

**Waterboro Board of Selectmen Meeting  
April 14, 2015 Meeting Minutes**

**5:45 pm Executive Session per Title 1 M.R.S.A. §405 (6)(A) to meet with a committee applicant:** The committee applicant did not attend. This executive session was not held.

**PRESENT:** Chairman Girard, Selectmen Abbott, Gale and Littlefield, Town Administrator Gary Lamb, Sharon Abbott, Nancy Roberge, David Benton, Public Works Director Doug Foglio, Sr., Don Prokey, George Harnois, Administrative Assistant Christina Silberman and IT Manager David Lowe. Code Enforcement Officer Glenn Charette, Tammy Wells, Tim Neill, Rep. Dwayne Prescott, Katy Mann, Andy Cote, Tim Cote, Bob Leeman, Thomas Chapais, Esther Briand, Contract Deputy Shawn Sanborn, Shawn Shoemaker, and many others were present for the public hearing.

**PLEDGE OF ALLEGIANCE:** Chairman Girard opened the meeting with the Pledge of Allegiance at 6:04 pm.

**Public Hearing to receive comments on the proposed Highway Entrance Ordinance:** Chairman Girard opened the public hearing and explained the procedures to be followed. She also addressed some misconceptions about the proposed ordinance.

Nancy Roberge of the Road Review Committee said that the current ordinance was created in 1979 and amended in 2003. Ms. Roberge outlined the work the Committee did in drafting the proposed ordinance. This included review of some ordinances in other Maine towns, three of which are in York County. Public Works Director Doug Foglio shared photos of driveways in town and explained the issues with them. Mr. Foglio said that a handout has been distributed in town that contained some inaccurate information.

Kurt Clason, Mark Hansen, Paul Holdsworth, Timothy Hutchinson, Bob Leeman, Andy Cote, Peter Hasler, Rep. Dwayne Prescott, Tim Cote, Katy Mann, Harold Jamieson, Tim Neill and Janice Poisson spoke and the following concerns were raised:

- Commercial and residential properties are treated the same way.
- Proposal does not address turning radius or locating a safe distance from intersections.
- Planning Board will not have the ability to regulate development. All land development issues should be handled by the Planning Board.
- There is only one level of review. Public Works Director will have total control.
- Modifications to existing driveways will trigger the need to comply and require a permit.
- An engineer may be required which could be costly.
- Driveways cannot be located directly across from each other.
- Disagree with proposed slope/grade requirements.
- Issues with temporary driveway requirements.
- Public Works cannot enforce ordinances.
- Clarification needed on change of use and modifications to existing driveways.
- Issues with sight distance requirements.
- Issues with culvert requirements.
- Clarification needed on what constitutes a special condition.
- Issue with driveway being placed on less traveled way/lower classification roadway when a corner lot.

- Ordinance should state that no reasonable application will be denied.
- Title of ordinance should be changed.
- Questions about applicability.
- Should not affect private property that is outside of the right of way.
- A private road cannot be accepted as a town road if even one driveway does not comply.
- Planning Boards concerns were not fully addressed.
- Public Works Director will have to approve subdivision plans before Planning Board approval.
- Does not address large commercial properties that should have controlled entrances and exits.
- Ordinance is too broad and ambiguous.
- Issue with appeal process to the Zoning Board of Appeals.
- No allowance for variances.
- Who will conduct the reviews?
- Questions about the application fee/process. Costs of improvements could be too great.
- Ordinance should go to the voters.
- More public notification and education is needed.
- What if the Code Enforcement Officer and the Public Works Director disagree?

Mr. Foglio responded to some of the concerns.

Chairman Girard closed the public hearing at 7:30 pm. There was a 5 minute recess.

**Discuss/vote to adopt the Highway Entrance Ordinance:** Chairman Girard resumed the meeting after a brief recess. Town Attorney Natalie Burns responded to the comments made during the public hearing. Ms. Burns answered questions from the Selectmen. Selectman Gale suggested an alternative appeal process prior to going to the ZBA. Chairman Girard stated that the current ordinance has no appeal process. Selectman Littlefield asked for clarification on what circumstances would require a homeowner to make adjustments to their driveway to comply with the ordinance. Selectman Gale suggested implementing the ordinance in stages so more complex items could be addressed. Mr. Foglio said there are concerns with public safety access to multiple properties served by one driveway. Chairman Girard asked ZBA member Sean Shoemaker if there are issues with scheduling meetings and he replied that members try hard to be available for meetings. Selectman Gale asked if there should be two separate regulations for commercial and residential properties. Ms. Burns said this is possible. Mr. Foglio said he has only denied one residential and one commercial permit since he has been issuing permits. Chairman Girard asked if 2 permits would be required on a State road. Ms. Burns said that State law indicates that when something falls within the urban compact area then the town will oversee it and when it is outside the area then the State would oversee it. Selectman Gale asked what would constitute a hardship and if expense could be considered. Ms. Burns said it could be considered a special condition if the cost was too high. Chairman Girard asked for clarification on what changes to an existing driveway would trigger requiring a permit. Ms. Burns responded that the proposed ordinance would apply when the driveway location is altered. Selectman Abbott questioned why changes made on private property and not within the right away would matter if the entrance is not affected. Chairman Girard questioned the 100' length requirement for a temporary entrance. Mr. Foglio responded that it is to make sure the

tires are cleaned off and it is a common number (in other town's ordinances). Selectman Abbott questioned what criteria would the ZBA use on appeals and what recourse would there be for people that can't make the grade? ZBA member Shawn Shoemaker suggested having a hardship appeal option. Selectman Gale expressed concern with engineer requirements. Ms. Burns will draft some language to address some of the concerns. Further action on the proposed ordinance was postponed.

**ANNOUNCEMENTS:** None.

**ADDITIONS OR DELETIONS TO AGENDA:** None.

**HEARING OF DELEGATION:** Don Prokey, 10 Inspiration Point, reported that he has signatures from the property owners in the area of East Shore Rd. who wish to have the remainder of East Shore Road become a town road. Mr. Foglio said there are several issues with this portion of East Shore Road. There is a provision that if a private way becomes impassable, the town can send equipment in for emergency access. Ms. Burns said that if a public easement status is obtained it would allow the town the right to utilize and maintain the road if they choose to.

Selectman Gale moved to allow the meeting to go beyond 9 pm, seconded by Selectmen Littlefield, voted and passed, **4 years**.

Owners of the road would be required to give an easement to the town. This would allow the town to plow the road if they so choose and would have to be approved at Town Meeting. George Harnois said that the property owners plow the road now and the Fire Dept. used the road during a fire and other people use the road. It would be nice to have a paved road for emergency access. Chairman Girard asked Mr. Prokey to follow up with Mr. Lamb on the process.

A man from Lord's Road asked if selling a property would be considered a change in the proposed driveway ordinance and the Chairman Girard replied that it would not.

**APPOINTMENTS:** None.

**CORRESPONDENCE:** Chairman Girard reviewed the following correspondence:

- a. Treasurer's Reports
- b. EcoMaine recycling reports
- c. R.S.U. #57 Letter from Superintendent Davis
- d. Public Hearing notice – Board of Selectmen 4/14/15
- e. Economic Development Committee invitation to Selectmen for the 4/22/15 meeting
- f. York County Budget Committee Caucus info

**REPORTS & STAFF INITIATIVES:**

**Selectmen's reports:** Selectman Littlefield congratulated Trevor Walton for notable achievement at the national wrestling meet. He also congratulated Mike Risti for being the first athlete in the history of Massabesic High School to earn All American status.

Selectman Gale reported that the Community Garden Committee completed a lot of work on the shed. The Parks & Recreation Committee is working on the summer schedule with some good ideas. The 20/20 Committee met and Todd Abbott did a draft of the natural resources and open space chapter. The 20/20 Committee will hold informational meetings

on the proposed comprehensive plan update on Wednesday, May 13<sup>th</sup> at the Fire Department at 6 pm and on Saturday, May 16<sup>th</sup> at 10 am at the Grange Hall.

Chairman Girard said that the 12 Town Group met and they talked more about high speed internet and she will share more information with the Selectmen about this. Chairman Girard said the York County Budget Committee Caucus is tomorrow night at 6:30 pm. Due to a change in districts, she is no longer a member of the Committee. She is seeking placement as a member in the new district and asked Selectmen to attend, if available, for the nomination and vote.

Selectman Abbott left the room.

**b. Town Administrator Gary Lamb's report:** None

### **NEW BUSINESS**

**a. Discuss/vote to schedule a public hearing to consider an amendment to the Zoning Ordinance Article 3.05.02 – Conditional Uses and Structures:** Selectman Littlefield moved to schedule a public hearing to consider an amendment to the Zoning Ordinance Article 3.05.02, for the April 28<sup>th</sup> Selectmen's meeting, seconded by Selectman Gale, voted and passed, **3 years**.

**b. Discuss/vote on a committee appointment:** This item not acted upon.

**c. Discuss fees for consent agreements:** This item was postponed until the next meeting.

Selectman Abbott returned.

**d. Discuss/vote to schedule a candidates' night for the June 9, 2015 Election:**

Selectman Gale moved to hold a candidates' night on May 14<sup>th</sup>, second by Selectman Abbott voted and passed, **4 years**.

**OLD BUSINESS:** None

### **OTHER**

**a. Discuss/vote to approve the amended minutes of the March 10, 2015 regular meeting.** Selectman Littlefield moved to approve the amended minutes of the March 10, 2015 regular meeting, seconded by Selectman Gale, voted and passed, **4 years**.

**b. Discuss/vote to approve the minutes of the March 24, 2015 regular meeting.** Selectman Gale moved to approve the minutes of the March 24, 2015 regular meeting, seconded by Selectman Littlefield, voted and passed, **4 years**.

### **PENDING DECISIONS:**

**a.** Discuss strategies for implementing the Comprehensive Plan.

### **WEEK'S ACTION LIST:**

- Chairman Girard will work with Ms. Silberman to finalize plans for the candidates' night.
- Ms. Burns will work on changes to the proposed ordinance.
- Post the public hearing notice on the proposed Zoning Ordinance amendment.

### **DISCUSSION OF AGENDA ITEMS**

- Hold a public hearing.
- Discuss fees for consent agreements.

**ITEMS NEEDING SIGNATURE**

- a. Amended minutes of the March 10, 2015 regular meeting
- b. Minutes of the March 24, 2015 regular meeting

Selectman Abbott left the meeting for the evening.

**EXECUTIVE SESSION:** Selectman Littlefield moved to enter into executive session at 9:15 pm per Title 1 M.R.S.A. §405 (6)(A) to discuss a personnel matter, seconded by Selectman Gale, voted and passed, **3 yeas**. Selectman Gale moved to come out of executive session at 9:25 pm, seconded by Selectman Littlefield, voted and passed, **3 yeas**.

**ADJOURN:** No further was conducted after the executive session and the meeting adjourned at 9:26 pm.

**APPROVED:** Date: \_\_\_\_\_

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