll inquired about lights shining on the adjacent building. They will not as there will also be 6 foot fencing on one side and the other side there is a significant distance from the lighted building to the home.

III. MINUTES OF PREVIOUS MEETINGS

- **March 4, 2015** – Judy Carll made the motion to accept the minutes from March 4, 2015 as written. Lee Nelson seconded the motion. No discussion. Vote. Passed 5 – 0.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

- ***Fran LaPierre – Carpenter Estate – 5-lot Subdivision-Final Approval/vote*** – Dwayne Prescott recused himself. Note number three needs to be changed to - A potable water test will be required before a Certificate of Occupancy is issued. Fran reminded the Planning Board that the design dimensions were just a consensus no motion had been made to accept the plan in a 1 inch to 120 foot scale. Kurt Clason made the motion to accept the Carpenter Estate Plan drawing at the 1 inch to 120 foot scale. Judi Carll seconded the motion. No discussion. Vote. Passed 4 – 0 (one recusal). Waiver for 7.1.5 Performance & Maintenance Guarantee. Kurt Clason made the motion that the Performance & Maintenance Guarantee is not needed. Katy Mann seconded. No discussion. Vote. Passed 4 – 0 (1 recusal). Kurt Clason reviewed the checklist. See Attachment A. Kurt Clason made the motion to accept the Stormwater Management Plan provided by the applicant – do not need to send to Peer Review. Lee Nelson seconded. No discussion. Vote. Passed 4 – 0. Kurt read the letter from the Land Trust. Kurt Clason made the motion to accept the Carpenter Estate Subdivision with Note #3 to be changed prior to issuing a Certificate of Occupancy. Katy Mann seconded. No discussion. Vote. Passed 4 – 0 (1 recusal).

Dwayne Prescott returned to the Planning Board.

- ***Section 2.08*** – Up-date from Glenn Charette, CEO. Glenn read the letter from Gary Lamb, Town Administrator that the Planning Board is requested to have another Public Hearing regarding the new Section 2.08 ordinance. Kurt Clason read this version as follows: **Section 2.08 Size Reductions or Increases** - Except as provided by the express provision of this Ordinance or by the Town's Subdivision Regulations dealing with unique design or development types (see for example Sections 2.06, 8.02, 8.03), the provisions of this ordinance dealing with lot size, setback, frontage and side yard requirements; height limitations; parking and loading areas, sign and billboard size may not be changed. They are designed to achieve the purposes of this ordinance (see Section 1.02) and reflect differing location and physical characteristics affecting the land or water areas involved (see Section 1.04) **Variations may be granted only from dimensional requirements, including but not limited to lot size, lot frontage, structure height, lot coverage and set back requirements by submitting an application to the Zoning Board of Appeals A variance granted may be only the minimum that will make possible the reasonable use of land or structure, although no more than 15% of the requirements. It is the responsibility of the property owner, or the representative of a property owner, to see that all setbacks meet the municipal and state requirements. Setbacks from wet lands or setbacks in shore land cannot be reduced by the Zoning Board of Appeals.**

Lots created before the enactment of the Waterboro Zoning Ordinance, **March 12, 1977**, that are **legal-non-conforming**, are required to have a Standard Boundary survey performed, before a building permit can be issued. **Notwithstanding any other provision of municipal or state law or regulation, any legal non-conforming lot of record, may be used to construct a primary use providing said lot meets requirements of MRSA 12/section 4807, which requires at least 20,000 square feet for a sub-surface waste disposal system.**

Kurt Clason made the motion to accept the February 22, 2015 version of the Section 2.08 Ordinance and hold a Public Hearing before forwarding to the Board of Selectmen. Dwayne Prescott seconded the motion. No discussion. Vote. Passed 5 – 0.

The Public Hearing is scheduled for May 6, 2015 at 7pm.

VI. COMMUNICATION

VII. MISCELLANEOUS

- Glenn Charette, CEO will put together a Maine Legal Workshop to hold here in Waterboro to include Board of Selectmen, Planning Board, and Zoning Board of Appeals for Waterboro and area participants.

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Kurt Clason made the motion to adjourn at 7:55pm. Dwayne Prescott seconded. No discussion. Vote 5-0 in favor.

Approved Date: _____

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_____	_____
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_____	_____

TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

April 1, 2015

7:00 p.m.

Site Walk at 65 Dean Drive Tax Map 40 Lot 6 at 6pm. Outcome to be discussed at the Planning Board meeting at 7pm. See below for further details.

Public Hearing – 7pm Regarding Tim Fox’s Used Auto Sales and Repair Business – Tax Map 4 Lot 37-4.

Steve Everett gave an overview of the proposed business on Map 4 Lot 37-4 on Route 202/4. The building size has changed from a metal 44 x 112 square foot building to a 44 x 100 square foot building to include a stick built office on the front of the building with landscaping as depicted on the site plan provided to the Planning Board. The site plan has the added paving in the shaded area, added notes that include no DEP permits required, changed the rip rap to erosion control blanket with seeded rye, the lighting footprint was added, the particular type of fencing - stockade and the sign location were added.

Questions were asked:

- Fire Alarm System? Tim plans to continue to up-grade the building. Glenn Charette clarified that a Knox Box will be required. It does not need to be a direct line to the Fire department – this falls under the Building Permit side.
- Glenn Charette questioned Article 5 Subsection 5.03 All parking areas must be graded and surfaced so as to be properly drained and dust free. Parking areas serving more than 10 vehicles must have the individual spaces and aisles marked. As CEO Glenn interprets surfaced to be paved. Steve Everett stated that if the ordinance intended it to be paved then it would say paved.
- Planning Board is concerned with oil and liquid leaks from the vehicles being brought in;
- Dwayne Prescott requested DPW input; Tim offered to pave it within a preset number of months;
- Glenn questioned the run-off from the building – Steve said the building is guttered so it would be to a specific area;
- Judi Carll questioned the roof of the office area? Steve Everett provided the Board with a design for the office area on the front of the building.

Don Tardie, Abutter - What happens to the rest of the land as it is all swamp? Steve offered the topography on the remaining area as not being part of the building envelope in the wetlands.

Due to the topography question the Planning Board scheduled a Site Walk for Wednesday, April 15, 2015 at 6pm at the location noted above.

Dwayne Prescott closed the Public Hearing at 7:20pm.

II. ROLL CALL

Board Members

Present: Judi Carll Dwayne Prescott Lee Nelson Katy Mann

Absent: Kurt Clason

Others Present: Tim Fox Stephen Everett Ronald Roberge Dianne Holden
Ken Horne Tom Ursia Mary & Don Tardie Glenn Charette
David Lowe Tammy Bellman

Judi Carll called the meeting to order at 7:00pm.

Judi Carll made the motion to nominate Dwayne Prescott Chairman pro-tem. Katy Mann seconded the motion. No discussion. Vote 4-0 in favor of Dwayne being Chair pro-tem.

III. APPOINTMENTS

- **Ronald Roberge** – Map 40 Lot 6; 65 Dean Drive, East Waterboro – Setback Reduction/Seasonal Conversion. Ron gave an overview of the proposed project to replace the existing camp with a year round house. The Site Walk was held at 65 Dean Drive, East Waterboro at 6pm. Ron was asked to provide a Plot Plan signed with by a Licensed Maine Surveyor before he returns to the Planning Board.

IV. MINUTES OF PREVIOUS MEETINGS

- **March 18, 2015** – Judy Carll made the motion to accept the minutes from March 18, 2015 as written. Katy Mann seconded the motion. No discussion. Vote. Passed 4 – 0.

V. REPORT OF OFFICERS

VI. OLD BUSINESS

- **Timothy Fox** - Map 4 Lot 37-4 Stephen Everett asked the Planning Board what they would like to see when they are at the parcel for the Site walk. The Planning Board responded with the edge of the south side lot and where the building is going to be placed.
- **Section 2.08** – Glenn Charette, CEO, offered to clarify the ZBA State Ordinance what can do statewide and municipality wide. Dwayne Prescott asked as CEO do you like the way it is written? Glenn responded with a yes. Judi Carll brought up that the Planning Board has always approved up to 10 feet from the boundary. This was how the Town got the Zoning Ordinance passed back in 1977. Glenn explained Consent Agreements and that they would be an on-going problem. ZBA by state rules that can grant setbacks/variances that the state allows 15% variance for that district. Dwayne Prescott suggested that the Planning Board hold the Public Hearing to better evaluate the public concerns regarding the changes. The version going before the Public Hearing is as follows: **Section 2.08 Size Reductions or Increases** - Except as provided by the express provision of this Ordinance or by the Town's Subdivision Regulations dealing with unique design or development types (see for example Sections 2.06, 8.02, 8.03), the provisions of this ordinance dealing with lot size, setback, frontage and side yard requirements; height limitations; parking and loading areas, sign and billboard size may not be changed. They are designed to achieve the purposes of this ordinance (see Section 1.02) and reflect differing location and physical characteristics affecting the land or water areas involved (see Section 1.04). **Variances may be granted only from dimensional requirements, including but not limited to lot size, lot frontage, structure height, lot**

coverage and set back requirements by submitting an application to the Zoning Board of Appeals. A variance granted may be only the minimum that will make possible the reasonable use of land or structure, although no more than 15% of the requirements. It is the responsibility of the property owner, or the representative of a property owner, to see that all setbacks meet the municipal and state requirements. Setbacks from wet lands or setbacks in shore land cannot be reduced by the Zoning Board of Appeals.

Lots created before the enactment of the Waterboro Zoning Ordinance, **March 12, 1977**, that are **legal-non-conforming**, are required to have a Standard Boundary survey performed, before a building permit can be issued. **Notwithstanding any other provision of municipal or state law or regulation, any legal non-conforming lot of record, may be used to construct a primary use providing said lot meets requirements of MRSA 12/section 4807, which requires at least 20,000 square feet for a sub-surface waste disposal system.**

Reminder: The Public Hearing is scheduled for May 6, 2015 at 7pm.

VII. COMMUNICATION

- 20/20 Economic Development Committee invite to their next meeting dated Wednesday, April 22, 2015 at 5pm;
- Change of Zone Request Form – increased fee noted to the Planning Board;
- Public Hearing Announcement – Highway Entrance Ordinance – Dwayne requested that the Planning Board attend the Public Hearing.

VIII. MISCELLANEOUS

IX. NEW BUSINESS

X. ADJOURNMENT

- Dwayne Prescott made the motion to adjourn at 7:35pm. Lee Nelson seconded the motion. No discussion. Vote 4-0 in favor.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
April 15, 2015
7:00 p.m.

Site Walk at Route 202/4, East Waterboro – Near Old Alfred Road, Tax Map 4 Lot 37-4 at 6pm. Outcome to be discussed at the Planning Board meeting at 7pm. See below for further details. Attendees: Glenn Charette, Judi Carll, Kurt Clason, Dwayne Prescott, Katy Mann, Lee Nelson, Tim Fox, Alex Fox and Tammy Bellman.

I. ROLL CALL

Board Members

Present: Kurt Clason Judi Carll Dwayne Prescott Lee Nelson Katy Mann

Absent:

Others Present: Dennis Abbott Tim Fox Alex Fox Stephen Everett
 Ronald Roberge Lee Allen Donna Libby Dianne Holden
 Travis Leteiller Tom Ursia Douglas Foglio David Lowe
 Glenn Charette Tammy Bellman

Kurt Clason called the meeting to order at 7:00pm.

Kurt noted the Site Walk that took place earlier.

II. APPOINTMENTS

- **Ronald Roberge** – Map 40 Lot 6; 65 Dean Drive, East Waterboro – Setback Reduction/Seasonal Conversion. Ron provided a Certified Plot Plan to Glenn Charette prior to this Planning Board meeting. The Planning Board reviewed the Certified Plot Plan. He needs a 14 foot reduction to the setback to include the overhang. Kurt Clason read Chapter 1000(4) that was provided by the CEO, which applies to Ron’s situation: setback from Ossipee Lake and the side setback reduction requested. Planning Board proposed to reduce to 15’, Ron needs to go to 14’. Judi Carll stated can’t go any closer to side setback based on Chapter 1000(4). Planning Board reviewed the proposed plan with the new information. Kurt has issues with: making the lot more non-conforming and/or moving the camp to meet the setback to the greatest practical extent. Glenn Charette provided not to allow the side setback to make it more non-conforming and can move the camp back up to 10 feet. Ron approached the Planning Board to explain what was being proposed and the topography of the parcel. Kurt Clason made the motion to deny encroaching on northern sideline no closer than 25 feet. Dwayne Prescott seconded. No discussion. Vote 5 – 0 passed. Regarding the second issue a complete new building can be accomplished or alteration of the existing building with a 30% expansion. Glenn stated that if the lot is empty then no reduction would be allowed and with the non-conformity already voted down there would be no further setback. Judi asked how big a building can be built. Does it have to be the same size? Glenn responded with yes if it is torn down. Ron added that if I don’t tear it down then the 30% expansion

can be done. Per Glenn – yes. Ron stated his initial intent was to demo and rebuild. If rules don't allow – will re-examine what going to do with that building – raise – foundation – remodel . . . Planning Board discussion with Ron Roberge regarding options. Kurt gathered thoughts from Board – feel can move back further back from the Lake and can still get changes requested. Glenn suggested seeing the amended site plan before making any decision. Dwayne Prescott made the recommendation to come with new plans and Ron not have to pay again. Kurt Clason made the motion to table the Roberge setback and return with new site plans. Judi Carll seconded. No discussion. Vote 5 – 0 to table.

➤ **Dollar General** – Map 13 Lot 68 **Site Plan Amendment** – Dwayne Prescott recused self. Lee Allen, Northeast Civil Solutions addressed the Planning Board – requesting approval for Site Plan Amendment. Revised Site Plan design was also, approved by Gorill-Palmer. The changes include: truck exit from the back of the building, the building is moved westerly 30 feet, ten foot fire lane on the north side of the property line, tractor trailers pull in and back into the loading area but pull out onto Chadbourne Ridge Road, widen the access with a ten foot shoulder, seeking 100% approval from Mr. Foglio, DEP has been contacted – a decision should be received within a couple of weeks. Doug Foglio spoke – yes he agrees – his only concern is the well; the original plan has it part of the access road, don't fill it in with sand, cant compact sand – fill with concrete, cut the well pipe casing down 6 feet below paved area, remove all the stones, fill with same and compact, the well is part of the Towns right-of-way, this way can travel over the old well, look at the May 13, 2015, plans follow the tracks around – now have two exit lanes, this plan allows no restrictions to deliveries, Doug met with Bill Bray – very acceptable design, moved the dumpster, Fire Department issues have also been addressed with this plan. Kurt commented that this intersection was a much better design. Noted: Fill the well with concrete and move the rocks. Doug will issue permits for two driveways. Kurt asked the Board if they feel another Public Hearing was called for and the response was a no. Glenn noted the following issues that needed to be addressed: HHE200 force main feed – this plan only for review not recording – don't know if this plan is identical to the prior plan, is the septic design different from the original plan, recommend not approving tonight – need actual construction plans. Lee stated that the construction plans will be provided when the approval is issued. Kurt agreed that time was needed to review. Glenn requested that a certified statement be added that this plan is identical to this plan. If approved tonight the plan in front of you is what is approved. Lee stated the septic design was the same and Travis addressed the forced main right side of the building is actually on the left side due to bathrooms being on left side of building. Doug added that in years past have run into the same problem – set conditions for approval for review by CEO, signs off and set time to return with list of conditions satisfied. Doug noted that he did not see where the septic design noted the H20 septic tank. The Planning Board consensus to approve as Doug suggested. Doug Foglio will have written approval by MDOT. Doug states some of the work being done is on their property we will encroach on their property will need deed for Town of Waterboro to be able to maintain the area. Would need to show three feet more from gravel area to be able to maintain as a deed to the Town. Kurt Clason made the motion to accept the amended Site Plan viewed tonight with the added following conditions:

1. Well removal and casing pipe cut down 6 feet filled with concrete, stones removed;
2. Receipt of DEP approval letter;
3. Receipt of MDOT approval letter;
4. Receipt of recorded revised Deed to the Town;

5. Conditional approval from CEO that the amended plan conforms with original plan;
6. Receipt of new HHE200.

Lee Nelson seconded. Kurt noted that this is a much better plan for both the Town and Dollar General. Lee added that the original conditions are still in place. Vote 4-0 with 1 abstention, approved.

III. MINUTES OF PREVIOUS MEETINGS

- **April 1, 2015** – Judi Carll made the motion to accept the minutes as written from April 1, 2015. Dwayne Prescott seconded the motion. No discussion. Vote 4 – 0, 1 abstention (Clason), passed.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

- **Timothy Fox** - Map 4 Lot 37 - 4 Kurt noted that the Site Walk was productive, the corner posts marked as requested. A portion of the site will be paved, the fire lanes will be gravel. Metal building – town has not design standard; the applicant noted that he will make it as appealing as possible. Wooden office bump out. Stephen Everett represented Tim Fox. Kurt requested to take the each item one at a time. Recorded copy of MDOT Driveway Permit Waiver Determination – copy provided in packet. Section 12.04 – 12.07 Performance Bond Waiver – Dwayne Prescott made the motion to grant the Performance Bond Waiver. Katy Man seconded. No discussion Voted 5 – 0 granted. Site Plan Review Ordinance Article I Section E-8 Topography Survey – Tom Ursia provided that it is acceptable with a post construction topography survey, it is helpful to the CEO and the contractor. An as built survey can be provided. The area will be cut and filled so the topo now will not be accurate after the construction. Kurt Clason made the motion to waive the topography survey on pre-existing conditions and asking for an as built survey for the developed area. Lee Nelson seconded. No discussion. Voted 5 – 0 approved. Site Plan Review Ordinance Article II Section A-15 Nitrate Study – Kurt commented that it is a shop bathroom which would be less than a house. Board consensus to waive. Judi Carll made the motion to waive the Nitrate Study. Dwayne Prescott seconded. No discussion. Voted 5 – 0 approved. State of Maine Licenses for the scope of business contained here in – Kurt reminded the applicant that he needs to provide all State Licensing information to the Town for the records. Schedule of construction – August, 2015 was the original completion date but Tim has training for the military now in August. There may be someone working on the property while he is gone. Tim stated he may need an extension. Kurt reminded him that the Building Permit is for one year. Glenn requested that a condition be made that the stockade fencing be maintained for the life of the property. The appearance of the fence needs to be maintained with the abutters on that side. Kurt Clason made the motion to approve the Map 4 Lot 37 – 4 used auto sales and repair application with the following conditions:
 1. Receipt of the MDOT registered driveway permit;
 2. Section 12.04 12.07 Performance Bond waived;
 3. Site Plan Review Ordinance Article I Section E-8 Topography Survey waived;
 4. Site Plan Review Ordinance Article II Section A-15 Nitrate Study waived;
 5. Privacy fence be maintained for the life of the property;
 6. Copy of State licenses received by the Town of Waterboro CEO.

Katy Man seconded. No discussion. Voted 5 – 0 approved.

- **Section 2.08** – Up-date by Glenn Charette, CEO – Kurt gave an overview of the steps taken thus far. The communication from Natalie Burns, Town Attorney was read:

From: Natalie L. Burns [<mailto:nburns@JBGH.com>]
Sent: Wednesday, April 08, 2015 4:59 PM
To: 'Glenn Charette, CEO, LPI'
Subject: RE: other things

Glenn,

I have told the Town on a few occasions that Section 2.08 is in direct conflict with court cases that have held that the only way that a setback requirement can be changed is through the granting of a variance by a zoning board of appeals, in compliance with the requirements of 30-A M.R.S.A. Section 4353. I didn't say that I couldn't defend the Town, but I did say that the ordinance as it currently exists would almost certainly be found by a court to be invalid since it authorizes the Planning Board to reduce setbacks. In fact, I was recently involved in a case for the Town of Frye Island, which had a setback reduction provision invalidated on that basis.

Natalie L. Burns, Esq.
Jensen Baird Gardner & Henry
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nburns@jbggh.com
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Glenn read the proposed Section 2.08 - **Section 2.08 Size Reductions or Increases**

- Except as provided by the express provision of this Ordinance or by the Town's Subdivision Regulations dealing with unique design or development types (see for example Sections 2.06, 8.02, 8.03), the provisions of this ordinance dealing with lot size, setback, frontage and side yard requirements; height limitations; parking and loading areas, sign and billboard size may not be changed. They are designed to achieve the purposes of this ordinance (see Section 1.02) and reflect differing location and physical characteristics affecting the land or water areas involved (see Section 1.04) **Variations may be granted only from dimensional requirements, including but not limited to lot size, lot frontage, structure height, lot coverage and set back requirements by submitting an application to the Zoning Board of Appeals. A variance granted may be only the minimum that will make possible the reasonable use of land or structure, although no more than 15% of the requirements. It is the responsibility of the property owner, or the representative of a property owner, to see that all setbacks meet the municipal and state requirements. Setbacks from wet lands or setbacks in shore land cannot be reduced by the Zoning Board of Appeals.**

Lots created before the enactment of the Waterboro Zoning Ordinance, **March 12, 1977**, that are **legal-non-conforming**, are required to have a Standard Boundary survey performed, before a building permit can be issued. **Notwithstanding any other provision of municipal or state law or regulation, any legal non-conforming lot of record, may be used to construct a primary use providing said lot meets requirements of MRSA 12/section 4807, which requires at least 20,000 square feet for a sub-surface waste disposal system.**

Dwayne Prescott seeing that this version is more restrictive; would like a response from the ZBA regarding transferring this to them. Kurt asked about the 15% and having gone to 10 and 20 feet setback reductions. Dennis Abbott asked what happened before the Board of Selectmen. My perspective this has gone through one zoning change can make it in a defined area – now back to ZBA hoping it is based on criteria. Glenn responded with the issue with most setbacks heard is in shoreland zones. Mike Morse, MDEP, told Glenn and Gary Lamb that MDEP was close to suing the Town of Waterboro. We don't have a shoreland map approved by the Town, no shoreland ordinance approval by the Town presently. Following DEP Shoreland 15% across the board. At some point Waterboro is going to have to comply with shoreland regulations. Dennis suggested to fix setbacks in all but the shoreland, make a percentage. Glenn spoke stating that the Shoreland Map has set

idle for five years. Sebago Technics has been contacted to complete the project to include GIS and map overlays. Judi suggested that maybe it is time for Section 2.08 to go away. Kurt stated that if the buyer knows it is non-conforming then the argument is done. Glenn emphasized the fact that the Planning Board needs to understand Section 2.08 inside and out before the Public Hearing. Kurt Clason directed Tamara Bellman to post the newly revised Section 2.08 to the website.

VI. COMMUNICATION

- Tom Ursia reminded the Planning Board of the important meeting of the 20/20 Economic Development Committee with the Board of Selectmen, Water District and the Planning Board regarding the infrastructure of the Town and the water district – wellhead district zones at the next meeting on Wednesday, April 22, 2015 at 5pm. Kurt noted that they are a private entity created by the State.
- Tom Ursia shared that on May 13, 2015 at the Fire Station and May 16, 2015 at the Grange there are public workshops with the 20/20 Committee. 20/20 Committee bringing closure to its work.
- Tom Ursia informed the Planning Board that his last official day is June 24, 2015.
- Tom Ursia will be sharing the grandfathered projects with any of the Planning Board that would like to be involved. Need to set sunset clauses with the subdivisions. Should consider additional types of zoning.

VII. MISCELLANEOUS

- Kurt Clason introduced Dennis Abbott as Liaison to the Planning Board from the Board of Selectmen.

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Kurt Clason made the motion to adjourn at 8:45pm. Dwayne Prescott seconded the motion. No discussion. Vote 5-0 in favor.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
May 6, 2015
7:00 p.m.

Public Hearing – 7pm – Town of Waterboro Zoning Ordinance Article 2 Section 2.08 Size Decreases or Increases.

Attendance: Dwayne Prescott Judi Carll Katy Mann Shawn Shoemaker
 Lee Jay Feldman Lee Nelson Glenn Charette David Barker
 David Westcott Tim Neill Dennis Abbott Brigit McCallum
 David Lowe Tammy Bellman

Dwayne Prescott called the Public Hearing to order at 7:00pm. Dwayne Prescott made the motion to nominate Judi Carll Chairman pro-tem. Katy Mann seconded the motion. No discussion. Vote 4-0 passed.

Judi Carll gave an overview of the history of Section 2.08. The Zoning Board of Appeals (ZBA) is the only Board that can legally do variances. Dwayne noted the state Statute that has a guideline of up to 15% for side variance and the ZBA can work as they see fit.

Judi opened the Public Hearing to Public Comment:

Glenn Charette commented that the Planning Board is proposed to deleting Section 2.08 and make the verbiage appropriate. The Planning Board with tonight's discussion can accept as written or amend to change the current Section 2.08. The Board of Selectmen can delete Section 2.08.

Tim Neill stated this has been attempted several times to be changed. Waterboro is the only Town that does it this way. Last year's version has been made better, with Glenn's help, this time around.

Dwayne asked Shawn Shoemaker, Chair of ZBA to respond to the current proposal in front of the Planning Board. We could make or ask the Board of Selectmen to make 2.08 go away all together – what is best for the ZBA to address this issue?

Shawn Shoemaker responded. The proper verbiage and clarity is always a plus. Any setback reduction should be passed on to the ZBA. The Planning Board ended up with doing more and more than they should be doing.

Dwayne – Ask the Board of Selectmen to move Section 2.08 to the Zoning Board of Appeals.

Shawn recommends the move to the ZBA for the reductions.

Judi Carll read Natalie Burns email from April 8, 2015:

From: Natalie L. Burns [<mailto:nburns@JBGH.com>]
Sent: Wednesday, April 08, 2015 4:59 PM

To: 'Glenn Charette, CEO, LPI'
Subject: RE: other things

Glenn,

I have told the Town on a few occasions that Section 2.08 is in direct conflict with court cases that have held that the only way that a setback requirement can be changed is through the granting of a variance by a zoning board of appeals, in compliance with the requirements of 30-A M.R.S.A. Section 4353. I didn't say that I couldn't defend the Town, but I did say that the ordinance as it currently exists would almost certainly be found by a court to be invalid since it authorizes the Planning Board to reduce setbacks. In fact, I was recently involved in a case for the Town of Frye Island, which had a setback reduction provision invalidated on that basis.

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Judi Carll closed the Public Hearing on Section 2.08 at 7:10pm.

I. ROLL CALL

Board Members

Present: Kurt Clason (arrived 7:35pm) Judi Carll Dwayne Prescott Lee Nelson
Katy Mann

Absent:

Others Present: Ken Horne Tim Neill Shawn Shoemaker Dennis Abbott
David Lowe Glenn Charette Tammy Bellman

Judi Carll called the meeting to order at 7:11pm.

Dwayne Prescott made the motion to move Old Business forward. Katy Mann seconded. No discussion. Vote 4 - 0.

II. OLD BUSINESS

Dwayne Prescott made the motion to move 2.08 as it is written and amended to the Board of Selectmen for a decision. Katy Mann seconded. No discussion. Vote 4 - 0.

III. APPOINTMENTS

- **Kenneth Horne, Sr.** – Map 2 Lot 1 (p/o) Auto Sales and Service. Ken Horne gave an overview. Waiting for the Town to sign off on the State Application. Have permit to renovate interior, waited for new CEO to be on board. Needs Certificate of Occupancy and application signed. I do want a recycler license, so that I can buy two vehicles repair them and sell them. I do not want a junkyard/salvage license. The property was in the right zone to be able to have a used auto sales and service. Done nothing but clean up the property. The Certificate of Occupancy is what I really need soon. Judi asked what he wants us to do. Ken responded with sign the Occupancy permit. Glenn Charette, CEO spoke. Lax paperwork with prior CEOs. Hearing tonight a request for a Conditional Use permit for the Auto Sales and

Service. The recycling permit was not requested at that time. Recycling is a different issue and I am not certain he can have a recycling operation in that zone. Auto Sales and Service is a Conditional Use and recycling operation is questionable. Roger Nagey and I visited Mr. Horne's location and found that he has removed 8-9 cars on the property to clean it up. As long as the vehicles are registered and licensed then he will be ok. The Planning Board tonight is hearing the sales and service conditional use. Dwayne had Ken clarify the difference between the recycling and salvage. Ken Horne responded with I am requesting a used car license; there is a section in that application that asks about recycling. I am not asking for a junkyard. I question how the CEO is interpreting this. Dwayne Prescott made the motion that we will look into granting the Auto Sales and Service license and do the Site Walk at 6pm. Lee Nelson seconded. Discussion: Shawn Shoemaker spoke regarding the letter that is requested. Stating that a letter from the Town is either a permitted conditional use in that facility which has to have a sales area, repair area, and tool area; the salvage license would limit him to two before he goes into the junkyard status. If limited to two salvage vehicles then you as Planning Board, should limit him to two vehicles. Either Conditional Use or Permitted use by the Town. Tim Neill do you need to hold a public hearing? Glenn – recycling not allowed as Conditional Use. Dwayne – abutter has a definite concern. Recycling and repairing are very close – Judi clarified that the zoning determines what is allowed in each zone or not allowed. Shawn suggested that Ken go to the State and get it in writing to determine if you can buy and repair two vehicles at a time before it is considered a salvage. You will need documentation to present to the Board. If not permitted by Zoning will not matter what the State says. Might be just a used car dealership. Judi Carll we will not violate Zoning Ordinance. Vote 4 – 0 passed for Site Walk. Do have a letter from Danny Theriault does not like because it looks like a junkyard – Ken got caught in large storm – I am a repair facility. This is why we are having a site walk. Dwayne there will be much more clarity on the 20th.

IV. MINUTES OF PREVIOUS MEETINGS

- *April 15, 2015* – Katy Mann made the motion to accept the minutes as written from April 15, 2015. Lee Nelson seconded the motion. No discussion. Vote 4 – 0.

V. REPORT OF OFFICERS

VI. COMMUNICATION

- Glenn Charette clarified the Dearborn Reclamation Bond. This Bond protects the Town so the property is reclaimed to its natural state until Dearborn closes. Renewed every year.

VII. MISCELLANEOUS

- Glenn Charette introduced Lee Jay Feldman as the Representative to the Planning Board from Southern Maine Regional Planning and Development.
- Dwayne Prescott suggested that a committee be formed for Design Standards and/or Design Guidelines. Shawn Shoemaker was recognized – design guidelines not standards – be careful of the wording. Shawn was volunteered for the Design Guidelines Standards Committee. Dwayne suggested to hold a workshop regarding design questions. Lee Jay suggested that both ways can work. Glenn can provide a

couple of different options. Performance Based Zoning with a workshop with the Planning Board and Code Enforcement Officer.

VIII. NEW BUSINESS

- Glenn Charette read the following Maine Revised Statutes Title 30-A 3752 and Section 3753.

IX. ADJOURNMENT

- Dwayne Prescott made the motion to adjourn at 7:47pm. Judi Carll seconded the motion. No discussion. Vote 5-0 in favor.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

May 20, 2015

7:00 p.m.

***Site Walk – Ken Horne – D&D Auto Sales and Service, 1568 Goodwins Mills Road,
Waterboro - Tax Map 2 Lot 1 (p/o)***

***Public Hearing – 7pm – Ken Horne – D&D Auto Sales and Service, 1568 Goodwins Mills
Road, Waterboro - Tax Map 2 Lot 1 (p/o)***

Attendance: Kurt Clason Dwayne Prescott Judi Carll Katy Mann Lee Nelson
Ken Horne David Westcott Lee Jay Feldman Anthony Wolfinger
Kimberly Wolfinger Glenn Charette David Lowe Tammy Bellman

Kurt Clason called the Public Hearing to order at 7:00pm.

Ken Horne gave an overview of the proposed Used Auto Sales and Service located on Map 2 Lot 1 (p/o) located at 1568 Goodwins Mills Road, Waterboro: sticker licensed garage; wants to be able to buy cars that have been in accidents to repair and sell; Kurt and Dwayne both responded together that is not allowed in the Village Zone. We are not against it; it is just not allowed in that zone. Ken responded that it is no different from buying a car on the road side and fixing it up.

Kurt asked if there was any public comments? No one responded.

Kurt Clason closed the Public Hearing at 7:04pm.

I. ROLL CALL

Board Members

Present: Kurt Clason Judi Carll Dwayne Prescott Lee Nelson Katy Mann

Absent:

Others Present: Ken Horne Anthony Wolfinger Kimberly Wolfinger Gary Lamb
Raymond Sylvestre David Westcott David Lowe Glenn Charette
Tammy Bellman

Kurt Clason called the meeting to order at 7:05pm.

II. APPOINTMENTS

- Anthony & Kimberly Wolfinger – Map 9 Lot 21-5 AR Zone Conditional Use for home business named Sanford Radiator. Anthony Wolfinger gave an overview of the project: bring Sanford Radiator to home in Waterboro; downsize to do cooling system repair and general auto repair. Kurt requested Glenn Charette’s comments: whole packet meets AR Zoning, does not have to be impervious as he is not selling; Anthony – no third shift open 8-5 weekdays; Kurt - All work is inside the building? Anthony –

typically yes only larger trailers would be outside. Kurt – no light sheet? Anthony – outdoor lights to make the side of the building glow – recessed lighting only goes out 20 feet so you don't see it – it makes it so it fits the area, not the average looking metal building. Kurt – Dwayne Prescott made a suggestion that if a neighbor objects to the lighting then stockade fencing will need to be installed. Anthony agreed. Judi Carll asked if there will be a sign by the road. Anthony – yes - do not think it will be lighted – at this time no a building with a dim glow maybe; just want people to know where we are. The driveway already exists; went through the state for change in use; need to tune-up the entrance, make longer per State guidelines. Glenn offered the Fire Chief is ok with the lay-out. Tammy suggested that if a Site Walk is needed June 3, 2015 is available with the Public Hearing to follow. Kurt Clason scheduled the Site Walk for 6pm on June 3, 2015 and the Public Hearing to be held at 7pm before the Planning Board meeting.

- Raymond Sylvestre – Map 5 Lot 25 AR Zone Information only - Up-date Primitive Wilderness Campground. Ray gave an overview on what the State expects. Will meet all the State guidelines. Judi stated the Town of Waterboro does have a campground ordinance that does not cover what he wants to do. Our ordinance does not mention Primitive Wilderness Campground – if you don't want to do what ordinance says will need another ordinance – don't feel this is not allowed in Waterboro. List of permitted and non-permitted activities – can't see where this is any different of what you want or any different from pointing to Mr. Horne. Kurt looked for the Campground Ordinance and stated that Judi was correct in the AR Zone campgrounds are a conditional use and follow the campground ordinance. A discussion took place between the Planning Board and the Applicant. Glenn read the definition of a campground from the Zoning Ordinance definitions. The packet is missing the scope of proposal. Kurt read the wilderness campground definition from Ray's documents provided. Ray stated that per State requirements a contract with a septic company will need to be established. Lee Jay Feldman offered his interpretation of the Zoning Ordinance – Town of Waterboro – Judi is on track - -would need to develop wilderness definition and need to meet Zoning Ordinance for campgrounds. Dwayne suggested bringing information to put this together – that being the definition and guidelines. Will need to get something in place. Kurt re-iterated that Section 7.03 Campground Development – you fall under this. Dwayne added that we will work with you on this – stay in touch with Lee Jay and Glenn.

OLD BUSINESS was moved forward.

III. OLD BUSINESS

- ***Ken Horne – D&D Auto Sales and Service, 1568 Goodwins Mills Road, Waterboro - Tax Map 2 Lot 1 (p/o).*** Ken approached the podium. Kurt Clason stated that the application needs to be amended leaving auto recycling out of it. Up-date it where cars are going to be show the 2 acres and where the cars are going to be positioned for sale. Ken asked if the abutter has no problems with the cars parked on the side may I park them on the left? Glenn stated we will find the side setbacks on the property. Kurt – we are going to set a car number of up for sale. Ken offered fixer uppers and repairs? Kurt asked what Ken was looking for numbers. Ken responded with 10 are sufficient. Lee offered that Ken had done a nice job cleaning up the property. Dwayne asked how many for repair area? Ken responded 10 in the sales display and 10 in for repair and or fix for sales. Glenn stated that you need to amend your application and provide a more defined plot plan of a 5,000 square foot display area. Glenn stated that if the business does well

and you want more vehicles then you would need to come back to the Planning Board. Kurt instructed Ken to work with Code Enforcement to obtain the required changes to be able to sign off on the permit application by Glenn Charette.

IV. MINUTES OF PREVIOUS MEETINGS

- *May 6, 2015* – Dwayne Prescott made the motion to accept the minutes as written from April 15, 2015. Katy Mann seconded the motion. No discussion. Vote 4–0-1(Clason).

V. REPORT OF OFFICERS

VI. COMMUNICATION

VII. MISCELLANEOUS

- Glenn Charette requested to move the election of a new Chairperson to this meeting as the Board needs a Chairperson that is available for the meetings. A pro-tem chair is not the way to go. Dwayne Prescott nominated Katy Mann to Chair the Planning Board. Kurt Clason seconded the motion. No discussion. Vote 4–0-1(Mann).
- Dwayne Prescott nominated Lee Nelson as Secretary. Katy Mann seconded the motion. No discussion. Vote 4-0-1 (Nelson).
- Tammy reminded the Planning Board that this will need to take place at the first meeting in July, 2015.
- Gary Lamb, Administrator, stated that there are new budgets and warrants available for the Planning Board to review prior to the June 13 Town Meeting.

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Dwayne Prescott made the motion to adjourn at 8:13pm. Kurt Clason seconded the motion. No discussion. Vote 5-0 in favor.

Approved Date: _____

_____	_____
_____	_____
_____	_____
_____	_____

TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

June 3, 2015

7:00 p.m.

*Site Walk – Anthony & Kimberly Wolfinger, West Road, Waterboro Tax Map 9 Lot 21-5,
Conditional Use for business called Sanford Radiator*

*Public Hearing – 7pm – Anthony & Kimberly Wolfinger, West Road, Waterboro
Tax Map 9 Lot 21-5, Conditional Use for business called Sanford
Radiator*

Attendance: Kurt Clason Katy Mann Lee Nelson Judy Wirth Anthony Wolfinger
Kimberly Wolfinger Stephen Everett Gary Lamb Glenn Charette
David Lowe Tammy Bellman

Katy Mann called the Planning Board meeting to order at 7:00pm.

Katy Mann reviewed the Site Walk and Agenda items.

Katy stated that a quorum has been reached by the Planning Board with the members present.

Katy Mann called the Public Hearing to order at 7:02pm.

Anthony Wolfinger gave an overview of the proposed project. The parking area will remain gravel.

Katy Mann asked if there were any public comments to be heard. No response.

Katy Mann closed the Public Hearing at 7:03pm

I. ROLL CALL

Board Members

Present: Katy Mann Kurt Clason Judy Wirth Lee Nelson

Absent: Judi Carll Dwayne Prescott

Others Present: Anthony Wolfinger Kimberly Wolfinger Gary Lamb Matt Brooker
Diane Brooker Dennis Abbott Stephen Everett David Lowe
Glenn Charette Tammy Bellman

Katy Mann called the meeting to order at 7:04pm.

Katy Mann made the motion to move Old Business to the front of the agenda. Kurt Clason seconded. No discussion. Vote 4 – 0.

II. OLD BUSINESS

➤ Anthony & Kimberly Wolfinger – Map 9 Lot 21-5 AR Zone Conditional Use for business named Sanford Radiator. Katy Mann read the Site Plan Review Checklist:

- Name of project, names and addresses of owners or record; tax map and lot number. Reviewed.
- North arrow, date of plat, scale; name, address and seal of person preparing the plan with an appropriate signature block. Reviewed.
- Vicinity sketch and zoning district(s). Reviewed.
- Boundaries of the site and abutting streets with widths, including length of lot lines. N/A.
- Footprint of building - showing the number of stories, dimensions of structure(s), accesses and use, including decks and outbuildings. Reviewed.
- Layout and location of off-street parking and loading, access drives and vehicular maneuvering areas
- Location and size of all signs, gasoline pumps, and similar free standing structures. Reviewed. Sign Permit application will be provided to Anthony for possible future use.
- Waste/dumpster locations and snow storage areas. Reviewed.
- Location, direction and type of outdoor lighting. Reviewed.
- Location and type of screening and/or buffers and other landscaping. Reviewed.
- Location of all utilities. Reviewed.
- Topography of a contour interval not greater than 2 ft. showing the effects upon adjacent property. Kurt Clason made the motion to accept the topography contour waiver. Lee Nelson seconded. No discussion. Vote 4 - 0. Approved.
- Hydrogeological impact study for any site where a septic system design flow is in excess of 800 gallons or if predominantly made up of non-typical septic waste. This study must contain components as listed in Section D.9a-f of Site Plan Ordinance. Reviewed - N/A as HHE200 less than 800 gallons and no non-typical septic waste.
- Meets definitions and requirements set forth in the Zoning Ordinance. Reviewed.
- Provides adequate access to the site for emergency vehicles; access without parked cars in way. Reviewed.
- Provides adequate dry hydrants and access to the hydrants and Fire Department sprinkler connection and pressure hydrants and/or cisterns, as applicable. Reviewed.
- Proposed exterior lighting creates no hazard to motorists on adjacent streets or occupants of adjacent properties. Reviewed.
- Provide a detailed buffer zone and on-site landscaping for protection of neighboring properties. If neighbor objects to the low impact outside lighting Anthony has agreed to install a stockade fence.
- Proposed use will not disturb the peaceful enjoyment of abutting property owners as a result of noise, vibrations, fumes, odor, dust, glare or other cause. Reviewed.
- The provisions for parking and loading and pedestrian circulation on the site and adjacent streets will not create any safety hazard or impose significant burdens on public facilities which could be avoided by reasonable modifications of the plan. Parking will not prohibit access of emergency vehicles. Reviewed. Letter provided by Fire Chief, Matthew Bors in support of the project.
- The proposed use of the site or its buildings will have no significant effect on private development of adjacent properties, or the value of adjacent properties which could be avoided by reasonable modifications to the plan. Keep with character of neighborhood. Reviewed.
- The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard requirements. Reviewed.
- The site contains an adequate storm water management plan. N/A - Site Development Law - under the size criteria for Site Development Law.
- Adequate provisions are made for the disposal of wastewater and solid waste. Reviewed. Anthony explained that there is a waste system in place.
- Adequate provisions for drainage on site. Reviewed.
- The proposed water supply meets the demands of the use and/or for fire protection. Reviewed.
- Snow removal and adequate storage, so it will not obstruct parking or civilian/emergency vehicle traffic. Reviewed. Anthony explained that the snow is pushed in all directions beyond the gravel areas. There is no problem for the emergency vehicles to access the area when it snows. Planning Board has no issues with this explanation.
- Provisions for the storage of hazardous waste as defined by State law and Waterboro Hazardous Waste Ordinance. Hazardous materials proposed will be identified. Reviewed.
- The proposed use had no adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification to the plan. Reviewed.
- A nitrate study has been submitted if the nitrogen concentration in surface or groundwater at the property line of the site is in excess of 5 mg/l. Demonstrate the treatment of the water supply if the groundwater contains contaminants in excess of primary drinking water standards and the project is to

be served by on-site groundwater supplies. Kurt Clason made the motion to accept the Nitrate Study waiver. Judy Wirth seconded. No discussion. Vote 4 - 0. Approved.

- Performance guarantee as per Sections 12.04 - 12.07 of the Zoning Ordinance (see process below). See below for waiver results.
- Sprinklered or not with additional infrastructure. Reviewed. Reviewed. N/A.
- Site walk date to be determined by Planning Board (if necessary). Site Walk held June 3, 2015 at 6pm.

State and Federal Reviews:

- MDOT scoping session/traffic impact report. MDOT Driveway Permit dated 1/14/2015 was provided and reviewed at the Site Plan Review meeting.
- MDEP Site Location Review and/or MDEP Chapter 500 Stormwater Management Permit complete. Site Development Law - under size criteria for Site Development Law.
- State Fire Marshall or Local Fire Marshall. Reviewed.

Local Department Reviews:

- Waterboro Water District (consultation). N/A.
- Waterboro Fire Department. Letter provided by Matthew Bors, Fire Chief.
- Waterboro Road Review Committee. N/A. State Aid Road.
- Waterboro Code Enforcement Officer. Letter provided by Glenn Charette, CEO, LBI, PI
- Waterboro Town Planner

Performance Guarantee Process (if required)

- Anticipated build out schedule - per Anthony ASAP!
- If the scope and magnitude of the project require a performance guarantee, then Article 12, Sections 12.04-12.07 shall be defined and completed before final approval. If a waiver of performance guarantee is desired by the applicant, then the 'Waiver Request Form' must be submitted with the site plan application prior to Planning Board review. Kurt Clason made the motion to accept the Performance Guarantee Waiver. Lee Nelson seconded. No discussion. Vote 4 - 0. Approved.

Kurt Clason made the motion to accept the Site Plan and Waivers as presented. Judy Wirth seconded. No discussion. Vote 4 – 0. Approved.

Kurt Clason made the motion to accept the Conditional Use for Sanford Radiator. Lee Nelson seconded. Discussion. Glenn Charette requested that they amend the motion to include registering the Findings of Fact/Notice of Decision. Kurt and Lee agreed to amend the motion. Kurt Clason made the motion to accept the Conditional Use and require that the Findings of Fact/Notice of Decision be registered. Lee Nelson seconded. No further discussion. Vote 4 – 0. Approved.

Anthony Wolfinger requested that he be given copies of ALL documents that were submitted and what ordinances are going to be used going forward. Tammy provided the copies when the Building Permit was picked up on Friday, June 5, 2015. Glen responded with 2009 IBC and State Plumbing and Electrical Codes to be used going forward.

III. APPOINTMENTS

- **Matthew Brooker – Map 6 Lot 29-4A West Hill II Subdivision** – Matt Brooker gave an overview of the proposed subdivision amendment. Steve Everett added further information for the Planning Board. Amending Lot 4 of West Hill Amendment II – approved by Town of Waterboro in 2005. A piece of Lot 2 was added to Lot 4 and we are modifying original lot 4 to create Lot 4A and Lot 4B. Glenn Charette proposed a site walk. Steve questioned the size of the Mylar that is required. Kurt stated you have to show the whole subdivision with modifications – show how reflected. Subdivision Ordinance 7.2.1 requires 24x36 with 7 registered

copies. Kurt read 7.4.1 for plan revisions. Katy scheduled the Site Walk for June 17, 2015 at 6pm on Ashley Way. Applicant will post the boundaries. Steve will overlay zoning line for Lot 4.

- Katy asked the Board to allow Steve to come back to the podium. Steve went over the timeline:
 - November, 2014 – Matt issued building permit, Matt cleared and foundation was put in
 - Brought to Matt’s attention that needs to go before Planning Board for amendment.
- Kurt responded that the site walk is to dot the “iii”s and cross the “ttt”s. Glenn Charette offered that a STOP Work order has been placed. The foundation has not been backfilled. Don’t want to set a precedence with not doing the amendment correctly.

IV. MINUTES OF PREVIOUS MEETINGS

- *May 20, 2015* – Kurt Clason made the motion to accept the minutes as written from May 20, 2015. Lee Nelson seconded the motion. No discussion. Vote 3 – 0 (Abstained – Wirth).

V. REPORT OF OFFICERS

VI. COMMUNICATION

- Carpenter Estate Subdivision Letter was read – stated monuments have been placed and packets provided to tammy.

VII. MISCELLANEOUS

- Glenn Charette showed the Planning Board the Site Plan for D&D Auto. Recycling not allowed in that district. Kurt Clason made the motion to accept the provided plan with the condition of a maximum of 10 cars for sale. Judy Wirth seconded. No discussion. Vote 4 – 0. Approved

VIII. NEW BUSINESS

- Design Standards Ideas/Workshop – Glenn suggested the workshop be scheduled in conjunction with a Planning Board meeting if it is a light meeting. Judy Wirth suggested picking an alternate date just in case: June 24, 2015 was selected.

IX. ADJOURNMENT

- Kurt Clason made the motion to adjourn at 8:15pm. Lee Nelson seconded the motion. No discussion. Vote 4-0 in favor.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
June 17, 2015
7:00 p.m.

**Site Walk – Matthew Brooker, West Hill Subdivision II Amendment, Ashley Way,
Map 6 Lot 29-4A**

Site Walk Attendance: Katy Mann Lee Nelson Judi Carll Judy Wirth Matt Brooker
Diane Brooker Stephen Everett Glenn Charette Tammy Bellman

Katy Mann called the Planning Board meeting to order at 7:00pm.

Katy Mann reviewed the Site Walk and Agenda items.

Katy stated that a quorum has been reached by the Planning Board with the members present.

I. ROLL CALL

Board Members

Present: Katy Mann Lee Nelson Judi Carll Judy Wirth

Absent: Kurt Clason Judi Carll Dwayne Prescott

Others Present: Matt Brooker Diane Brooker Stephen Everett David Lowe
Tom Ursia Glenn Charette Tammy Bellman

Katy Mann called the meeting to order at 7:00pm.

Katy Mann made the motion to move Old Business to the front of the agenda. Judy Wirth seconded. No discussion. Vote 4 – 0.

II. OLD BUSINESS

- Matthew Brooker – Map 6 Lot 29-4A West Hill Subdivision II Amendment. Matt Brooker reviewed the proposed subdivision amendment. Katy Mann made the motion per Subdivision Regulations of Waterboro; re-subdivision, as defined in Article Four: the subdivision of any lot in a previously approved sub-division; after seeing no evidence of non-compliance to Waterboro’s Subdivision Regulations, a motion to approve this minor re-subdivision with a condition that a 24’ x 36’ Mylar be provided for signature of the Planning Board and recorded by the applicant. Judi Carll seconded. No discussion. Vote 4 – 0. Approved.
- Judi Carll requested an up-date on Section 2.08. Katy responded that it is in the Communication portion of the agenda.

III. APPOINTMENTS

- Katy Mann – Conditional Use on Map 1 Lot 36 Residential Zone – request to have horses on property. Katy tabled the Conditional Use to July 1, 2015, due to the fact that once she recuses herself there will not be a quorum.
- Judy Wirth made motion to return to Old Business. Lee Nelson seconded. No discussion. Vote 3 – 0 (Carll-abstain)

IV. MINUTES OF PREVIOUS MEETINGS

- *June 3, 2015* – Judy Wirth made the motion to accept the minutes as written from June 3, 2015. Lee Nelson seconded the motion. No discussion. Vote 4 – 0.

V. REPORT OF OFFICERS

VI. COMMUNICATION

- Design Standards – Judy Wirth made the motion to move the Design Standards Workshop to July 1, 2015. Lee Nelson seconded. No discussion. Vote 4 – 0.
- Zoning Ordinance Section 2.08 – was sent to the Board of Selectmen to be reviewed and processed. Judy Carll brought up the fact that Section 3.03 Summary of Dimensional Regulations Contained in Article 3. The Note at the bottom of the page clearly states that “In any case where structures are in existence at the time of the enactment of this ordinance, additions may be made to within 10 (10) feet of the side or rear lot line but in no case should the buildings on one lot be closer than twenty (20) feet to a building on an abutting lot.” Glenn Charette responded that legal, Natalie Burns, has been contacted regarding the disconnect. The recommendation from Natalie is to re-write the Zoning Ordinance.

VII. MISCELLANEOUS

- Tom Ursia shared the following with the Planning Board:
 - 20/20 Master Planning Committee: re-write of visioning – this was adopted at the Town Meeting held June 13, 2015;
 - Future Land Use Plan – Where do you want to see the future of Waterboro – takes major growth areas and transects them;
 - Scale is close to 100% accurate on the views;
 - Seeks to ask central questions – handed out to the Planning Board;
 - Land Uses not mentioned in the Zoning Ordinance;
 - Preserve and Protect Waterboro;
 - Design Standards – more negotiation power with potential businesses create a hybrid specifically for Waterboro;
 - Planning Board should schedule a “fieldtrip” to the area 5 Dollar Generals being built or recently completed: North Berwick, Lyman, Hollis, Buxton, and North Waterboro;
 - Sewall has provided a Proposal for Parcel Polygon Creation – a copy of this document was provided to the Planning Board;
 - Capital Improvements or capital outlay
 - Value Added to the Community
 - Beautiful for all departments;
 - Comprehensive Plan – Planning Strategies – a draft version of the Plan was handed out;

- High activity area that should get a stronger review – aerial shot was handed out of Hannaford and Dunkin Donuts area and JDs Pack Store
- Three Zone changes that need to be reflected
 - JD’s Package Store
 - Goodwins Mills Road and Bennett Hill Road
 - Property next to Waterboro Crossing Plaza
- EDC has taken membership with the Biddeford and Saco Chamber of Commerce & Industry

Thank you for your time and support – it has been a pleasure serving Waterboro and the Planning Board.

VIII. NEW BUSINESS

- Dollar General has been permitted.

IX. ADJOURNMENT

- Judi Carll made the motion to adjourn at 7:50pm. Judy Wirth seconded the motion. No discussion. Vote 4-0 in favor.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
July 1, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Katy Mann Judi Carll Dwayne Prescott Judy Wirth

Absent: Kurt Clason Lee Nelson

Others Present: Lee Jay Feldman David Lowe Glenn Charette Tammy Bellman

Katy Mann called the meeting to order at 7:00pm.

Katy Mann reviewed the Agenda items.

Katy stated that a quorum has been reached by the Planning Board with the members present.

Katy Mann made the motion to move Old Business to the front of the agenda. Judy Wirth seconded. No discussion. Vote 4 – 0.

II. OLD BUSINESS

- Katy Mann – Conditional Use on Map 1 Lot 36 Residential Zone – request to have horses on property. Katy tabled the Conditional Use to July 1, 2015, due to the fact that once she recuses herself there will not be a quorum. Judy Wirth seconded the motion. No discussion. Vote 4 – 0.

III. APPOINTMENTS

IV. MINUTES OF PREVIOUS MEETINGS

- *June 17, 2015* – Judi Carll made the motion to accept the minutes as amended from June 17, 2015. Judy Wirth seconded the motion. No discussion. Vote 3 – 0 (Prescott abstain).

V. REPORT OF OFFICERS

VI. COMMUNICATION

- Lee Jay Feldman introduces himself. He is the representative from Southern Maine Planning and Development Commission. Lee Jay provided his philosophy on how he works.
- Recent conversation with Natalie Burns was engaged and concerned on Section 2.08 as there were two versions – Planning Board and Board of Selectmen. Board of Selectmen not taking any action at this time. Dennis Abbott, Chair to come

before the Planning Board on July 15, 2015. Lee Jay to provide a memo to the Planning Board.

- July 22, 2015 at 6:30pm – put this date and time on your calendars! Boardsmanship workshop for Board of Selectmen, Planning Board, Zoning Board of Appeals and Committee Chairs have been invited.
- Digital Plan requirements – bring to Planning Board attention:
 - Need to be complete and adequate;
 - How quickly does the Town want to jump into this format
 - Digital allows the town’s GIS to be up-dated
 - Subdivisions are more important to be able to “drop” in to the Tax Map

VII. MISCELLANEOUS

VIII. NEW BUSINESS

- Judi Carll made the motion to table the election of officers. Judy Wirth seconded the motion. No discussion. Vote 4 – 0. Tabled.

IX. ADJOURNMENT

- Judi Carll made the motion to adjourn at 7:15pm. Dwayne Prescott seconded the motion. No discussion. Vote 4-0 in favor.

The Planning Board went into the Design Standards workshop at 7:25pm.

Approved Date: _____

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_____	_____
_____	_____
_____	_____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
July 15, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent:

Others Present: Lee Jay Feldman David Lowe Glenn Charette Tammy Bellman

Katy Mann called the meeting to order at 7:00pm.

Katy Mann reviewed the Agenda items.

Katy stated that a quorum has been reached by the Planning Board with the members present.

Katy Mann made the motion to move Old Business - Conditional Use for Katy Mann to the front of the agenda. Kurt Clason seconded. No discussion. Vote 5 – 0 – 1 (Mann abstained).

Katy Mann recused self.

II. OLD BUSINESS

- Katy Mann – Conditional Use on Map 1 Lot 36 Residential Zone – request to have horses on property.
- Kurt Clason assumed Chair. Gave overview of the history of this request. Judy Wirth made a motion to accept the Conditional Use. Dwayne Prescott seconded the motion. No discussion. Vote 5 – 0 (Mann recused). Conditional Use approved. Katy returned to the Chair position.
- **Election of Officers** – Dwayne Prescott made the motion to nominate Kurt Clason as Chair. Katy Mann seconded the motion. No discussion. Vote 6 – 0. Kurt Clason 2015 Chair. Dwayne Prescott made the motion to nominate Katy Mann as Vice-Chair. Kurt Clason seconded the motion. No discussion. Vote 6 – 0. Katy Mann 2015 Vice-Chair. Katy Mann made the motion to nominate Lee Nelson for Secretary/Treasurer. Kurt Clason seconded the motion. No discussion. Vote 6 – 0. Lee Nelson 2015 Secretary/Treasurer.

III. APPOINTMENTS

IV. MINUTES OF PREVIOUS MEETINGS

- **July 1, 2015** – Dwayne Prescott made the motion to accept the minutes as written from July 1, 2015. Judy Wirth seconded the motion. No discussion. Vote 4 – 0 (Nelson and Clason abstain).

V. REPORT OF OFFICERS

VI. COMMUNICATION

- Lee Jay Feldman explained that there would be no discussion on the Planning Board By-Laws this evening. For Planning Board review only. Lee Jay will check the Town Charter for numbers of Planning Board members and terminology.
- Reminder Tuesday, July 21, 2015 Comprehensive Plan workshop with the Board of Selectmen at 6:30pm.
- Reminder Wednesday, July 22, 2015 Boardsmanship Workshop with Town Attorney at 7:00pm.
- Lee Jay briefed the Planning Board on the status of 2.08 – Board of Selectmen can change and or keep any ordinance received from the Planning Board. The Zoning Board of Appeals can only go to 15% per Judi Carll. Glenn Charette was granted permission to speak. The Planning Board version better as it does clarify some of the “gray” areas and holds the 15% versus the Board of Selectmen’s version. The last sentence in the **Note** can be deleted. Neither version can conflict with the Shoreland Rules. Kurt Clason noted that the chart in the Zoning Ordinance is at 66% reduction not the 15%. The Town Attorney agrees with the CEO that it is up to the property owner to ensure that the setbacks are met and the CEO does not measure the setbacks. Dwayne Prescott read **Section 9.05 Existing Nonconforming Lots and Pending Applications for Building Permits** from the Waterboro Zoning Ordinance - Nonconforming single lots of record on the date of enactment of this ordinance may be utilized as provided in Section 2.08. Two or more contiguous lots of record in common ownership at the time or since adoption or amendment of this ordinance shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met, development shall be in conformance with the provisions of this ordinance. (Amended 4/26/03).

Nonconforming use rights can not arise by the mere filing of a notice of intent to build, an application for required building permits, or an application for required state permits and approvals. Such rights arise only when actual construction has begun. Such construction must be legal at the time it is commenced and must be in possession of and in compliance with all validly issued permits, both state and local.

Lee Jay suggested that the Planning Board provide an informal correspondence on 2.08 to the Board of Selectmen once the Planning Board has come to a consensus.

- New 2015 MDEP version for Shoreland Zoning due out – MDEP is easy to understand – the Planning Board will be now able to work on Shoreland Zoning for Waterboro.
- Lee Jay shared that August 5th Planning Board meeting will include workshop s on the Planning Board By-laws and Design Standards.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Judi Carll made the motion to adjourn at 7:56pm. Kurt Clason seconded the motion. No discussion. Vote 6 - 0 in favor.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
August 5, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent:

Others Present: Gary Lamb Dennis Abbott Sharon Abbott Lee Jay Feldman
Ross Dindio Pete Semenchuk Phyllis Semenchuk Deidre Donovan
Larry Goddard Ernie Markey Jo Markey Maryellen Bozza
David Bozza Brigit McCallum Priscilla Tobin Kevin Tobin
Jack Seevy David Lowe Tammy Bellman

Kurt Clason called the meeting to order at 7:00pm.

Kurt Clason reviewed the Agenda items.

Kurt stated that a quorum has been reached by the Planning Board with the members present.

II. APPOINTMENTS

III. MINUTES OF PREVIOUS MEETINGS

- **July 15, 2015** – Judi Carll made the motion to accept the minutes as printed from July 15, 2015. Judy Wirth seconded the motion. No discussion. Vote 6 – 0 approved.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

VI. MISCELLANEOUS

VII. NEW BUSINESS

- **Municipal Salt Shed August 19 Site walk and setting the Public Hearing for September 2** – Lee Jay Feldman gave an overview of the Salt Shed looking to do an informational site walk August 19, 2015. Kurt Clason scheduled the Salt Shed Site Walk for 6pm on August 19, 2015. The Planning board will meet at the site location.

VIII. ADJOURNMENT

- Judi Carll made the motion to adjourn at 7:06pm. Lee Nelson seconded the motion. Discussion – regarding the Communications received by the Planning Board regarding the Little Ossipee Lake . Vote 6 - 0 in favor. Meeting Adjourned.
- The Planning Board had a five minute break before going to the following workshops:
 - Little Ossipee Lake Campground Expansion Information Workshop
 - Planning Board By-Laws Workshop
 - Design Standards/Guidelines Workshop

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

August 19, 2015

7:00 p.m.

Site Walk: 100 Bennett Hill Road, Municipal Salt and Sand Shed Map 8 Lot 47

Board Members Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott
Judy Wirth

Others Present: Gary Lamb Glenn Charette Owens McCullough Doug Foglio
Lee Jay Feldman tammy Bellman

Owens McCullough, Sebago Technics, gave an overview of the site and the sand and salt shed project. MaineDEP approved VRAP approved for the lagoons located on the site. The lagoons are from the tannery that dumped the solvents and fats from their processing. MaineDEP approved closing out the lagoons – the shed will cap one of the lagoons and the other will filled with clay to cap it. The letter was received last week with deed restrictions and covenants. Restricted to industrial use only. The building will have motorized doors with a pull option to open and close the doors. It will be internally drained with 3 catch basins into one catch area the ceiling basin disperses to an outer area. Doug Foglio brought the Planning Board over to see the site for the shed. It was marked with pink ribbons. The Planning Board was able to see the lagoons that are going to be capped.

The Planning Board returned to the Town hall.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent:

Others Present: Gary Lamb Dennis Abbott Sharon Abbott Lee Jay Feldman
Danny Albert Steve Everett Doug Foglio, Jr David Abbott
Rob McSorley Owens McCullough
David Lowe Tammy Bellman

Kurt Clason called the meeting to order at 7:00pm.

Kurt Clason reviewed the Agenda items.

Kurt stated that a quorum has been reached by the Planning Board with the members present.

Kurt reviewed the Site Walk attendees and information provided.

II. APPOINTMENTS

- **Danny Albert – Map 39Lot 3 – 40 Connolly Point – Setback Reduction/Relocation Primary Structure in Shoreland** – Steve Everett gave an overview of the project before the Planning Board – reasons to re-build: house not within code; retaining walls cracking; water issues; going 4 feet wider. Kurt stated that going larger increases the non-conformity. Kurt read the letter provided by the Code Enforcement Officer. Steve Everett questions the non-conformity of the structure or the lot. Kurt confirmed the non-conformity of both the lot and the structure; the structure is bigger so the lot is more non-conforming. Lee Jay Feldman elaborated that Mike Morse from DEP has seen the site and that DEP would say to demolish it and move it back the greatest extent practical based on Maine statutes. Steve Everett asked about the 30% expansion within the Shoreland zone? Kurt responded with you are tearing down the current structure so it would not be an expansion. Glenn Charette spoke to the non-conformity and the fact that this decision will be precedence setting. Glenn included all the standards for the project to be in conformity. Glenn wants to make the minutes clear that impervious surface is no longer used by MaineDEP, they use non-vegetative surface which would include the structure. The proposed project is 23% larger than the existing. The proposed project can be accomplished by reducing non-vegetative surfaces – patio, deck, structure. The road way is a deeded right-of-way to Connolly Point. Eight – nine – or ten feet move would be easier than the 17'. Kurt set the Site Walk for September 2, 2015 at 6pm at 40 Connolly Point. Steve believes that the interpretation that 20% coverage is an unwritten rule - 20% to an undeveloped lot. Kurt said that vegetative surface can be accomplished easily. Judy - what has been done before is not necessarily what we should be doing. Glenn added that Steve is correct but – they are demolishing the existing structure so now it is a new structure and must comply with current standards - creating their own hardship – through no fault of anybody else Mr. Albert is creating his own hardship. He wants to tear it down and rebuild – it has to agree with the 20% rule. There will need to be a Flood Survey before the Building Permit can be completed. Steve – with a structure that needs a new foundation and not to current building codes – would it not be part of the reconstruction of the 50% or rebuild rule and not new construction? Kurt – this can be discussed at the Site Walk. Site walk set for September 2, 2015 at 6pm, Steve will set elevations when setting the markers.

- **Town of Waterboro Salt and Sand Shed – Informational Map 8 Lot 47** – Kurt asked Owens McCullough to come to the podium. Kurt gave an overview of the project being presented. Owens gave a further detailed overview: 80 x 140 building to house salt and sand at the public works facility; aerial map provided; 4 doors – 2 on each end; laminated arched building; separate salt and sand – instead of mixing until needed; salt is used more on the roads instead or a mix – salt significantly less expensive; \$125.00 per yard to mix; no public comfort facilities; going on top of the old tannery lagoons; MaineDEP got involved three years ago – funded a ground water study; August 17, 2015 got approval with covenants from Maine DEP. The deed covenants are with Gary to give to the Town's attorney. Drainage will be internal to the gravel pit; ground water goes down 15' to bedrock then down to the brook; low polyene – neurological problems; good reuse of the property; no residential uses on site; requesting 4 waivers; MaineDEP results – 30 page summary; VRAP (Voluntary Response Action Program) letter is with Gary. Lee Jay Feldman requested that the Planning Board set the Public Hearing for September 2, 2015. Owens stated that they did not notify the Abutters for the meeting with the Planning Board. Kurt went over the CEO letter. Glenn provided

information regarding the letter – what is the groundwater depth; the brook needs to be on the plan; groundwater marbling; deed covenants should be read; the State Fire Marshall does not need to be involved. Owens responded to – internally drained – no direct discharge to the environment – this site discharges to bottom of the pit – it will disperse and eventually go into the groundwater; the ground is the drain. Kurt runoff concern – stormwater management plan – in culvert showing detection area; highly graveled soil where runoff going; wants to see it in writing with surveyor stamp; topos – don't see the whole plot; Bartlett Brook not on plans; Lee Jay - has less exposure this way; Kurt removed himself as Chair and speaking as a Planning Board member - putting three culverts into one; concerned with no stormwater management; detention area; Owen DEP full groundwater study; entire analysis of aquifer would involve a major undertaking and thousands of dollars. Owen will provide copies of the executive summary. Gary Lamb suggested another site walk to specifically see where the drains will be located. Dennis Abbott – sand and salt there for 20 some odd years; runs in same place as building not there; study after study of salt and sand in the aquifer; boils down to taking care of this by 99%. Kurt – town's interest is protected; town needs to set the standard. Lee Jay – are you concerned about just having the groundwater being in detention/retention design; Owen – a detention pond it ends up the same place; Lee Jay – design detention/retention pond instead of sheeting; Owens – create composite plan with aerial plan with the stream; Judi – what is the elevation of the brook versus the pit? Has anyone done a study on the brook? Owens – will look to see if DEP took brook samples. Owen – ultimate discharge will be the brook. DEP did not study the brook. I will look to see if they took brook samples. Kurt – want to see the big picture – brook in relation to drains, building, etc. Owens – DEP's report signed off on the VRAP and can provide you with this information. Gary – widen out the design plan. Gary explained what DEP has done. Gary – greatly reducing what the plumes are going to do with the groundwater. Kurt – want to see the groundwater discharge in relation to the stream. Owens not sure if I can get you the submittal in a timely manner for the September 2 meeting. Planning Board decided that September 16, 2015 for the Public Hearing and submission of the additional information – cross-section of the site referenced to the stream, VRAP letter, Executive Summary, and Deed Covenants. MaineDEP Report will come digitally (700 page report) x 2copies.

- **Brooks Dance Center – Informational Map 4 Lot 30A (p/o)** – Rob McSorley, David Abbott and Doug Foglio, Jr - gave an overview of the Brooks Dance Center project. 2.23 acre site 60x100 size commercial building to house a dance studio. The dumpster – proprietor carrying out trash. Stream present on back side – is labelled; key turnaround for emergency vehicles; auto turn analysis; waivers requested – hydrological, hazardous waste, and nitrate study. DEP – PBR reviewed. Agreed to mark the wetlands with permanent waivers. Stormwater permit – reviewed and addressed concerns – it has been approved. Kurt reminded Rob that tonight was informational only – no decision will be made this evening. Access permitted previously for a previous company. Occupy cleared area. Judy asked about the outside of the building. Rob a metal building with stone at the bottom. Kurt – does not have own driveway – does this driveway become a road? Looks like a lot of development coming behind it. Glenn- with just one structure does not have to be named. Judy – design principles – could you make it look more like a New England building rather than a metal building. Rob - speak with applicant. Doug Foglio, Jr. this bldg. is being located in GP Zone – establish professional business. Young proprietor outgrown current building in this zone a

building previously approved that was larger. Come back to town for re-approval – GP in the future in this area – will be metal. Kurt – think just the opposite. Doug – change the design of the building is cost prohibitive. Dwayne Prescott – aesthetics is what needs to be considered. The landscaping will go back to the natural and reestablish. Kurt – Site Walk on September 16, 2015 at 6pm. Public Hearing scheduled for September 16, 2015 after the Municipal Salt and Sand shed. Glenn – issue with parking – Planning Board determines how many parking spaces need to be required per Section 5.03. Rob - 4200 sq ft for main dance floor dance – 21 spaces and 1 ADA. Glenn – not clearly identified in parking requirements. Rob – no recitals at this location. LJ – consider look at the complication and have any issues at the one by the post office. Just a new location. Point of clarification – PB determines which is most similar – I would consider it a school. Rob – overflow could handle another 12 – 14. LJ grass with compacted gravel. Glenn- Section 5.03 requires parking to be tarred. Kurt – establish criteria first. Rob – per state keep imperviousness down. LJ – primary school 1 for 20 students and 1 for 3 employees or secondary school 1 for 4 students and 1 for 3 employees. Kurt – stake out the building for the Site Walk on September 16, 2015 and Public Hearing is also on the 16th. Doug presented tammy with the certified mailings and letters for the Planning Board meeting.

III. MINUTES OF PREVIOUS MEETINGS

- *August 5, 2015* – Katy Mann made the motion to approve the minutes from August 5, 2015. Judy Wirth seconded the motion. No discussion. Vote 6 – 0 approved.

IV. REPORT OF OFFICERS

- Lee Jay Feldman – provided you with up-dated versions of the Planning Board By-laws and Design Standards. Took out the strike through and underlines. Set up a workshop for the Design Standards. The by-laws will just need to go the Board of Selectmen for their approval/acceptance.

V. OLD BUSINESS

VI. MISCELLANEOUS

VII. NEW BUSINESS

VIII. ADJOURNMENT

- Judy Wirth made the motion to adjourn at 8:34pm. Lee Nelson seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: _____

_____	_____
_____	_____
_____	_____
_____	_____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
September 2, 2015
7:00 p.m.

Site Walk: 40 Connolly Point, East Waterboro Map 39 Lot 3

Board Members Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott
Judy Wirth

Others Present: Danny Albert Karen Albert Steve Everett Lee Jay Feldman
Glenn Charette tammy Bellman

Danny Albert showed the Planning Board the failures for the outside of the structure location – wall under the deck; foundation separating from itself; cracks; stonewall leaning toward the water; and the K-1 tank underground lines within cement of basement floor. The plan is missing the measurement from the water to the new proposed building. Lee Jay suggested to slant the road to the other side of the property – away from the residence, could use a stone drip edge berm. Kurt suggested a cape ridge line with an infiltration trench. After further discussion the Planning Board returned to the Town hall.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent:

Others Present: Lee Jay Feldman Glenn Charette Danny Albert Karen Albert
Steve Everett David Lowe tammy Bellman

Kurt Clason called the meeting to order at 7:00pm.

Kurt Clason reviewed the Agenda items.

Kurt stated that a quorum has been reached by the Planning Board with the members present.

Kurt reviewed the Site Walk attendees and information provided.

II. APPOINTMENTS

- **Danny Albert – Map 39Lot 3 – 40 Connolly Point – Setback Reduction/Relocation of Primary Structure in Shoreland** – Steve Everett gave an overview of the project before the Planning Board – Would like to use 24x36 house and move it away from the water 4 feet – it would make the structure less non-conforming. Glenn shared that the Planning Board has to first decide if the current plan meets Chapter 1000 and then Steve’s plan can be amended. Kurt read Article 7 Section 2.A.4. The proposal is going from 27% to 20%. Judy shared that this would be setting a precedence if allow 23%. Steve shared that it is a reduction

going from 27% to 23% the 20% is an unwritten rule – Why would you not want them to not do what they want with their property? Glenn stated that lot coverage includes any non-vegetative surfaces. Judy Carll asked if they would rebuild on current footprint? If they rebuild the property can stay as it is. Glenn shared that a new structure would be at 20% lot coverage and rebuilding they could expand 30% of the current structure size. They can get to 20% by removing some of the non-vegetative surfaces. Kurt read the Waterboro Zoning Ordinance definition for disturbed area amended August 3, 2011. Kurt asked Lee Jay does the Planning Board have the ability for Chapter 1000 to waive it? Lee Jay says that Chapter 1000 is standards – not able to waive. Steve said that they would move the structure 4 feet away from the lake – take 24x36 move 4 feet toward Connolly Point not move toward the retaining wall side. The underneath would be grass down to the new retaining wall. If the deck is attached to the second floor – the deck will be included with the house. Building new structure will be considered living space. Kurt offered that we need to look at first part getting past Chapter 1000 before we consider relocation if we don't follow the 20% rule Chapter 1000 then we can't reconsider relocation. Dwayne proposed moving back 4 feet and get to 20% as a suggestion to the applicant. Lee Jay yes. To repair the retaining wall will need a PBR. Danny asked if the right-of-way counts toward the 20%. Lee Jay – you own the pavement. Glenn offered that past mistakes do not give boards or officials the right to act illegally. Kurt asked the Board that if 1. They get plan to the 20% coverage and 2. Consider the new plan now. What is the Board's thought? Steve offered that we might be able to get to 20%. The Board agreed that if they get to 20% then there will be no issues. Lee Jay – applicant can meet the 20% and move the 4 feet or rebuild and move back the greatest possible extent. Dwayne Prescott proposed that they meet the 20% and move it back 4 feet. Judi asked about the stonewall being repaired. The repair will require a PBR. Glenn – the retaining wall is a PBR and the Board will not have to deal with it. Dwayne Prescott made the motion to have an additional Planning Board meeting on September 23, 2015 to put the Albert's back on the agenda. Judy Wirth seconded the motion. Discussion – no new appointments – old business only. Vote 6 – 0 – motion passed to set additional Planning board meeting.

III. MINUTES OF PREVIOUS MEETINGS

- *August 19, 2015* – Katy Mann made the motion to approve the minutes as written from August 5, 2015. Judi Carll seconded the motion. No discussion. Vote 6 – 0 approved.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

VI. MISCELLANEOUS

- By-laws latest draft – please read and be comfortable with the draft. Suggested the first meeting in October to adopt and move them to the Board of Selectmen.
- No conversation needed – just a heads up – looking through ordinance and dumbfounded – standards of current ordinance is way out of wack; current not designed to standards; my intention is to speak with applicant and Gary Lamb; revised standards for future projects; reworking standards – start workshops in October – approval by end of December. No-one can meet the current standards.

VII. NEW BUSINESS

VIII. ADJOURNMENT

- Judi Carll made the motion to adjourn at 8:02pm. Judy Wirth seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

September 16, 2015

7:00 p.m.

Site Walk: 6pm - Brooks Dance Center, Route 202/4, East Waterboro Map 4 Lot 30A (p/o)

Board Members Present: Katy Mann Judi Carll Dwayne Prescott Judy Wirth

Board Members Absent: Kurt Clason Lee Nelson

Others Present: Robert McSorley Doug Foglio, Jr. David Abbott Lee Jay Feldman
Tammy Bellman

Robert McSorley gave an overview of the project: wetland already marked with a metal pin with a red cap; the front landscaping will stay; the empty area at the front will be the septic system and no additional vegetation will be put in; the wetland goes to the edge – 75 foot setback from the brook – MaineDEP is ok for the fill being graded from the building to encroach in the 75’ setback; lights will shine down on the sign; lights will shine down on the building – no direct lighting – the building lights will be on all night as they are security lights. Lee Jay Feldman told Rob to email tammy the MaineDEP permit. Lee Jay shared that the Fire Department and the Town Planner are satisfied with the plans submitted. Rob shared that adult classes will end at 9pm. The group walked to the driveway entrance to review the abutter’s letter. The Planning Board returned to the Townhall at 6:25pm.

Public Hearing: 7pm - Municipal Salt and Sand Shed, 100 Bennett Hill Road, East Waterboro Tax Map 8 Lot 47

Board Members Present: Kurt Clason Katy Mann Judi Carll Dwayne Prescott Judy Wirth

Board Members Absent: Lee Nelson

Others Present: Gary Lamb Lee Jay Feldman Doug Foglio, Sr. Owens McCullough
D. Abbott (unable to read complete first name) Brigit McCallum
Sue Boillard Lacey Wakefield Gerard Bergeron Nellie Bergeron
William Calvert David Lowe Tammy Bellman

Kurt Clason opened the Public Hearing at 7:02pm. Owens McCullough came to the podium to give the overview thus far for the public in the audience. Two benefits sand and salt will be under cover and two tannery lagoons will be capped off. Would like to build ASAP to get the salt and sand covered. Kurt asked if anyone from the public would like to make a comment. No one responded. Kurt closed the Public Hearing for the Municipal Salt and Sand shed at 7:07pm.

Public Hearing: Abbott Investments, Brooks Dance Center, Route 202/4, East Waterboro Tax Map 4 Lot 30A (p/o)

Board Members Present: Kurt Clason Katy Mann Judi Carll Dwayne Prescott Judy Wirth

Board Members Absent: Lee Nelson

Others Present: Rob McSorley Doug Foglio, Jr. Lee Jay Feldman Dennis Abbott
Sharon Abbott Brigit McCallum D. Abbott (unable to read complete first
name) Brigit McCallum Sue Boillard Lacey Wakefield Gerard Bergeron
Nellie Bergeron William Calvert David Lowe Tammy Bellman

Kurt Clason opened the Public Hearing at 7:07pm. Rob McSorley came to the podium to give an overview. Rob McSorley provided the following: 6,000 square foot building; saw building markers and wetland markers at Site Walk this evening; Maine Environmental Protection has approved the 75 foot boundary use for the grading purposes – just slightly inside the 75 foot setback; the approval is in the 30-day waiting period; lighting will be Bollard lighting – wall packs point down on to pathways; on public water; on-site septic; requesting three waivers – Section I.E.9.e and II.A.13 of the Site Plan Review Ordinance – relative to a nitrate study; the project will only generate 236 gallons of effluent/day (less than a single family home); Section I.E.9.a-f of the Site Plan Review Ordinance relative to hydrogeological impact study; the project will not generate more than 800 gallons of flow per day; and Section II.A.13 of the Site Plan Review Ordinance relative to provisions for transportation, storage and disposal of hazardous waste; only household cleaning products will be used/stored on-site. Kurt opened the Public Hearing to the public for comments. Gerard Bergeron wanted to know why he did not receive a notification – per Gerard they purchased the property in July, 2015. The commitment information is based on ownership as of 1 April 2015. The Bergeron’s purchased the property in July, 2015. Lee Jay referenced the Calvert family letter received by the Planning Board. Kurt read the letter from the Calvert’s of 632 Main Street, Tax Map 4 Lots 48C and F. The letter referenced the lighting on the building and signs along with the entrance/exit located across from their house. Kurt closed the Public Hearing at 7:15pm.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Judi Carll Dwayne Prescott Judy Wirth

Absent: Lee Nelson

Others Present: Gary Lamb Doug Foglio, Sr. Owens McCullough Robert McSorley
Doug Foglio, Jr. David Abbott Lee Jay Feldman Lacey Wakefield
Lisa Boillard David Lowe Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:16pm.

Kurt Clason reviewed the Agenda items.

Kurt stated that a quorum has been reached by the Planning Board with the members present.

II. APPOINTMENTS

- **Lacey Wakefield – Map 2 Lot 4-5 – Daycare at 1410 Goodwins Mills Road, Waterboro** – Lacey Wakefield came to the podium and gave an overview of the proposed daycare conditional use. Kurt read the letter from the Code Enforcement Officer, Glenn Charette – Conditional Use in the Ar Zone; construct a 4 foot high fence around the play area of the daycare. Lee Jay with this being conditional use the Planning Board could find the application complete and if the Planning board likes can schedule a Public Hearing. Kurt responded that the Planning board does not wish to schedule a Public Hearing for this conditional use. Kurt asked the Board if they had any questions: Dwayne – has your name changed since the property was purchased – yes per Lacey I got married. Judi – as long as it is fenced it is ok; Katy – no concerns, Judy – none. Lacey explained the State process that she has completed including the State inspection by DHHS. Dwayne Prescott made the motion to pass this application. Judy Wirth seconded the

motion. No discussion. Vote 5- 0 approved with the standard conditions of approval noted here:

1. Applicant will maintain state daycare license.
2. A fence to be maintained for the outdoor play area at no less than 4 feet in height and attached to the building with entrance provided.
3. Schedule a Life Safety Inspection with the Code Enforcement Officer.

III. MINUTES OF PREVIOUS MEETINGS

- **September 2, 2015** – Judi Carll made the motion to approve the minutes as written from September 2, 2015. Katy Mann seconded the motion. No discussion. Vote 5 – 0 approved.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

- **Municipal Salt and Sand Shed – 100 Bennett Hill Road Tax Map 8 Lot 47** – Owens McCullough asked if the Planning Board had any questions. The distance from Bartlett Pond from the proposed Salt and Sand Shed is 1350 feet. Owens explained the cross-section graph to the brook – the run-off runs down into a pit that is internally drained – naturally infiltrates ground; ground water elevation – contour map by Ransom; the bottom footing is above groundwater elevation; Kurt asked delta Y to Bartlett Brook? Owen – 325 to elevation foundation wall – 50 feet of change; Kurt relatively no pitch. Lee Jay explained the aerial photo in the DEP report. Kurt – Salt and Sand Shed to the stream is a 4% grade; Kurt soil and stormwater management and health management submitted to MDEP. Owen – tannery lagoons and drinking water restrictions in deed covenant; identical process for the contractor; the results are publically received and recorded at the registry of deeds; the draft document for intermittent occupancy has also gone to the attorney. Lee Jay added that understanding of the fact that by capping the lagoons will severely slow the migration of any materials coming out of the lagoons would be slowed as diagramed by Ransom would be forever before it gets to the brook.

Waivers:

1. Section I.E.9.a-f of the Site Plan Review Ordinance relative to hydrogeological impact study; the project included a Maine DEP VRAP that already addresses groundwater. Judi Carll made the motion in place of the hydrogeological study to accept the Remedial Investigation Waterboro Patent Lagoons Bennett Hill Road Waterboro, Maine as prepared by MaineDEP. Dwayne Prescott seconded. No discussion. Vote 5 – 0 approved.
2. Section II Site Plan Review Standards. A formal stormwater management plan is not proposed since the project is located within an internally drained town owned gravel pit. Kurt Clason made the motion to accept the stormwater management waiver. Judy Wirth seconded. No discussion. Vote 5 – 0 approved.
3. Section I.E.9.e and II.A.13 of the Site Plan Review Ordinance – relative to a nitrate study; Project requires an on-site wastewater disposal. Judy Wirth made the motion to accept the nitrate study waiver. Kurt Clason seconded. No discussion. Vote 5 - 0 approved.
4. Section II.A.13 of the Site Plan Review Ordinance relative to provisions for transportation, storage and disposal of hazardous waste; No hazardous waste

will be stored as part of this project. Katy Mann made the motion to accept the Hazardous Waste waiver. Judy Wirth seconded the motion. No discussion. Vote 5 – 0 approved.

Site Plan Review: Kurt read the requirements of the Site Plan Review:

1. The proposed use meets the definitions and/or requirements set forth in the Zoning Ordinance; in compliance with Article 3 Section 3.06 Subsection 3.06.1.16.
2. The proposed use will not create fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles; adequate dry hydrants; or adequate access to off-site dry hydrants and from there to the site; the standard has been met – currently on town maintained road and access for the emergency vehicles are adequate.
3. The proposed exterior lighting will not: create hazards to motorists traveling on adjacent public streets: be inadequate for the safety of occupants or users of the site or will damage the value and diminish the usability of adjacent properties; - the standard has been met with the applicant proposing a low-intensity lighting device attached to the proposed structure.
4. The provisions for buffers and on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development; - standard is met due to the forested and vegetative areas around the proposed development location.
5. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause; - shall be met due to the development is for storage and distribution of non-hazardous product that has no fumes and is seasonal in use.
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety or will not impose significant burdens on public facilities which could be avoided by reasonable modification of the plan; - shall be met due to the fact that this site location is for town employee use only on a secondary town road with minimal through traffic.
7. The bulk, location, height or design of proposed buildings, structures or paved areas, or the proposed uses thereof, will not have a significant detrimental effect on private development on adjacent properties, or on the value of adjacent properties which could be avoided by reasonable modifications of the plan; - the standard will be met based on the proposed building submitted with this application.
8. The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements; or storm water detention pond(s) are not adequate; - not applicable due to the site is not identified in the FEMA flood map as being in the flood zone.
9. Adequate provisions have been made for the disposal of wastewater or solid waste or for the prevention of ground or surface water contamination; - standard shall be met by following MDEP recommendations and conditions.

10. Adequate provisions have been made to control erosion or sedimentation; - standard shall be met by following MDEP recommendations and conditions.
11. Adequate provisions have been made to handle storm water run-off or other drainage problems on the site; - shall be met due to the site being designed to be internally drained.
12. The proposed water supply will meet the demands of the proposed use or for fire protection purposes; - not applicable as there is no water supply to the proposed structure.
13. Adequate provisions have been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law and Waterboro Hazardous Waste Ordinance; - per waiver submitted and approved no hazardous waste will be storage as part of this project.
14. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan; - shall be met due to the new structure being in close proximity to the old structure, no impact foreseen.
15. The project will not increase nitrate nitrogen concentrations in surface or groundwater at the property line of the site in excess of State of Maine Drinking Water Standards. If groundwater contains contaminants in excess of the primary drinking water standards and the project is to be served by on site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated to meet applicable standards; - not applicable as there is no subsurface waste disposal system proposed for this project.

The Board found that the application for a Municipal Salt and Sand Storage Shed in the agricultural residential zoning district is an allowed use under site plan review. Section II; Section I.E.9; Section II.A.13; and Section I.E.9.a-f are waived with the following conditions.

Conditions

Any modifications to the site plan as approved, prior to being made, must also be reviewed and approved by the Planning Board

Dwayne Prescott made the motion to accept the application as submitted. Judi CarlI seconded the motion. No discussion. 5 – 0 approved.

- **Abbott Investments, Brooks Dance Center**, Route 202/4, East Waterboro Tax Map 4 Lot 30A (p/o) – Rob McSorley came back to the podium. Kurt – the lights need to meet the dark sky requirement. Rob – from the building with existing landscaping does not shine the lights directly into their house. Cars exiting – the headlights do cross the front of the house; the power pole will off-set the lights and plant arborvitae; the exiting cars go across the front of the house not directly into the house; the sign lights are facing upward toward the sign; the security lights are on the building shining down toward the building; the last class exits at 9pm. Notifications of Public Hearing given to Rob McSorley. Kurt – work with the abutter for a way to lessen the impact of the exiting head lights. Rob and David Abbott will talk with the neighbor to make a better situation. The common driveway is a potential for future businesses – with that said the provision to cut the lights to the neighbor is more important – Rob – we will lessen the impact.

Waivers:

1. Section I.E.9.a-f of the Site Plan Review Ordinance relative to hydrogeological impact study; the project will not generate more than 800 gallons of flow per day. Katy Mann made the motion to accept the waiver. Judy Wirth seconded the motion. No discussion. Vote 5 – 0 approved.
2. Section II.A.13 of the Site Plan Review Ordinance relative to provisions for transportation, storage and disposal of hazardous waste; only household cleaning products will be used/stored on-site. Judi Carll made the motion to accept the waiver. Judy Wirth seconded the motion. No discussion. Vote 5 – 0 approved.
3. Section I.E.9.e and II.A.13 of the Site Plan Review Ordinance – relative to a nitrate study; the project will only generate 236 gallons of effluent/day (less than a single family home). Judy Wirth made a motion to accept the waiver. Dwayne Prescott seconded the motion. No discussion. Vote 5 – 0 approved.

Site Plan Review: Kurt read the requirements of the Site Plan Review:

1. The proposed use meets the definitions and/or requirements set forth in the Zoning Ordinance; in compliance with Article 3 Section 3.10 Subsection 3.10.01.10 Churches, public and private schools, and other public buildings or facilities.
2. The proposed use will not create fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles; adequate dry hydrants; or adequate access to off-site dry hydrants and from there to the site; the standard has been met – proposed location on state maintained road and access for the emergency vehicles are adequate.
3. The proposed exterior lighting will not: create hazards to motorists traveling on adjacent public streets: be inadequate for the safety of occupants or users of the site or will damage the value and diminish the usability of adjacent properties; - the standard has been met with the applicant proposing a low-intensity lighting devise attached to the proposed structure that project the light toward the ground.
4. The provisions for buffers and on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development; - standard is met due to the forested and vegetative areas around the proposed development location, applicant stated the front vegetation will remain.
5. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause; - shall be met due to the development is for a dance studio that does not have classes after 9pm.
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety or will not impose significant burdens on public facilities which could be avoided by reasonable modification of the plan; - shall be met due to the fact that this site development has ample parking and area for the loading and un-loading of dance students.
7. The bulk, location, height or design of proposed buildings, structures or paved areas, or the proposed uses thereof, will not have a significant detrimental

effect on private development on adjacent properties, or on the value of adjacent properties which could be avoided by reasonable modifications of the plan; - the standard will be met based on the proposed building submitted with this application.

8. The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements; or storm water detention pond(s) are not adequate; - not applicable due to the site is not identified in the FEMA flood map as being in the flood zone.
9. Adequate provisions have been made for the disposal of wastewater or solid waste or for the prevention of ground or surface water contamination; - standard shall be met by the wastewater from the proposed building will be collected in an proposed septic tank with effluent septic field proposed for east of the proposed parking area.
10. Adequate provisions have been made to control erosion or sedimentation; - standard shall be met by a sediment filter barrier placed at the te of any proposed grading to prevent erosion. The entrance will provide a stabilized construction entrance to prevent tracking of sediment onto the public road.
11. Adequate provisions have been made to handle storm water run-off or other drainage problems on the site; - shall be met due to the site being designed with an underground soil filter detention basin to treat the stormwater run-off.
12. The proposed water supply will meet the demands of the proposed use or for fire protection purposes; - a 1.5" copper water service is provided for the proposed building from the existing water main. The existing fire hydrant is provided on Main Street to meet the demands of fire protection.
13. Adequate provisions have been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law and Waterboro Hazardous Waste Ordinance; - per waiver submitted and approved no hazardous materials will be used not stored at the proposed structure.
14. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan; - shall be met due to current site having been cleared previously and is not a wildlife habitat. There are no scenic vistas visible from the site.
15. The project will not increase nitrate nitrogen concentrations in surface or groundwater at the property line of the site in excess of State of Maine Drinking Water Standards. If groundwater contains contaminants in excess of the primary drinking water standards and the project is to be served by on site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated to meet applicable standards; - not applicable as the project has public water and an approved Subservice Wastewater Disposal System proposed.

The Board found that the application for Brooks Dance Center in the General Purpose zoning district is an allowed use under site plan review. Section I.E.9; Section II.A.13; and Section I.E.9.a-f are waived with the following conditions.

Conditions

1. Any modifications to the site plan as approved, prior to being made, must also be reviewed and approved by the Planning Board.
2. The sign lighting be placed on a timer with a shutoff time of 10:00PM nightly.
3. The applicant meet with and discuss the potential of a vegetative screening on the front of the property at Map 4 lots 48C and 48F, and report back to the planning board regarding any decisions.

Dwayne Prescott made the motion to accept the application as submitted with the conditions. Judy Wirth seconded the motion. No discussion. 5 – 0 approved.

VI. COMMUNICATION

- Lee Jay Feldman up-dated the Planning Board on the Design Standards/Guidelines based on the meeting of August 5, 2015. Dwayne has three suggestions for the guidelines: 1. No visible flat roofs; 2. No visible equipment from three sides; and 3. No visible screening or stockade fencing. Kurt suggested proposing just guidelines; Lee Jay offered that guidelines have no public hearing to be approved but do not have any enforcement criteria. Lee Jay clarified Section 12 and 13 for entry into the Zoning Ordinance.
- Tammy to draft letter to go to town boards regarding the status of the Design Standards/Guidelines. Invite the Board of Selectmen to the workshop on October 7, 2015.
- Judy Wirth made the motion to accept the August 19, 2015 By-Laws. Kurt Clason seconded the motion. No discussion. Vote 5 – 0 approved. Lee Jay will move the By-Law to the Board of Selectmen.
- Kurt Clason up-dated the Planning Board on the September 21, 2015 workshop by the Waterboro Water District. Sebago Technics presented the workshop – covering the following topics:
 - Presentation and comments on the draft “Comprehensive System Facilities Plan”
 - Presentation of the new water system computer model
 - Discussion on the current status of the water system
 - Discussion on the future direction of the water system

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Judi Carll made the motion to adjourn at 8:20pm. Judy Wirth seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
September 23, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent:

Others Present: Danny Albert Steve Everett Harold Jamieson Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:01pm.

Kurt Clason reviewed the Agenda item.

Kurt stated that a quorum has been reached by the Planning Board with the members present.

II. APPOINTMENTS

III. MINUTES OF PREVIOUS MEETINGS

IV. REPORT OF OFFICERS

V. OLD BUSINESS

- **Dan Albert – Map 39 Lot 3 – 40 Connolly Point – Setback Reduction/Relocation Primary Structure in Shoreland** – Steve Everett came to the podium to give an overview of the Albert project thus far. Changes – new information brought to our attention; last meeting 24 x 36 moved back 4 feet and meet the 20% lot coverage – Dan had agreed to this at the meeting; after the plan was re-done he did not want to go to 20% - would lose too much. Steve called DEP for their in-put on this situation – 20x34 to 24x36 and move 4 feet back; any developed area would be legally permitted on or before 1991, however, Town of Waterboro Ordinance is more strict. Steve went on with belief of investigation. Steve talked with Glenn Charette, CEO, trying to decide if Waterboro Ordinance 20% does include developed areas. My point is if State willing to approve this then Town should approve until the town's new shoreland zone has been approved by the Town. This part has not ever been enforced – since 1991 lot coverage has not been looked at nor looked at; as the Town goes forward – if Town adopts State view of lot coverage at least that is how the State looks at it – the States version would not have been more restrictive than Chapter 1000 of today. If new structure is less more non-conforming:
 1. Not closer to the water – would be 24x36 feet and 4 feet further back from the water;
 2. Not more percentage of coverage than today; and

3. Removing the front patio and the walkway - 27% current plan in front of you.

Glenn – lot coverage includes the two decks. Steve countered with front deck being removed and walkway, replace mortar and stone wall move 4 feet back, front area will be grass. Danny commented that Mike Morse was in favor of this as not increasing the volume; Danny offered to remove the paved right-of-way and Mike responded with this will be an interesting situation. Glenn – the letter from Mike does not have much weight on your decision – only look at Town of Waterboro Zoning; reconstruction increases the non-conformity of the lot; need a plan showing the move back and the additional changes; Planning Board would need to allow going over the 20%; dropping to 23% does bring it into more conformance; Planning board will use the same criteria going forward.

Glenn would like to see more information on the plan, include the current plan and then a separate one with the changes, show the calculations, larger map detail – 11x17 size. Kurt agreed along with floor plan area. Planning Board have a percentage to go to for their approval? Further discussion ensued.

Glenn read Article 10 Zoning Board of Appeals Section 10.04.3.3 Additional Variance Standards: A variance, if granted, should necessitate only a slight departure from the stated requirements of an ordinance, usually not exceeding a fifteen (15) percent increase or decrease from the stated requirements. Therefore – if they go to 23% would meet the ordinance.

Kurt – place on Planning Board meeting for October 7, 2015 to continue.

VI. COMMUNICATION

- Kurt offered a brief summary of the Water District presentation/workshop on September 21, 2015: The workshop had information on the capacity/expansion status now and by 2020; 2020 through 2030 serious problems; Sebago Technics looked at 6 well sites locations: Roberts Ridge, Shakerland, Roland Denby's property; Town of Waterboro property; Transfer Station; Bakers. Big aquifer at end of townhouse road would cover both ends of town. Early October to respond back. More wells and tank to be able to supply both home owners/businesses and fire department. Infrastructure bears directly on community members.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Judy Wirth made the motion to adjourn at 8:05pm. Judi Carll seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
October 7, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent:

Others Present: Danny Albert Steve Everett Gary Lamb Lee Jay Feldman
Glenn Charette Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:01pm.

Kurt Clason reviewed the Agenda items.

Kurt stated that a quorum has been reached by the Planning Board with the members present.

Kurt moved Old Business to the front of the agenda.

II. OLD BUSINESS

- **Dan Albert – Map 39 Lot 3 – 40 Connolly Point – Setback Reduction/Relocation Primary Structure in Shoreland** – Steve Everett came to the podium to present the two plot plans created to show the current conditions and the proposed conditions. The proposed conditions noting the entire shaded areas used in the calculations bring the lot coverage down to 28% - Dan does not want to lose anything else. Kurt opened up the questions to the Planning Board members – Glenn offered that the Chapter 1000 that Steve refers to is more lenient than the Waterboro Zoning Ordinance. Steve shared that the right of way is pre-existing the Zoning Ordinance. Can it be grandfathered? The right-of-way existed before he purchased the property. Dan paved his section. Per Steve, the right-of-way covers ten percent of the lot – if the Planning Board could waiver /grandfather that? Dan - trying to reduce the lot coverage from 32% to 28% and the road is ten percent – would be down to 18% with the waiver. Kurt – not waiver able on the coverage. So we go to question 2 - the 30% is a Code question. Steve – the 30% expansion does not take into consideration any of the lot coverage. Glenn – there is no gray area – in the statute that the right-of-way is the property owners. Judy Wirth made the motion to abide by the 20% rule otherwise we will be setting a precedence. Katy Mann seconded. No discussion. Vote 6 – 0. Dan wants to clarify – 30% expansion, tear down – needs to go to Code; can prove that it is failing. Lee Jay encourage that you work with Code to ensure you are in agreement with the Waterboro Zoning Ordinance.
- **Dollar General Amendment** – Lee Jay explained that he had hoped that the applicant and the abutter would be able to work things out. Hoping to have the issue resolved by the next Planning Board meeting. Glenn shared that this will not prevent the store from obtaining a temporary certificate of occupancy for Sunday’s opening.

III. APPOINTMENTS

IV. MINUTES OF PREVIOUS MEETINGS

- Katy Mann made a motion to accept the minutes of September 16, 2015 as written. Kurt Clason seconded. No discussion. Vote 5 – 0 (Nelson abstained).
- Katy Mann made a motion to approve the minutes of September 23, 2015 with Dwayne Prescott marked as absent for the meeting. Kurt Clason seconded. No discussion. Vote 5 – 0 (Prescott abstain).

V. REPORT OF OFFICERS

VI. COMMUNICATION

VII. MISCELLANEOUS

- Katy Mann was asked to re-sign the FOF/NOD for the Municipal Salt and Sand Shed due to a date error.

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Kurt Clason made the motion to adjourn at 7:27pm. Judi Carll seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

The Planning Board went into a workshop on Design Standards/Guidelines.

Approved Date: _____

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TOWN OF WATERBORO

PLANNING BOARD

MEETING MINUTES

October 21, 2015

7:00 p.m.

The Planning Board meeting scheduled for October 21, 2015 was cancelled.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
November 4, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent:

Others Present: Lee Jay Feldman Glenn Charette David Lowe Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:11pm.

Kurt Clason reviewed the Agenda items.

Kurt stated that a quorum has been reached by the Planning Board with the members present.

II. MINUTES OF PREVIOUS MEETINGS

- Kurt Clason made a motion to accept the minutes of October 7, 2015 as written. Judy Wirth seconded. No discussion. Vote 6 – 0.
- Kurt Clason made a motion to accept the minutes of October 21, 2015 as written. Judi Carll seconded. No discussion. Vote 6 – 0.

III. NEW BUSINESS AND PUBLIC HEARINGS

IV. OLD BUSINESS

- **Dollar General** – Up-date provided by Lee Jay Feldman. The Dollar General amendment will no longer need to be considered. This condition on the original agreement for Dollar General has been met. The abutter has accepted the \$2,500 payment for the landscaping border on the property across the street. This will close the amendment consideration.
- **Design Standards/Guidelines** – set workshop date. Kurt set the workshop date for November 18, 2015 after the conclusion of the Planning Board meeting. Lee Jay stated there is a good start here that may require further discussion at the workshop. The Design Standard copy in front of you would be for Section 7.10 of the Zoning Ordinance – standards that would go to public hearing and the remainder behind is the guidelines – a booklet to give to a contractor of what we would like to see. Be able to look at wall materials/coverings on November 18, 2015. Kurt on November 18, come up with a draft of the standards/guidelines to be able to put a deliverable together for the Board of Selectmen.
- **Section 2.08 – Confirm Planning Board Version.** Kurt gave an overview thus far in the consideration of Section 2.08 revision to send to the Board of Selectmen.

Glenn confirmed with the Town Attorney that the current process is still a variance and should not be considered by the Planning Board. Glenn sheared his concerns regarding the Selectmen's version – setbacks for the Village and Village/Residential Zones; setbacks are exceeding the 15% as stated in Board version. Does not say who can make the adjustment decisions – Zoning Board of Appeals (ZBA), Planning Board, Board of Selectmen, etc. Need to make a decision to go with the 15% or the measured dimensions but not both as currently stated in Natalie's version. The 15% piece is very confusing. Realize that the Planning Board should not even be looking at 2.08. If you look at 15% then it goes to ZBA. If you go with draft of July 22, 2015, which you first approved, the variance would make it go to the ZBA. It reads that the setbacks are from the body of water and not the boundary line. Further discussion ensued regarding ZBA variances and how an applicant would be able to obtain a variance if they should go to the ZBA. Lee Jay read the hardship tests and offered scenarios to go with each test:

- #1. That the land in question cannot yield a reasonable return unless the variance is granted;
- #2. The need for a variance is due to the unique circumstances of the property and not the general conditions of the neighborhood;
- #3. The granting of a variance will not alter the essential character of the locality; and
- #4. The hardship is not the result of action taken by the applicant or prior owner.

Other variances are available but are not in the current local Ordinance. Setback variance for single family home and variance for shoreland zoning variance were examples provided.

Glenn offered that if you do away with 2.08 it moves the applicant to the ZBA which has the setbacks to also abide by the State requirements.

Dwayne offered that if we eliminate 2.08 then they go to the ZBA and follow state regulations. Kurt the ZBA has authority and can then grant the variance. Proposing something that is contrary to the state. Glenn – the Board has been proposing this for at least a year. Kurt polled the Planning Board on their desires for 2.08. Kurt Clason made the motion that the Planning Board recommends elimination of Section 2.08 in the Zoning Ordinance and any references to Section 2.08. Judy Wirth seconded. No discussion. Vote 5 yeas – 1nay (Carll).

V. REPORT OF OFFICERS

VI. COMMUNICATION

VII. MISCELLANEOUS

- Lee Jay shared that the proposed standards for campgrounds should be brought forward. Wilderness and Primitive included to discuss at one time. The information is from the State.

VIII. NEW BUSINESS

- Glenn presented the Planning Board with Thomas DePeter's package and requested that they consider a Site Visit prior to the applicant coming before them. Glenn asked that they review the package that will be coming before them. Lee Jay requested that the Planning Board not discuss the package without the applicant being present. The Planning Board determined that they wanted to speak with the Applicant prior to the Site Visit.

IX. ADJOURNMENT

- Judy Wirth made the motion to adjourn at 7:45pm. Judi Carll seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: _____

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
November 18, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent:

Others Present: Tracie Chabot Scott Thomas DePeter Lee Jay Feldman Glenn Charette
David Lowe Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:00pm.

Kurt Clason reviewed the Agenda items.

Kurt stated that a quorum has been reached by the Planning Board with the members present.

II. MINUTES OF PREVIOUS MEETINGS

- Judi Carll made a motion to accept the minutes of November 4, 2015 as written. Katy Mann seconded. No discussion. Vote 6 – 0.

III. NEW BUSINESS AND PUBLIC HEARINGS

- **Scott “Thomas” DePeter – 1120 Main Street, Waterboro – Tax Map 1 Lot 19A** – Airport Auto Body and Vehicle Detailing. Thomas gave an overview of the project before the board. The name will remain the same, sell tires and rims, prep vehicles for vehicle inspection – no painting at this site will be all sent out. Kurt read Glenn’s reference to Section 3.06. Thomas stated that there will be no selling of cars. The cars will be kept to a bare minimum. I live there and don’t want to look at a mess. Glenn confirmed that Certificate of Occupancy inspection will include the Fire Marshall. Dwayne suggested that there be a limit of seven (7) cars at any time. Thomas questioned waiting to be serviced? Dwayne added seven (7) total vehicles, does not include personal vehicles. Dwayne Prescott made the motion to pass the conditional use application with a seven (7) car limit to include both project vehicle and customer vehicles, if the scope of business changes then the applicant will need to return to the Planning Board. Katy Mann seconded the motion. Discussion – no department of public works nor fire department approval has been received – Glenn added that the Fire Marshal will be included in the Certificate of Occupancy/Use inspection. Vote 6 – 0 passed.

IV. OLD BUSINESS

V. COMMUNICATION

- **Memo to Board of Selectmen regarding Section 2.08** – Judi stated that if goes to ZBA then property owner stuck with 15% of required setback. Dwayne – Judi makes a valid point – would like to reconsider. Kurt – I disagree – we are not in compliance a violation – can’t keep doing the good ‘ole boys. Lee Jay offered that there are strait faced ways to around – if not current or prior owner and the town established a zoning ordinance can seek a variance as the property owner did not create the hardship the town did. The applicant can be coached by Glenn or me on how to meet the requirements. Kurt reviewed a court case where the parcel of land was split by a court order for a divorce. Lee Jay – therefore the court created the subdividing of the lot hence not non-conforming. Dwayne confirmed that if the property owner wants to expand the residence by State Law has to go to Zoning Board of Appeals. Kurt noted that the ordinance states usually 15% - can go to more or less as does the ZBA reg. Kurt received the consensus of the Planning Board to move the memo on Section 2.08 elimination on to the Board of Selectmen.
- **Lee Jay brought to the attention of the Planning Board a Public Hearing** on the Stimson Bridge by Maine DOT. The Public Hearing is scheduled for December 1, 2015 at 6pm at the Selectmen’s meeting room.

VI. MISCELLANEOUS

VII. ADJOURNMENT

- Kurt Clason made the motion to adjourn at 7:30pm. Judi Carll seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

The Planning Board adjourned and went into the Design Guidelines/Standards workshop.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
December 2, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent: Katy Mann

Others Present: Lee Jay Feldman David Lowe Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:00pm.

Kurt Clason reviewed the Agenda items.

Kurt stated that a quorum has been reached by the Planning Board with the members present.

II. MINUTES OF PREVIOUS MEETINGS

- Kurt Clason made a motion to accept the minutes of November 18, 2015 as written. Dwayne Prescott seconded. No discussion. Vote 5 – 0.

III. NEW BUSINESS AND PUBLIC HEARINGS

- Public Hearing reminder for December 16, 2015 at 7pm at the Town Hall. Lee Jay met with the Economic Development Committee (EDC) to brief them on the Zoning Amendment – 7.10 Commercial Design Standards. Gary has provided the information to the Board of Selectmen. Lee Jay will provide the EDC the correct copy on Thursday, December 4, 2015 – they had a concern regarding an issue that has already been changed in the current version up for the Public Hearing (page 2 #7 – materials and textures) – as he provided them with the wrong copy today. The second concern the EDC had was the suggested parking behind the building. Dwayne mentioned in paragraph 2 the height similar to buildings near by. Lee Jay shared that they should be visually compatible. Visually compatible would not have a flat roof next to a peaked roof, will look at the language and work with it. Showed picture of Dollar General in Lewiston and commented how lucky the southern Maine Dollar Generals looked – as they were so much better than others.

IV. OLD BUSINESS

V. COMMUNICATION

- **Public Hearing Design Standards 7.10 Announcement** – This is for **commercial** buildings only NOT residential. Judi clarified that this pertains to

businesses on Routes 202 or 5 and going through Site Plan review process. Lee Jay – the applicant normally comes in with a unified plan.

VI. MISCELLANEOUS

VII. ADJOURNMENT

- Judi Wirth made the motion to adjourn at 7:23pm. Judi Carll seconded the motion. No discussion. Vote 5 - 0 in favor. Meeting Adjourned.

The Planning Board adjourned and went into the Campground Ordinance workshop.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
December 16, 2015
7:00 p.m.

Kurt Clason called the Planning Board meeting to order at 7pm on December 16, 2015.

Kurt amended the agenda to move the Public Hearing on Article 7 Sub-section 7.10 to the front of the agenda.

I. ROLL CALL – Public Hearing

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth
Absent:

Others Present: Gary Lamb Brigit McCallum Gordon Littlefield Dennis Abbott
Sharon Abbott Jack Seely Shawn Shoemaker Ann Harris Rona Rault
Larry Caron Dana Lewis Debby Downs David Abbott Leo Binette
Dwayne Woodsome David Benton, Sr. Doug Foglio, Sr. Dana Woodsome
Lee Jay Feldman Glenn Charette David Lowe Tammy Bellman

Kurt stated that a quorum has been reached by the Planning Board with the members present.

II. NEW BUSINESS AND PUBLIC HEARINGS

- **Public Hearing** – Zoning Ordinance Article 7 Performance Standards Sub-section 7.10 Commercial Design Standards. Kurt gave an overview of the procedural side of the Public Hearing – those wishing to make any statements will come to the podium and state their name before any comments are entered. Lee Jay Feldman provided the following overview: standards are intended to be in the ordinance to require an applicant to do certain things. Guidelines are a booklet of what we would like to see. Lee Jay reviewed highlights of the ordinance: 7.10 covers Routes 202 and 5 and plans going through Site Plan Review; covers dumpsters – screening – being within an enclosure of some sort; roof lines – being more interesting - hiding HVAC and air conditioner equipment. The guidelines are still being worked. The guidelines are what the Town would like to achieve. The other piece that is important – concerns and issues were raised regarding an applicant that came before the Town. This is also a part of the Comprehensive Plan a very high priority put in by the Board for Selectmen to be completed by 2015. Lee Jay showed the public where in the Comp Plan this recommendation was. A picture of the advertisement versus the architecture piece was provided to the public, copy attached here. Kurt opened the Public Hearing up to the Public:

Shawn Shoemaker – Under standards made notice of b. 50 foot articulation –
change to and/or

– front facade not sure need to do this –

Lee Jay – this is to break the appearance up

Shawn – break the texture up and not have two entrances?
Judy – not cinderblocks
Shawn – breaking the texture up is better than two entrances

Leo Binette – HVAC – new AC/heat pumps are on side and hung not on ground
the color is also toned to the building – retro fitting to buildings is
part of the energy efficiency guidelines

Lee Nelson – they can be put on the roof easily

Leo – mine are same color and the new units use air flow from all sides – talking
of small tan colored units

Lee Jay – we can change the language that suggests to retro fit to Efficiency
Maine Project

Leo – Trash receptacles are difficult enough to use – business owners start having
Worker’s comp issues with dumpsters - placement makes a big difference –
consider what is visual

Judy Wirth – Considering what is visual from three sides

Leo – guidelines – requiring to park in back of building if that where we are
headed then where AC going or trash – where do you put everything – do
not see any major building now with everything in the back

Lee Jay – only a guideline

Kurt – similar to sidewalks

Leo – what about snow removal – think about what else the business owner needs
to think about

Gordon Littlefield – Paragraph B sub paragraph d - Commercial Business height
of building at 35 feet. Board of Selectmen looking at and
other committees a hospitality business coming in – how are
the buildings for a hotel/motel going to be impacted at 35 feet
when we want to attract business into Town – is there a
definition or another area of the ordinance to address this?

Lee Jay – variances are available but it would be more prudent to wait for the
applicant to come forward and react at that point for a waiver and
address it at that time and not create a problem if do it before.

Gordon – thought the part of ordinance would be to let the business know before
they get here then they can come forward with
specifications/requirements in mind

Lee Jay – Zoning Ordinance restricts all of the zones address the 35 feet - can
address it in the Zoning Ordinance. Make specific to area or to a
specific use – better to wait for the applicant and make specific – don’t
deter the applicant.

Kurt – proposed as a guideline – 35 foot pushed by multi-use building – first floor
commercial second floor residential, ect.

Dwayne – 35 feet comes from the ordinance and was pulled.

Gordon – thought it was for the applicant to know what was needed in the designs
and specifications to meet town requirements porches and balconies that
obstruct views of the building – in the standards not guidelines.

Lee Jay – the Zoning Ordinance addresses that – this is a guideline.

Kurt – talked to the Selectmen for their opinion – all standards or all guidelines.
Looked at other Town standards to give us a start creating standards and
guidelines.

Ann Harris – Located on Main Street wanted to grow my business – looked at

buildings in areas and found the one on Main Street – Standards – re-do or renovate and keep same size as buildings around me – would affect what I can do. A thought – one part of town has walking traffic - like Kennebunk – no insurance on Main Street then put in retail shops for the walking traffic. Corporate business with different building type versus the smaller homey style retail type shops – air conditioners can't blow or restrict the air flow and need to keep snow away from the units.

Lee – take a look at the post office – up off the roof deck.

Ann - insurance perspective there are issues with safety with the vehicles parking out back especially walking from the back – snow and ice. Liability issue.

Judy – that is a guideline.

Ann – dumpster - what about close fitting areas; the dumpsters are noisy – throw out to help be able to attract the corporate businesses and bring more money into town.

Lee Jay – you are way ahead of us – the Comp Plan has 4 village areas throughout the Town – eventually get to various different developments – Hannaford and 202 would be different from what seen out here. This is still a ways out.

Ann – big corporate things like McDonalds with the arches - with nowhere to go in Town this would draw people to Waterboro.

Lee Jay – this part could change when creating different zones for the different areas of Town.

Dwayne Woodsome – Your 35 feet it is an absolute lie!! – Your ordinance has the right for a conditional use to go over the 35 foot with a variance. Here you are saying that at no point shall a building be more than 35 feet. We have done it many times in this town of Waterboro.

Kurt – been on PB for 14 years and –

Dwayne – I was for 22 and we did it many times.

Kurt - only with churches. What ones are over 35 feet Dwayne? Which one's?

Dwayne - Residential homes listed by Dwayne.

Kurt - Residential not covered.

Dwayne –go around and count those buildings over 35 feet. Conditional use can be requested. West Shore Road had a conditional use - is residential – why pick on residents of routes 202 and 5? But you are picking on the residents of 202 and 5. Why have you not created the zones for where commercial buildings can go.

Kurt – we did.

Dwayne - you are picking and choosing which areas.

Kurt - we are selecting the areas.

Dwayne – you should add any state aided highway. You are destroying Waterboro and creating a problems for yourself down the road! Because he can do it and I can't. West Road, Goodwins Mills Road, Townhouse Road, is all state aid roads and can have the same thing as on 202 and 5.

Kurt – ok thank you.

Doug Foglio, Sr. – Resident of the Town of Waterboro. I wanna ask you a simple question ? To protect, enhance and perpetuate the town's historic, cultural and architectural heritage – who's historical value are you protecting my grandfather's or yours – how can

you set there and judge - how many of you know history of architectural history? Those that were here before the fire of '47. The rest of this board that don't have an idea of the buildings. On main street in either East Waterboro nor North Waterboro or South Waterboro not wavetable!

Judy Carll – be left out of this – I know.

Doug – exceeded 35 feet?

Kurt – is a guideline.

Dwayne Prescott – take out the words.

Doug – who's historic value - gave store names – your historic value – trying to improve my own buildings.

Kurt – the towns people beat us up on what the buildings can look like – we cannot tell an applicant what their building will look like without an ordinance.

Doug – this is a step to put us out of business.

Dwayne – already discussed taking out the words.

Doug – lets go down and look at look at 5/12 pitch on a 80 foot wide building. 200 inch roof height. Decent commercial sized bldg. a mini-mall – this is ludacris!

Kurt – came up in a workshop does not have to continue to a ridge.

Judi – you need to read to the end of the sentence. Says it should be designed to appear to have a pitched roof.

Lee Jay – read the sustenance appear to have a pitch.

Doug - very subjective see pictures of the bologna you are trying to jam down our throat with a jackhammer.

Kurt – ok Doug I am going to call this -

Doug – you always have a negative impact on business. You are going to drive land values up or drive them down – you are going to make them either great winners or great losers.

Dwayne – give us suggestions of what you would suggest so we don't end up with a NAPA or a direction to go – these are cosmetic.

Doug – cosmetic on outside and strictly expensive to implement outside. Go from \$75 to \$150 per square foot come up with standard and show what that standard is – you are not going to end up with many buildings in Town. You want it to set with no architect drawings nor designs – coming to us with paper but people on this side of this isle are blind (pointing toward the Planning Board).

Lee Jay – design guidelines we are proposing do have a series of pictures with what is recommended and what is not. Lee Jay listed what was in the guidelines. Recommend that people come by and take a look at the guidelines.

Judy – we looked at how many towns with series of pictures from around New England.

Doug – you looked. We spent a lot of money on a system that would project pictures of what you are talking about. So we could discuss what was being discussed. There are no pictures. Not based on printed word. And there are no pictures for us to see.

Lee Jay – the design guidelines have the pictures.

Kurt – thank you Doug.

Tammy – please keep comments from the audience to those at the podium.

Todd Abbott – North Waterboro – Want to thank you guys. Served on the 20/20 committee as well as Judi, with Tom Ursia as Town Planner. Great

you are working on this. When we looked at it, we looked at it as business that wants to move to Waterboro and then Dollar General came to town while we were going thru this is a good step but when we were talking about this it was to incentivize – it is tough hearing what we can build or what we cannot build as a business owner. Focusing on future business person to make it an incentive to want to build in Waterboro. As a business owner, for example and I came to the board and have an incentivized plan want to have a three story building if the builder could get an additional use – retail and residential for example – get additional rental or additional business. You have not forced them to do anything. Doug mentioned the additional cost. You are forcing the cost on to the future business owner. Might force them to go somewhere else. When on 20/20 committee incentive was a big word. Thought Tom told us that it was illegal for anyone to tell property owner what they can build.

Lee Jay – what Tom told you was completely illegal. That is what ordinances are for – that is not what our intent is - we are not at a point of incentives - if this is where we are directed to go – then we need to re-write the entire ordinances.

Todd – when lots get expanded as Woodsome and Mike Allen’ s and when 2020 looked at this we were not talking about forcing anyone doing anything. Went through many scenarios – we were not talking about forcing anyone to do anything.

Judi – what would your suggestions be when another Dollar General or NAPA metal building comes to town.

Todd – ask them what they would also like to do – housing units or additional retail – don’t see what the problem with NAPA or Dollar General is they are neat and clean buildings but as a property owner it is hard to hear what we can and cannot do with our property. Have to be careful. The property that is passed down from family member to family member then the latest one would not be able to do much with their property based on the current ordinances. Don’t feel it is fair/right to force them to do it a certain way. Add cost to build. Add a cost to maintain don’t just look at what is just pretty. Look at from business owner. Thank you.

Shawn Shoemaker – Work for company in many areas – Maine, Massachusetts and Vermont. Companies look at how visible from the road. Should not have to worry about.

Dwayne – in the guidelines.

Shawn - Doug is on the money for 5/12 pitch roof – the gable roof would be taller than the first floor. Desire indicated that certain business in certain areas should not be looking where the company can build – should not allow fast food in one area and banks in another – build within what ordinances allow - Doug was right will make certain people very rich. And others not.

Lee Jay– not talking about changing the uses or restricting the uses.

Shawn – odd people making complaints about NAPA and Dollar General – when NAPA went through no comments but when Dollar General went through all kinds. It is up to the property owner to determine what they can do. Serving a function of what they want to do.

Lee Jay – this ordinance does not get into metal or texture.

Shawn – gets into reflective material.

Lee Jay – in the guidelines. Guidelines do not need to be adopted by anyone.

Shawn - don't want people to think that if you own a piece of property should be able to use as intended.

Kurt – Thank you.

Dwayne Woodsome – to go back to Dollar General in North Berwick. Ain't a lot of difference - only difference is the square footage from the North Waterboro - its got a pitched roof, bigger store.

Judi – the self-lit sign.

Dwayne - The lights could have been had here. Chadbourne Ridge Road most foolish thing I have seen in my life– poor design of street. Can't get out of Chadbourne Ridge and get on the correct side. Poor poor design –

Kurt – we did not have anything to do with the road design.

Dwayne - Steel buildings with a 5/12 pitch are designed to carry the snow load. Will hold the snow that we get. Can have almost a flat roof and carry the snow load. This is not just the cost of the building a lifetime cost – back parking lot, dumpsters.

Lee Jay – almost flat.

Kurt and Dwayne Prescott – did not have anything to do with street design.

Dwayne – 90% of buildings are designed for the northeast – 90 pound snow load – small pitch water run-off and snow load. Maintenance and cost not a one-time deal.

Kurt – this is just the first round, the Planning Board was directed to do so by the Board of Selectmen. We did not just pick a subject out of a hat - we were directed by the Board of Selectmen.

Jack Seery – North Waterboro. Philosophical for a moment – part of the issue running around - are we individuals or are we individuals within a community – I think that we are individuals within a community and the community has a right to say what we have to do and rights as individuals but are limited by the larger voice of the community. Not implying - just voicing what has been articulated by previous individuals.

Todd Abbott – Design Standards not look like advertisement.

Kurt – where – route 1 McDonalds Golden Arches that go out – that type of thing. Where are the pictures that Lee Jay brought in?

Todd – right hand not what we want but left hand is what we want - advertising perspective, Best Buy - Dunkin Donuts – use a box on the side of the building; what about a mom & pop looking like a donut for their building – they are not able to do it. Can't deny them the option.

Doug Foglio, Sr. – Had the time to travel to Lubec this fall – stopped in at a blueberry Building; there was nothing wrong with the building; 1974-75 started on the Planning Board worked on the Zoning Ordinance – some not agree with Zoning Ordinance it was a hard fight for a longtime – I chaired the Planning Board at that time – protective and non-restrictive – promised community that the ordinance would protective and not restrictive this is no protectiveness and is restrictive – lose money because of RSU 57 big elephant – payroll generates to town – restrictive to businesses. Waterboro known as being unfriendly for businesses.

Kurt – what do you suggest? Your suggestion

Doug – Guidelines are good; Standards – if go about properly – a lot of doubletalk; 50 feet than a off-set roof, people on board today and three come on – subjective ideas different from what originally written, come up with clear concise statements. If public water the footprint changed. 1 acre now took 2 acres before public water – makes economical and reasonable for people to get approval – show that you want to do business in Waterboro.

Dennis Abbott – Board of Selectman – Came out of the Comprehensive Plan. It was not the Board of Selectmen’s plan to dictate which piece of the Zoning Ordinance has to be done first – be careful of what we wish for – this is an issue to start and good feedback – like it but not what I want in my backyard. Go back to suggestions from when Tom was here – do something different – aesthetically pleasing – guidelines go a long ways – make clear – visibly pleasing acceptable to area around you. Do you want T111 buildings? If you are going on can’t be ambiguous in language – a good start will churn itself through system – guidelines should overshadow standards. On the other hand what is the design cost – current board should know cost per square foot and then the cost to comply with the proposed standards – board should know.

Gordon Littlefield – mixed views from heard this evening. Tom Ursia taken out of context – there was no ordinance – a point of clarification – contrast to what Todd Abbott stated – what can and cannot do is regulated by codes in construction – what are we doing now. Points well taken – blueberry crop in Waterboro – just as apples would be the culture of the community – would like to commend the Planning Board on this undertaking – brings up historical time of when the zoning ordinance was going in - write the language so it is an acceptable part of the community – responsibility that community that everyone in it and can be proud; the quality of life we would enjoy – for instance – most distasteful - open a porn shop on 202 with a front design that depicted a series of lights flashing that depicted certain characteristics flashing in and out – not sure it would be acceptable here in Waterboro.

Judi Carll – not dealing with uses. Uses are going to be there.

Gordon – common sense element that needs to be injected into this – keep historical values or make contemporaneous with today’s surroundings - question of semantics.

Shawn Shoemaker – one question I have - customer comes in standards not likes – need to make sure that the ordinance can be appealed.

Lee Jay – yes if through Planning Board or Code Enforcement.

Shawn - 35 foot height – can ask for a variance or do through contract zoning.

Lee Jay – I disagree. Legally can’t grant a variance for height; need to meet ZBA criteria.

Shawn – interpretation by board and by the applicants – interpretation not going to work out; Dollar General comments – developer comes in – should meet with the planner.

Lee Jay – would possibly need to go to Superior Court for continued interpretations.

Shawn – should be the Town Planner that is the first line of communication.

Kurt Clason – stated applicant case that said no guidelines no standards.

Shawn – probably did not happen that way - change is going to happen – need to have good communication. Noted Hannaford when they came to town how people did not want it. Good developer communication is key.

Lee Jay – I was not here to have had that conversation with Dollar General.

Judi Carll – if no standards would like ours or North Berwick's?

Lee Jay – Don't know if that would have happened.

Judi – difficult for me to understand as with Waterboro's small town builders.
McDonalds in Freeport.

Lee Jay – big battle with design standards also. Took picture of my town's (Auburn's)
Dollar General – very subjective that this one much uglier than Waterboro's.

Judi – bigger trees in North Waterboro than most get – big oaks.

Dana Lewis – mine is a box; an addition to the existing structure to work on
vehicles/trucks – biggest concern is that I work on large maintenance
vehicles and if I came to the Board and requested to make an addition
would I have to change the existing building or the addition?

Dwayne Prescott – existing building would be ok

Dana – wouldn't that make this look hideous – great with Hannaford and Gorham
Savings not sure why put in the existing piece?

Doug Foglio, Sr. – again talk about subjective part – Dana's case meets new standards
could he end up with something that looks uglier than sin – Dough
used his hands to diagram what would look like – look balanced
sometimes impossible to put up new part and have it not need
renovation to the internal part – renovate old to match new.

Judi Carll – read rest of sentence.

Doug – still subjective – goes on to say more but don't want to meet this standard. If not
debatable – also, Section 2.08 – 35 years of never being challenged can't believe
that you and him of never being challenged on this – never been beaten! Just
commenting on what you said!

Kurt Clason – I am shutting you down - 2.08 not being heard tonight.

Kurt Clason closed the Public Hearing at 8:21pm. Five minute recess taken.

Kurt Clason called the Planning Board meeting to order at 8:32pm.

III. MINUTES OF PREVIOUS MEETINGS

- Judi Carll made a motion to accept the minutes of December 2, 2015 as is. Kurt Clason seconded. No discussion. Vote 5 – 0 (1 abstention – Mann).

IV. OLD BUSINESS

- Discussion on Article 7 Sub-section 7.10 will go forward for more discussion. Lee Jay will pursue the architectural elements and report back to the board.
- Add Design Standards Workshop for next Planning Board meeting – January 6, 2016.
- Brigit McCallum noted that if there was more communication then more people would not be so knee-jerk – give them the process information – if we do it this way then we know we have tried our best and there is no perfect world.

V. COMMUNICATION

- By-Laws need to have the Secretary/Treasurer position added back in it was eliminated – Lee Jay will add back in. The By-Laws do not have to go to the Board of Selectmen.
- Zoning Ordinance Article 2 Sub-section 2.08 goes to Public Hearing on January 26, 2016 with the Board of Selectmen.

VI. MISCELLANEOUS

- Planning Board meeting dates for 2016 were provided

VII. ADJOURNMENT

- Judi Carll made the motion to adjourn at 8:41 pm. Judy Wirth seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: _____

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