

PLANNING BOARD

Town of Waterboro

*PUBLIC HEARING
DECEMBER 9, 1998*

I ROLL CALL

Doug Foglio called the meeting to order at 7:00 p.m. noting in attendance Dwayne Woodsome, Duane Fay, Susan Dunlap, Everett Whitten, John Roberts, Roland Denby. Also in attendance were Shawn Frank from Sebago Technics, Vicki Bell, Jan Wiegman, Peter Hedrich, and Bill Hoffman for Hannaford Brothers.

II PUBLIC HEARING

Vicki Bell introduced Jan Wiegman, Jan gave a brief overview of the store plans with architectural designs of the store front with different textures being used and onsite landscaping with the stormwater disbursement and the need for onsite fire protection ponds.

Peter Hedrich the Traffic Engineer for Delucca Hoffman reviewed the estimated traffic Shop 'n Save is to generate. The new changes recently approved by MDOT is as follows:

- Route 202 and 5 intersection will consist of straightening of the island and placing an overhead flashing red light for Route 202 and flashing yellow light for Route 5.
- Townhouse Road has been approved for warning flashing lights on both sides of Townhouse Road to warn of the 1st stop sign ahead.

Hearing opened to the public for questions/concerns

Mike Allen - Where is the land going to be taken from to widen the road near JD Redemption if a third land is to be later put in. **Peter Hedrich** - The land will be taken from Shop 'n Save and the current right-of-way on the road.

Willis Lord - Why is the blinking light above versus on the island. **Peter Hedrich** - The state mandates above lights, they are more visible to oncoming traffic.

Forest Abbot - There was a blinker there years ago.

Mike Allen - If more land is required after the current expansions are done where will it be taken from?
Peter Hedrich - Shop 'n Save will give additional land for the turn lane if needed.

Mrs. Hewes - Will there be a need for a standard light on Route 202 & 4 and the Old Alfred Road? **Peter Hedrich** - Not at this time.

Elwin Royal - Will the residents be hooked up to the public water if it is extended to the proposed site.
Doug Foglio - The water issues have not yet been determined.

Mr. Daly - What is the possibility of reducing the speed limit well before where the reduced sign currently sits. **Peter Hedrich** - Shop 'n Save will have a left turn lane which should eliminate the need to further decrease the speed limit.

Mary Everest - Moving the speed limit sign will not decrease the speed limit.

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Mike Allen - The signs on Route 5 and 202 and 4 should be moved further from the intersection than where they currently sit.

Arthur Kany - The Route 5 speed limit sign is decreased by Dearborn Pit. If they haven't decreased the speed limit by the time they get to Heath's, they won't be slowing down.

Dave Benton - The Water District is fairly close to an agreement with Shop 'n Save, and to answer Mr. Royal's question, the Water District will take a poll on the amount of residents that would be interested in hooking on to the water line if/when it became available.

Kathy Hewes - The light overhead would be more visible versus on the side, it may avoid potential dangers. How will the residents know what Shop 'n Save decides to use for the water supply, will the project just move ahead. **Doug Foglio** - The well has already been drilled and tests have been done, there is sufficient water supply if Shop 'n Save were to use the onsite private resources.

Bob Fay - How will we know the outcome. **Doug Foglio** We can notify the townspeople when Shop 'n Save is on the agenda.

Mike Allen - Will the water level change for the existing neighboring properties and wells. **Bill Hoffman** - We don't think it will.

Mary Everest - With the building taking up so much property, what's to say they won't contaminate my water. **Doug Foglio** - Our standards of water quality is greater than what the State mandates. With the current design, there will be less chance of contaminating the water running in your direction than you are currently receiving.

Judy Fay - With the pollutants in that water, what's to guarantee that it won't be regenerated. **Bill Hoffman** - There is not much difference in the drawing and releasing of water. The study showed a 1/2" difference from drawing and releasing.

Willis Lord - When were the traffic counts taken for Route 202 & 4. **Bill Hedrich** - the counts were taken in November when the analysis was done and later adjusted for summer travel.

Comment - A motel in Ogunquit drilled for water and it cost them \$10,000 but it has saved them a lot of money. Why would you want to spend \$1/2 to run the public water at Town's benefit/expense? Why not just use the water that is provided onsite? Why haven't you done testing to verify that the water is good/bad? **Vicki** - They have done and received all the preliminary testing for the onsite water.

Comment - You were previously very adamant about not using the public water supply, why are you considering it now? **Vicki** - Our estimate was much higher than what the Water District has come forward with.

Comment - While going through the potential negotiations, is there a pull because of a possible tax break? If so, will that same tax break be extended to the public? **Doug Foglio** - This issue with the water was brought about by the Planning Board. The current water district supply is significantly greater than currently being used and is causing the Water District the need to dump large quantities of water when it is not used. Having the public water would also save the town money by eliminating the need for special

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fire equipment and reduce tax payers insurance rates. If a tax break is proposed it would be brought forward to the taxpayers for voting.

Virginia Hewes Will the voting be in the form of a Special Town Meeting or will it be held in March?
Doug Foglio - We cannot answer that question at this time. **Virginia** - Can all the voters be notified by mail?
Willis Lord - The vote will most likely be held in March. A notification will be put in the Smart Shopper.

Dave Benton - To correct a statement made by Doug earlier, the quality of water sitting in the holding tank is improved by chemicals, a larger draw would decrease the amount of chemicals being used, we do not dump unused water over any period of time.

Willis - Didn't the water quality win a prize for their quality? **Dave Benton** - For 3 years in a row, the Waterboro Water District placed 2nd for best testing.

Comment - The \$1/2 figure was taken from here at a previous meeting, are you now working with another engineering firm. **Vicki** - The original quote was taken from our engineers and was a preliminary figure.

Kathy Hewes - How often do we have fires here in Waterboro to justify the need to hook up the water?
Doug - You have to be ready for a fire, running the water supply would offer a continual source of water on a regular basis. **Dwayne Woodsome** - Putting hydrants every 680' will only lower your insurance rates. **Pam L'Heureux** - In a whole, the Town of Waterboro has responded to 356 fire calls this year. This number includes wires down, accidents etc.

Doug made a motion to conclude the Shop 'n Save Public Hearing at 8:00. The attendance for the Public Hearing was approximately 63 townspeople. We will resume with the regular meeting in 15 minutes.

Doug called the regular Planning Board Meeting to order at 8:15pm. Still present for the meeting are Willis Lord and Dale Witman along with a few townspeople.

III OLD BUSINESS

Alan Bolduc with C.C. Development was previously in front of the Planning Board for a Conditional Use Permit of a 15' shoreline reduction on Map 45 Lot 1630. Decision on the Conditional Use Permit was postponed until further information was received from Saco River Corridor Commission showing us where their authority comes from in granting shoreland setback reductions (letter is enclosed).

John Roberts made a motion to grant a Conditional Use Permit to C.C. Development on Map 45 Lot 1630 of a 85' shoreland setback per Saco River Corridor Commission's permit. All other setbacks must be met. Roland Denby seconds. Motion carries a unanimous vote in favor.

IV APPOINTMENTS

8:45 Ben Chretien was not in attendance for a Conditional Use Permit on Map 40 Lot 7, the 9:00 appointment was then taken.

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9:00 Robert Woodward, Map 44 Lot A400, Conditional Use Permit

Robert Woodward presented to the Planning Board an application for a sideline setback reduction in order to place a 24 x 24 attached garage.

Dwayne Woodsome made a motion to grant Mr. Woodward and 30' sideline setback to the sideline abutting the wildlife refuge under Section 2.08 of the Waterboro Zoning Ordinance. John Roberts seconds. Motion carries a unanimous vote in favor.

9:15 Tim McCandless - Map 37 Lot 11, Information on current business activities.

Tim McCandless was present to inform the board of the history in his bullet manufacturing business that has been in existence since 1986 when he purchased the home. At that time he had approached the Code Enforcement Office to determine what he needed to do in order to start his small manufacturing business in his home. He was told to review the Zoning Ordinance, after reviewing the Ordinance, he returned to the CEO and was not told it was not allowed to run a small manufacturing business out of his home.

Mr. Kussman's primary complaint is the smoke coming from the pot that has been significantly reduced. The 2nd complaint made by a CEO is that a large portion of the business has been moved outside. Tim claims that in no time or form has the business been moved or has he moved a large portion of the business outside.

Tim claims he would love to get out of the smelting business but has not found a company to purchase the smelted material from to make it feasible to discontinue his smelting. He is however still following up on some materials that may be accessible overseas. By purchasing the smelted materials from elsewhere it will reduce the smelting by 90 - 95%, 20 - 30,000 pounds is approximately needed for smelting outside during the year.

Tim has recently been reviewed by the Bureau of Air Quality, letter of findings have been attached. John Roberts asked what the dimensions were of the products being used for smelting. Tim said approximately 13 ½" sq, 18 -20" deep is the dimensions of the pot and the firebrick stack on the outside is approx. 2'x4'x8'. It is fired with an oil fired burner approx. 3 ½' tall.

Doug asked if he (Tim) was in attendance of the Zoning Board of Appeals meeting which took place on November 4, 1998. Tim said no, he had attended the Shop 'n Save meeting thinking his was to follow. When the Shop 'n Save meeting closed he then asked when his meeting would start.

A cease and desist order was issued by Steve Foglio and sent to Mr. McCandless until a conditional use permit was acquired.

Paul Kussman stated that when he purchased the property he was not aware that a manufacturing company existing on the property directly below his. Paul stated that the DEP called and apologized to him for not taking action on this project previously. Paul went on to state that Tim is the 3rd largest emission producer in the State of Maine, which is located just 35' from his window. Paul states that Tim began as a small part-time Mom & Pop business and proceeded to become a full-time manufacturing business, he has raised his cottage to manufacture in the basement.

The Air Quality report stated that approx. 80,000 tons of lead is being melted 35' from the lake.

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After all the complaints/non-complaints after 12 years, this is the first time he has been present in front of the Planning Board for this issue. Many CEO's have looked at the work and not one CEO has filed a complaint of violation.

If the use of smelting is converted to ingot form the emissions will be reduced from 7-16% to .01%.

Dale Witman still feels that a Conditional Use Permit is needed.

Steve Foglio (CEO) asks if Mr. McCandless was a legal business in 1986 under the Zoning of 1986? If he was not legal than he would need to submit to the Planning Board an application for a Conditional Use Permit. But if it was legal in 1986 than he would remain legal in 1998. Waterboro did not have a Shoreland Zoning Ordinance before 1994.

John Roberts feels that as a Home Occupation Mr. McCandless has a legal operation. Doug Foglio asks if the Ordinance of 1986 require a Home Occupation to take place strictly indoors.

Steve requested a ruling on the legalities of his business in 1986. Susan Dunlap made a motion to request that the CEO determines what the Zoning Ordinance stated in 1986 and determine if a Conditional Use Permit was needed at that time. The Planning Board cannot act until they have a Conditional Use application in hand. John Roberts seconds. Motion carries a unanimous vote in favor.

John Roberts made a motion to send the ZBA minutes to the Town Attorney with an explanation that he was in the Town Hall at the time his ZBA meeting was taking place. Susan Dunlap seconds. Motion carries a unanimous vote in favor.

No further action/decision will take place until the Planning Board has had a chance to review the findings from the CEO and the Town Attorney.

V MINUTES OF PREVIOUS MEETINGS:

John Roberts made a motion to accept the minutes of the November 4, 1998 meeting after removing Duane Fay's name from attendance for he was not present at that meeting. Everett Whitten seconds. Motion carries a unanimous vote in favor.

Everett Whitten made a motion to accept the November 11, 1998 minutes as written. Roland Denby seconds. Motion carries a unanimous vote in favor.

VI REPORT OF OFFICERS

VII COMMUNICATION

The following letters of communication were reviewed:

- Letter from Saco River Corridor Commission regarding their authority on shoreland setbacks.
- Copy of bill from Fisher-James for the locking file cabinets. John Roberts made a motion to approve the bill of \$510.00 for the locking file cabinets from Fisher James. Duane Fay seconds. Motion carries a unanimous vote in favor.
- Communication from Bob Fay to Doug

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- Copy of the updated ZBA minutes for McCandless/Kussman
- Copy of letter to Paul Kussman from DEP
- Copy of DEP correspondence re: Shop 'n Save
- Copy of DHS letter re: Approval, Waterboro Shop 'n Save. John Roberts wanted it noted in the records that Shop 'n Save has Received their DEP and DHS Approvals
- Telephone communications made by Doug regarding Shop 'n Save (attached)
- Response from SMRPC re: cemetery setbacks
- SMRPC request for funding

VIII ADJOURNMENT

Duane Fay made a motion to adjourn the meeting at 10:30 p.m. Susan Dunlap seconds. Motion carries a unanimous vote in favor. Meeting adjourned!

Respectfully submitted,

Dwayne Woodsome
Dwayne Woodsome
Planning Board
Secretary/Treasurer

APPROVED 1/13/99

John Roberts
Paul Kussman
Susan Dunlap

Roland E Dewby
Ernest White