

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
April 6, 2016
7:00 p.m.

I. ROLL CALL

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

Absent:

Others: James Cloutier Sunnyside Cottages Charles White Janet White
 Dana Blackburn Dianne Blackburn Virginia Harnois Peter Semenchuk
 Barbara Lamont Stuart Lamant Roger Bouffard Leonard Sanborn
 Marguerite Dow Nate Wersackas Philip Richard Katherine Damon
 Kevin Tobin Priscilla Tobin Tom Blesso Deidre Donovan Rick Hall
 Charlene Hall Gary Marcotte Lorraine Marcotte Richard Gendron
 Dale A. Witman Michael Taflas Karen Dodge Linda Comeau
 John Conway Robert Thomas Paul Tebbetts A L Loukola
 Robert Preble Trust Karen Cummings Paul Kussmann Ed Doggett
 Sandy Labelle Stacey Cote Debra Lauzon John T Sisey Karen Albert
 Danny Albert L Goddard Brian Davies Sherri Cluff Jarrod True
 Joanne Vanasse Bruce Church Jon Mistos Diane Mistos
 Michelle Houk Mark Houk Leo Binette Gary Massucco
 Dianne Schultz Doug Schultz Alan Weeks Craig Fredericks
 Richard Savoy Joe Colombo Ken Crepeau Richard Sevigny
 Nancy Colombo Tim White Karen Bolduc Darlene Bolduc
 Frank Patten Cheryl Patten Peter Schild Patty Schild Steve Jacobsen
 Kathy Jacobsen Brenda Ringuette Bethany Bedard Dennis Albert
 Becky Joyce Patty Mattos Mary Maxfield Joe Presby Linda Presby
 Rita Costa John Costa Bill Walker Marie Clark-Coleman Claire Dube
 Nick Smity Jim Wersackas Dan Babb Joyce Lincoln Lauree Moulton
 Joseph Boucher Robert V Prendergast Kyle Tompkins Alan Smyth
 Maryellen Bozza David Bozza Tim Neill Robert Pomerleau
 Neil Wright Sue Wright Gene Libby Sondra Leeman Robert Leeman
 Billy Curro Roger Lauzier Marie Mattos Pete Mattos Michael Bourre
 Doug Foglio, Sr Gary Lamb Lee Jay Feldman Glenn Charette
 David Lowe Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:04pm on
April 6, 2016.

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

Kurt moved the Public Hearings to the front of the agenda.

II. NEW BUSINESS & PUBLIC HEARINGS

- **Public Hearing – Shoreland Zone Map** – Kurt Clason opened the Public Hearing at 7:05pm. Kurt reminded the Board that this is a Public Hearing and we would just take comments, for the community members present it is not in reference to any particular site in town or application before the Planning Board. Glenn Charette, CEO reviewed the Shoreland Zone Map being reviewed – anyone that has a particular question regarding their property can contact him or tammy to set up an appointment to discuss their property. No Comments from the public. Kurt closed the Public Hearing at 7:08pm.
- **Discussion and Vote on Shoreland Zone Map** – Kurt to Lee Jay – seeing there are no questions - your thoughts on passing to Board of Selectmen? Lee Jay suggested to moving forward as a packet with the Shoreland Zoning Ordinance.
- **Public Hearing – Shoreland Zoning Ordinance** – Kurt requested that the large group of community members present be civil and will be stopped if they make reference to any application either before the Board or coming to the Board – only hear Shoreland Zoning Ordinance comments and/or concerns. Glenn Charette introduced himself and tammy – administrative assistant. The Shoreland definition has not changed in 40 years. Which is 250' through MDEP. Worked closed with MDEP from the start. Planning Board to do the editing. Board of Selectmen will also do the editing at their Public Hearing. The final draft from the town will go back to MDEP for approval. Glenn clarified the following:

Non-vegetative surface – includes, but not limited to, driveways, parking areas, structures, decks, patios, and other areas from which vegetation is removed. This term has replaced impervious surface. Defined in Chapter 1000 and our Zoning Ordinance.

Legal non-conforming lot – lots, structures or uses that were legal when ordinance took effect

Permit by Rule (PBR) – Section 305 of the DEP regulations - requires MDEP PBR if within 75' of high water mark and permit from the Town of Waterboro

Districts being deleted but still regulated: stream protection – DEP eliminated area does not need to be on the Shoreland Map just no district; and limited commercial – no area around lake that will support a business

Non-conforming structures – the criteria has changed currently allows up to a 30% expansion of floor area and volume the proposed changes have eliminated the volume criteria. If the structure is within 25' of the high water mark you may expand 30% larger up to 800 sq. ft. with a height limit of 15 ft.; if less than 75' from the high water mark 30% expansion is allowed up to 1,000 sq. ft with a height limit of 20 ft.; if the structure is less than 100' from the high water mark 30% expansion is allowed up to 1,500 sq. ft. with a height limit of 25 ft. If you need a clearer explanation please contact tammy and I for more information. Lee Jay – it is good we don't have to calculate the volume. The height has changed.

Campground not in existing ordinance has been placed in the draft.

Erosion Control Excavation – Shoreland Certification needs to be obtained by a business doing excavation within the shoreland within 250’ of shoreland. The property owner and municipal Department of Public Works are exempt but must follow erosion control measures.

Definitions added: Basal Area – basement – canopy – dock – pier – mooring – wharf – driveway – footprint – hazard tree – normal high water – temporary – permanent.

Docks – currently Waterboro does not have restriction the length of a dock; if we don’t limit and would then revert back to the DEP criteria – the facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. What that means is open interpretation for the CEO – the CEO will be able to take into consideration aesthetic viewa, access, shading, pattern of water flow, - some docks go from corner to corner of the property with two ten foot fingers. If the height of the water 30 feet out is only two feet of water then the property owner could have a longer dock and if the water is higher then a shorter dock would be the norm. if your dock covers 200 sq ft of water – it affects the shading of the natural environment, docks put chemicals into the water – aluminum corrodes and puts chemicals into the water as does pressure treated, it blocks the bottom feeders from sunlight. Safety issues – kayaking, canoeing, motor boats out further into the water. Tonight’s highlights are only part of the draft ordinance. We are not able to be less restrictive, we can be more restrictive as we have been in certain areas of the draft ordinance.

Kurt opened the Public Hearing up to comments from the attendees.

Roger Lauzier – one item clarified – 30% expansion with up to 1,500 square feet height limit of 25 feet - where is the 25 foot height measured from? Most residences around the lake have slopes - does not leave much room for expansion – where do we measure the height limit from front-side-rear?

Jim Cloutier – Lawyer for Sunnyside Cottages. Jim provided a letter to the Planning Board supporting the Town in what they are doing. One issue noted – Sunnyside has over 500 feet of lake frontage – 4 tax lots – single owner single mooring? – think about swimming, rafting, out there range from 6’ to 18’ each cottage has a dock. Supportive of Town.

Doug Foglio, Sr. – speak on proposed dock 30’ long not long enough when you have a 30’ boat – the bow would be on the shore – ordinance on dock – everyone allowed 2 docks – change a rental dock to commercial dock would be a marina – take up the rites to other property owners – ordinance restricts owner to one dock 30 feet long – apparent that definition will determine – commercial dock is a marina – hope you consider that.

Richard Savoy – Page 18 C – one pier, dock on lot – existing hopefully grandfathered – mooring - public installed with large party barge – should be in the ordinance. Page 18 D. Campground – single lot –

limit number of boats into lake – other New Hampshire and Maine campgrounds do limit number of boats. Page 54 – mooring – jetski added?

Dick Hall – Swim platforms and rafts is mooring? Page 4 Section 12 – non-conformance will they be grandfathered?

Marguerite Dow – difference between personal and commercial docks currently have two docks with 1,000 feet of shore frontage; consideration for the frontage with what frontage we have; up-graded when the when purchased property; follow the rules; grandfathering be considered.

Joyce Lincoln – over 50 years on lake – 40 foot standard length; don't know how obstruct view as the dock usually sits in front of you; four foot lengths – how sold consider length.

Patty Mattos – appreciate work you have done; own property with sister; two docks as both have boats; also urge to keep grandfathering in mind for structures that have been there for many years.

Jim Moresakis – everyone coming up has an agenda of their own – longer dock, what's a mooring? Grandfathering; how do you grandfather something that is taken in and out every year? Who will monitor this? Been on the lake for 28 years –pontoon boats, jetskies – over last 20 years seen majority have pontoon boat, jetskies – 2 boats, 2 jetskies – how does one dock 30 feet long work? Consideration for everyone on the water as they enjoy fishing, boating, swimming and canoeing. How can you limit a dock with 30 feet.

Gene Libby – speak on behalf of David Bozza owners of Little Ossipee Lake Campground – speak on the draft ordinance; Shoreland Ordinance related to expansion – it is not! Real concern town has had shoreland ordinance – docks in existence since 1996; limitations on shoreland – 1996 not limit number, size length of docks. Make sure implied representation are required coming from State – ordinance proposed control number of docks, length of docks, width of docks exceeded by State – State does not width, not length – State minimum does not limit number of docks, length or width of dock. Shoreland does not require a permit to replace board or paint house – this ordinance does - State not permit for up-keep – State does mandate minimum guidelines – Bozza's property located partly in shoreland. Not appropriate in this age of transparency as minimum as guidelines and where located. Bottom line here draft ordinance you are considering goes well beyond the minimum standards required by the State. Mr. Feldman's memo is more restrictive – nobody told the public section 15 optional not mandated by the State. Provisional structure over on or other structure below high water wetland – note in minimum – municipality may not restrict this ordinance Gene Libby read the ordinance. Everyone here who is limited – optional – the need to enact written serious problem with the ordinance as drafted. No more restrictive 1 pier dock on a single lot. One mooring per property owner – lot vs mooring. Added –

Gene Libby – (con't) – not in State guidelines – no one has told public as I know the changes are being presented. The CEO mentioned 30 foot added to the language with in the length in the draft read dock definition – what does accumulative mean - should be defined in ordinance. No doubt the drafter has an agenda – that being the campground expansion! There is no length limit in the State guidelines. Why 30 feet here and not in State minimum standards? Planning Board needs to look at Section 15.C.5 – limits docks to 6 feet wide - 30 foot length also attached State Guidelines look at page 20 15.C.5 that of State Guidelines that I attached and compare the two – Gene Libby read this portion in its entirety. For non-commercial purposes has been deleted not indicated State recognizes that there is a difference – deleted and commercial and non-commercial business – will impact anyone that for non-commercial purposes has been deleted not indicated State recognizes that there is a difference in needs for commercial purposes – deleted and obviously will affect commercial business – this community has a 2020 Committee Plan, May, 2015 – the 2020 comp plan are inconsistent with this ordinance – 2020 Planning Committee of the town and Little Ossipee Lake Association create an ordinance for a Harbor Master, Marina regulation and mooring regulation – work with the campground to gain public access to for public use Lakeside Market. Not sure Little Ossipee Lake Association has been involved as envisioned by Comp Plan Committee with this ordinance. Also been very important definition change functionally dependent water uses a State mandated definition – includes commercial and recreational fishing and boating facilities and marinas. One hand comp plan that says the Town work on Harbor Master, marina and boating plan and the other not transparent water dependent uses. A lot in this ordinance well beyond minimum standards the guidelines envision following comp plan – municipality need not adopt word by word . . . meet the needs of the community. Change in draft ordinance Section 12 – this ordinance allows requires with a permit and makes the change to cross out without a permit – minor repair maintenance – needs to get a permit. Kurt request that Gene Libby finish up. Request the Town a simple request in 2020 comp plan commitment to increase tourism – this ordinance to exactly the opposite no one identify where exceeds. An example – Section page 16 B.4 – State does not regulate retaining walls – draft ordinance regulates retaining walls well beyond state minimum Little Ossipee Lake Campground does have interest and does follow comp plan – exceeds State minimum where exceeds identifies before the community.

Karen Dodge – 7 generations on Little Ossipee Lake; number, length, use and preservation of the lake – a pristine lake – an individual use a section divided in to 85 units; and now worried about a marina on the lake to expand his income. Kurt – we are not discussing a project before the board. Karen – I understand. There needs to be a ratio between over extend 17 piers. Kurt – we are not talking about . . . Karen- length or pier, uses on the lake. Kurt – please stop now.

Brian Davis – Residential vs Commercial – not on the lake; change commercial ordinance use common sense for business.

Richard Sevigny – hope this comes to a public vote not a committee vote.

Richard Savoy – individual who spoke poke on the swim platform; needs to read the draft as a definition for a mooring – is for a boat You have done a great job – keep it going!

Kevin Tobin – don't envy you with what is going on – there is a lot of legal ease going on – come up with a plan – general change – volume of boat traffic – get away from saturation point – erosion on shoreline, number of boats increased traffic – take one part of lake and saturate the lake – need to keep the integrity of the lake the same.

George Harnois – Retaining walls – the boats are bigger, faster vicious at times – would like to see horsepower rating – have a dock that rolls; erosion from the waves – need fortifying the shore.

Nick Smith – Wife owned since the fire of 1947; few wakes at that time – different now 10 feet from shore wakes come over the shoreline and splash me in the hammock. Is this little lake going to become a commercial enterprise? I painted a step am I going to be in trouble?

Michael Taflas – President Little Ossipee Lake Association – welcome the Comprehensive Plan Committee to get involved.

Bill Walker – Concerned about erosion – raise the water level - wakes larger – really eroding – stick 2 feet into ground – island one-third the size it was when I was a kid – it has changed considerably.

Marie Clark-Coleman – President of Camp Laughing Loon, Director – 100 campers per week – need to keep the kids safe – shorter docks mean boats come closer to the kids - retaining wall starting to collapse with boat wake, erosion – don't want to lose what we have.

Marie Pete – Mattos – Where do we go from here and stay informed? Kurt – the Planning Board will review the comments and concerns then we will come back out or send on to the Board of Selectmen – but either way there will be another Public Hearing. Marie – how do we stay informed of this? Lee Jay – call Tammy to get the information regarding any meetings and or Public Hearings. Tammy explained what needs to be provided to her for placement on the town emailing group.

Kurt Clason concluded that the Shoreland Zoning Ordinance Public Hering be closed at 8:14pm.

Kurt – the Planning Board will not be doing a discussion or vote on the Shoreland Zoning Ordinance tonight.

Lee Jay suggested that the Shoreland Zone Map and Shoreland Zoning Ordinance go to the Board of Selectmen as a package.

Kurt – we will take a five minute break.

Kurt called the Planning board meeting back to order at 8:26pm.

III. MINUTES OF PREVIOUS MEETINGS

- **March 16, 2016** – Katy Mann made the motion to accept the minutes. Lee Nelson seconded. No discussion. Vote 5 – 0 with 2 abstentions (Wirth and Letellier).

IV. OLD BUSINESS

- **Article 7 Section 7.03 Campground Developments** – Lee Jay researched and presented the portable screen room width norms – 8 and 10 feet are both available – what if 10 foot wide additions are moved within a campground – then they can be grandfathered. Anyone new coming in has to be 8 feet. If the Board would like wording can be added. Kurt asked how the CEO would monitor what is moved? Glen offered – a valid question – would require yearly inventory – rely on honesty of property owner and tenants. Kurt – 8 or 10 feet does not affect the lot size. Judi Carll made the motion to change the accessory structure size from 8 feet to ten feet. Dwayne Prescott seconded. Steve confirmed that individuals that he knows also have ten foot structures. No further discussion. Vote 7 – 0. Lee Jay also explained the square footage – the 1,250 is the minimum for the tent size. He is comfortable the 1,250 or can go larger. Judi Carll made the motion to move Article 7 Section 7.03 Campground Developments on to the Board of Selectmen with these changes. Katy Mann seconded. No further discussion. Vote 7 – 0.

V. COMMUNICATION

VI. MISCELLANEOUS

VII. ADJOURNMENT

- Judi Carll made the motion to adjourn at 8:34pm. Steve Letellier seconded the motion. No discussion. Vote 7 - 0 in favor.

Approved Date: _____

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