

**SELECTMEN'S MEETING MINUTES**  
**May 15, 2001**

**PRESENT:** Willis Lord, Bob Fay, Brenda Charland, Nancy Brandt, Pam Witman, Teresa Lowell, Jim Shanahan, Glenn Bean, John Martin, Jim Webster, Bob Gobeil, Mike DeAngelis, Teresa Lowell, Jane Harriman, Peggy Dunlap, Jason L'Heureux, Denise Waterhouse, Doug Foglio, Eric & Diane Herrle, Pam L'Heureux, Mark & Beth Cyr, Jon Gale, Paul Kussman, Russ Lowell, Fred Fay, Mr. & Mrs. Wickham, Tony Payor, Jack Mahoney, Kelly Woodworth & Sharon Contois .

Meeting called to order at 7:00 p.m.

**APPOINTMENTS**

7:00 p.m. – Public Hearing for Good Day Café Bottle Club License opened at 7 p.m. Jane Harriman, owner explained that the town has no jurisdiction over a Bottle Club but their application still requires the signatures of the town officials. This dinner club will be by reservation only and this is their way of controlling the number of patrons, 12 people will be the maximum. Board questioned who would control the amount of liquor consumed and Jane stated that she will. Explained that they want it to be nice and quiet. Jim Webster explained that they could still get their license even if the town does not sign the application. Jon Gale stated that even the Peppercorn Restaurant operated as a bottle club prior to getting their full liquor license. Eric Herrle stated that he is a very big fan of Lily Moon in Saco which is operated in the same manner. Doug stated that people enjoy going to a place where you don't feel like your part of an assembly line. Stated that he has patronized a number of establishments like this and they usually have better food and better service. Felt they should be given a chance. Brenda stated that it appears that to deny it has to be based on one of six (6) criteria clearly outlined in M.R.S.A. 28-A Section 161-A and must be clearly stated. Discussed their distance from the school and Jim stated that they are more than the required 300' so do not fall into that category. Bill Griffin expressed concerns with the close proximity to the school. Students will be traveling the same road during the same hours. Hopes the board finds a way to deny this. Tony Payor and Peggy Dunlap both agreed with Bill. Very concerned about the safety of children in the area. Peggy stated that this area is very family oriented not a business district. Would like the owner to consider not having alcohol. Mrs. Wickham stated that they purchased their home a year ago next to a café not a bar. Would not have purchased next to a bar. Paul Kussman questioned how you can allow people to drink without a bathroom. Concerns were expressed with regard to the narrowness of the road and parking. Sharon Contois questioned the liability of people drinking in her establishment and who's responsibility if a patron leaves and gets into an accident. Jim stated that she is required to have four (4) parking spaces and actually has more than that. Bob stated that he is a property rights person but in this case he makes the motion that they not sign the application. Brenda stated that she will vote against it because of its proximity to the school and they can not violate local ordinances. The local ordinance states on occasion not on a regular basis. Willis expressed concern also about the nearness to the school but also it's lack of a restroom. Doug stated that people will be going there to eat not to drink. Motion by Bob and seconded by Brenda to close the hearing. Vote 3-0-0. Motion by Brenda that the application be denied based on criteria (b) Noncompliance of the bottle club with any local zoning ordinance or other land use ordinance not directly related to liquor control and (g) Location of the bottle club at an amusement area, beach or other area designed primarily for use by minors. Motion seconded by Bob. Vote 3-0-0.

7:15 p.m. – Public Hearing for the renewal of a liquor license by M & S Catering, Rogers Restaurant. Jim Shanahan, owner stated that this is their fifth renewal and there has never been a problem in the past. They do limit consumption and liquor sales constitute less than 4% of their overall sales. Motion by Bob to renew their license and Brenda made the second. Vote 3-0-0.

Motion by Bob for a five minute recess at 8:05 p.m.

Reconvened meeting at 8:10 p.m.

7:30 p.m. – Jim Webster, CEO addressed the board regarding two illegal junkyards that he has been working on unsuccessfully. Has involved the attorney and they are still not being cleaned up. Requested permission to seek court action against the two property owners. He has done everything within his power at this point. Motion by Brenda that the Selectmen grant the CEO authority to seek court action against the owner of Map 4 Lot 48A and motion seconded by Willis. Bob questioned if because of the long winter they should not grant an additional 30 days and then seek court action if it has not been cleaned up. Jim stated that he has sent two letters, the first giving them 45 days and the second another two weeks. The attorney then sent them a letter giving them another 30 days and still no action. Vote 3-0-0. Motion by Brenda that the Selectmen grant the CEO the authority to seek court action against the owner of Map 23 Lot 7. Seconded by Bob. Vote 3-0-0.

### **NEW BUSINESS**

1. Bob requested that item one (1), discussion regarding the court case be moved to the end and that it be done in Executive Session. Willis requested that this be discussed in the meeting. Bob stated that the court case involving the ZBA was not voted on by the Selectmen. Brenda explained that there was a 2-1 vote to request them to reconsider but did not know the next step was court. Jim explained that this involves a couple who have not purchased the property yet but it consists of three lots and due to the size of the structure and the location on the property it requires a 16' variance. They went to the ZBA and the variance was granted based on hardship but it was granted to someone who does not own the property. Stated that a building 24' x 44' can be placed on this lot without a variance. Bob stated that no one can take this to court without a Board of Selectmen vote. Jim stated that this is giving a variance to fit a lot to a house not to fit a house to a lot. Brenda stated that when the ZBA makes a decision the Board of Selectmen have a right to challenge that decision. They did request the reconsideration in a timely manner. Willis questioned how this can be a hardship when the people don't even own the property. Bob stated that this is the first time a Board of Selectmen has taken a committee to court. Brenda stated it is the responsibility of the board to enforce the towns ordinances. We the board requested the reconsideration they weren't even given the courtesy of a denial, it was just ignored. Motion by Brenda and seconded by Willis to take the Zoning Board of Appeals to court. Doug stated that this situation is quite unique because of the state imposed Shoreland Zoning. This lot of record was on the books 8 years before zoning and 12 years before Shoreland Zoning. Stated that they can put a 22' x 22' structure on this lot without violations but this is the maximum size structure. Felt the board should have spoken with these people and should require the Zoning Board to hold workshops. Did not think workshops have been held in about five (5) years. Willis stated that he has spoken with Rich Baker, DEP regarding this issue and he could not understand granting a variance to people who don't own the property. Diane Herrle stated that it is very important for the Selectmen to uphold the ordinances. Maybe we should start supporting our CEO. Bob requested a figure on the cost of lawyers. Brenda requested a conference call with Ken Cole regarding this. Motion by Brenda to table until next week and seconded by Willis. Vote 3-0-0.
2. Brenda requested that Nancy pick a date and convene the town property committee to review the requests to purchase lots in Lake Arrowhead.
3. Bob suggested that the Selectmen be given a week to look at the banner entries and they can vote next week. All agreed.
4. Willis presented his proposed article for the Special Town Meeting amending the road construction standards. Still needs to go to the Road Review Committee. Bob stated that he would like the opinion of the Planning Board and Conditional Use Committee also. Willis

stated that this is only an amendment, not a new ordinance. Motion by Bob to place on the warrant and seconded by Willis. Vote 2-1-0 with Brenda opposed.

#### OTHER

1. Discussed organizing a clean up day. Brenda noted that the first year this was organized by Parks & Rec. Nancy to contact RWS regarding hazardous waste. Bob stated that the town representative to RWS does not spend to much time informing Waterboro. Bob requested that Nancy pick a date, Saturday only, and advertise very heavily. Will limit tire disposal to 4 tires per registered vehicle. Reported that the burn pit is open again but almost full.
2. Charter Commission meeting to be held on June 6<sup>th</sup> at 7 p.m. in Clubhouse 2, Lake Arrowhead.
3. Discussed Brenda resigning from the Charter Commission. Motion by Bob that her resignation be accepted with regret. Seconded by Willis.
4. Reported that they held two good interviews for the Planning Board and have one (1) more scheduled for next Wednesday.

Motion by Bob and seconded by Willis to accept the minutes of 5/1 and 5/9 as written. Vote 2-0-1.

#### ADJOURNMENT

Motion by Brenda and seconded by Bob to adjourn at 9:05 p.m. Vote 3-0-0.

#### SIGNED:

Warrant for Bills and Payroll

1. Minutes of 5/1/01 & 5/9/01
2. Cover letter to Inland Fisheries
3. Concealed weapon application

#### APPROVED

Date: 5/29/01

Willis A. Lord

Robert Fay

Brenda Chauland