

PLANNING BOARD

Town of Waterboro

JANUARY 24, 2000

PUBLIC HEARING

Doug Foglio called the Public Hearing to order at 7:30 p.m. noting the attendance of Susan Dunlap, Dwayne Woodsome, Tim Neill, Todd Morey, Everett Whitten, Roland Denby and Ken Cole. Also present are Willis Lord, Brenda Charland and Millard Genthner. There were also approximately 37 members of the public in attendance.

The first public hearing is to discuss the Floodplain Management Ordinance. Our current Floodplain Management Ordinance was enacted in 1987 and has never been updated with the revisions. There are 26 families in the Town of Waterboro who's flood insurance will be canceled if the Town fails to adopt the updated Flood Ordinance. In September, 1999 the Board of Selectmen requested an extension to enact the new ordinance at the March 11, 2000 Town Meeting. The request was granted. The Floodplain Management Ordinance is a Federally back Insurance that needs to be periodically voted in by the Town.

Ray Michaud: I do not know much about the Floodplain Mgmt. I do know that we recently applied for a home equity loan only to discover that our property is in the flood zone. No one in the family was ever aware of this until now. The only reason that he could understand for not knowing that they were in the flood zone is that some of the markings are not longer there. He thought that he might learn more about the flood zone tonight.

Doug This is something that is administered by the government. We as a town have no say in the changes or policy. We can only offer it to the voters which is being done on behalf of the Selectmen and the Town to hopefully vote in favor of it. This will allow the people needing the insurance the ability to receive flood insurance. Unless this update is enacted they will not be able to do that.

Les Leighton: Haven't we had a flood plain ordinance over the years? Why vote on this now?

Doug Foglio: There have been changes that have never been voted on to update the ordinance on the books in order to bring the ordinance to compliance with the federal regulations. A few months ago we had the administrator attend a public hearing to better explain the changes. Without the updates FEMA will not continue to support the Town of Waterboro and cover its residents requiring flood insurance.

Dwayne noted that we requested an extension in order to allow for a town vote in March rather than try and hold a special town meeting.

The first public hearing is closed at 7:40 p.m.

The second Public Hearing is to discuss the zoning change in Lake Arrowhead Community from Residential to Village/Residential.

The purpose of this ordinance change is to bring the lots of Lake Arrowhead more into compliance with the regulations of the Town of Waterboro and to create a district that fits the lots that were created before the ordinance went into effect.

Doug asked if there were any questions from the public.

Jeff Brown, the new manager at Lake Arrowhead: Jeff stated that up until last week he was not aware that the Planning Board had any intention of rezoning LAC and the board did not have a chance to review this. The Board of Trustees wanted the Planning Board to be made aware of this and that they would appreciate notification and the possibility to discuss any changes in the future when such proposals come

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about. I received a copy by fax last week and from my perspective, what is being proposed is very benign. It is relatively for the benefit of the Lake Arrowhead Association as well as the Planning Board. I cannot speak for the Board of Trustees, I can only speak on my own behalf. There were rumors running rampant among the residents as to what this meant to them. There were some concerns as to the buffer areas between the homes being reduced.

Les Leighton: 1. What prompted the Board to place LAC in a village/residential district? 2. Can we do this without LAC approval since they are their own little community?

Doug: The LAC members have their voice in the subject of rezoning like any other citizen in the Town of Waterboro. As for LAC community goes they have no jurisdiction of the Town of Waterboro Zoning Ordinance. This has come about due to the number of people coming to the Planning Board for a setback reduction to put a 34' house on a 100' lot and still maintain 35' sideline setbacks. The residents of LAC have continually questioned why the dimensions have not been changed. Because of the zone you cannot change dimensional setbacks so a new district had to be created. This only impacts the lots that hook-up to the LAC water supply and pay dues to LAC association. If you have a lot that pays dues but does not hook up to the water than it does not fall under this zone.

Dwayne Woodsome: I just want to clarify that LAC has been involved. The previous 2 managers at LAC have been notified and one has been present at a meeting to discuss the zoning change. They have increased the dimensional house size to 700 sq. ft. A home that size will not currently sit on many of the lots in LAC with the current zoning requirements.

Jeff Brown: If I'm incorrect with the comments I made earlier about LAC not being involved, its only because its possible or probable that the managers have not conveyed the information to the Board of Trustees. The Board of Trustees, when we discussed this last week did not have any information about this. So if a manager had been involved then its the lack of communication internally that is the issue. I think that the effort has been put forth by the Planning Board and I also feel that this has been a very proactive and productive way of handling this. Again, I have only been here for 3 weeks and have not received any information if there has been any communication with the managers and the board. If I passed along misinformation again, I apologize.

Doug: Over the years there has been much communication with the administration of LAC to review the zoning districts. With the change in administration up there it may have been wise for us to have contacted them at some previous point. The request was recently returned to the Planning Board to hold a Public Hearing. The property owners of LAC currently have to pay a \$50.00 fee and wait 8 -10 weeks to get on the agenda to request a setback reduction.

This particular piece of ordinance change has been on our books since before town meeting last year. We didn't have it ready to go to Town Meeting. The appropriate time also came about due to the number of homes being and currently built in LAC. Many have come to the Planning Board and asked why they have to be there. The Planning Board had hoped that there would be more interest from the residents of LAC at this Public Hearing this evening.

Jeff: The office has received all the calls on the rezoning.

Brenda Charland: Will this change the persona of the area? I have received many calls from residents asking if the change in zone will grant the approval to place filling stations, convenience stores etc.?

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Doug: No, the village/residential zone will have the same uses as currently permitted in LAC which is residential homes only. The dimensional setbacks that we are using are in line with the setbacks that have been granted with a setback reduction. On a 100' lot this will allow you to build a house and garage of approximately 60' wide. Hopefully the Planning Board will be able to adhere to these setbacks and not further reduce them.

Todd Morey: One of the items discussed with the LAC managers is that this rezoning will simply give the homeowner and/or builder a larger envelope to work in with a possibility to place a garage. In turn the rezoning can only increase the value of the properties in LAC. The majority of the homes being built currently fall under these setbacks when approved by the Planning Board with a setback reduction.

Doug: The board has been approached by LAC to change the setback in the well head district. This was proposed some time ago that this be done. We will be meeting with LAC in the next few weeks.

The Public Hearing on the Village/Residential District change was called to a close at 7:56 p.m.

The Site Plan Review for Mineral Extraction was called to order at 7:56 p.m.

Paul Kussman: I was hoping for a general overview from the board in terms of the intent and purpose of this ordinance. How do you think this ordinance protects the health and prosperity of the people?

Roland : Is an immigrant of Waterboro, acceptances in the Town of Waterboro comes over a period of time. I have always had my land open to everyone and have never restricted the land to anyone. I don't know what your stabbing at but I think I have become more of a conservationist.

Paul I'm not stabbing at anything, my intent is why is this ordinance being proposed when the overall intent of this ordinance is to protect the health. What do you see this ordinance do to protect the Town?

Roland: It points people in the right direction. It points them towards all the state requirements and also clarifies a lot of areas in what the state requires. In putting this ordinance together we looked at 8 different ordinances in the Towns surrounding and picked out the items that we think this ordinance needs.

Paul: You are not requiring any reclamation bonding under 5 acres?

Roland: We have a section that allows the Planning Board to require a surety, bond or deposit for the reclamation.

Paul: It allows it but it does not require one. It just give the Planning Board the authority to ask for it if it is deemed fit. So there is no requirement for someone who opens a 5 acre or less pit that there be a reclamation intent.

Everett We can require it. I'm not saying its mandatory. As a site plan we have tried to fix it so that when it goes over 5 acres it will flow through the town regulations right into conformance with the States regulations.

Paul: So a reclamation plan is not required but you could ask for it?

Everett: A reclamation plan is required for over & under 5 acres. What is not required is the bond for it.

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Paul You don't require a bond, that's what I meant. I noticed in the comprehensive long range plan of 1990 the philosophy. The philosophy that everybody knows how to use their property to the best of their ability. We respect people and how they want to use their property. The philosophy is that it will be enforced according to the performance standards.

Dwayne Woodsome: The Planning Board was not involved with the comprehensive plan in 1990. There was probably 1 or 2 members that attended 1 to 2 meetings.

Paul: I am opposed to this ordinance because if a small business was to open next door and they went bankrupt there is nothing that would prevent him from leaving the property unreclaimed. There is nothing in this ordinance that will protect my interest. You seem to be protecting the rights of the pit owner and the small pit owner. What about my interest as a residential tax payer? How is my interest being met with this type of ordinance?

Doug: Mr. Kussman, have you ever attempted to get a bond?

Paul: No sir.

Doug: You should look into the process to get a bond before you criticize everyone for what they are doing.

Paul Bonding does not have to be the only arrangement to assure that there is some financial capability when the operation has been exhausted.

Doug: If you read this ordinance you will see that the Planning Board has a right to request surety.

Paul: The board has a right but they also have a right not to do it?

Doug: That is correct.

Paul: But under this ordinance, how am I protected as a tax payer and property owner if the abutting property will be used as a 4 acre gravel pit when you don't require any type of bonding or surety and the business goes out of operation and the land is discarded. How does that protect my interest?

Doug: We will get to that further in this discussion.

Tim Neill: As the ordinance presented stands tonight, I am opposed to it because it weakens the ordinance we currently have. I noticed in the comprehensive plan it requires a conditional use permit for pits in certain areas and this one conflicts with the comprehensive plan of the Town.

Todd Morey: In developing this ordinance there were several key items that I wanted to see in it. Such as the actual professional that prepares the plan and performs the work on these operations as well as the provisions for the applicant to provide a reclamation/restoration plan with an estimate of cost. In my mind the same reclamation plan will not be suitable in all pits. They need to be viewed individually.

What we tried to do is to provide firm guidelines for the board to follow as to how these things are designed and operated over the years.

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Paul: You indicated that there is a requirement for estimate of cost. But there is no guarantee that the cost will be covered. If the operator doesn't make it and you don't impose a reclamation bond/surety, how am I protected?

Todd: That will be left up to the Board and how it will be run. It could be a large commercial outfit to a small farmer. Depending on the size of the operation, ex. A farmer with a knoll of over ½ acre in a 100 acre parcel may not be required to bond.

As an abutter, what would you like to see?

Paul: I would like to see some money put up front so my interest is protected as to the value of my property.

Todd: That causes an issue. Someone with a 100 acre parcel that wants to take a knoll down that is over ½ acre but wants to use the remaining land for farming will not be bothering anyone. Can that farmer also afford to put up the surety, bond or passbook? This leaves the decision up to the board, the abutter and the land owner.

Paul: I am just protecting my interests. I don't think this ordinance does anything for me and my rights! I hear you protecting the pit owner, can they afford a bond, its a pain in the neck to acquire a bond, but what about me? What about my rights as a property owner?

Everett: We do not know all the applications that will come forward. We need to review them on an individual basis.

Todd: You can put it in writing that a bond is required or leave it at the discretion of the board. You don't want to over regulate. The Board will try to make it work for the property owner as well as for the abutters.

Everett: Each one of these applications are different, the abutters are notified and a public hearing will be held. I think that the decision for a bond requirement should be made at that time. If its a ½ acre knoll on 100 acres and no one will see it the board probably would not require it. But if it is visible to the abutters it would make a big difference on whether we would ask for a bond/surety or not.

Paul: I call this under regulating not over regulating!

Dwayne: A 100 acre parcel with a bond on the whole property will get the largest number of trucks to clear out the 100 acres as quickly as they can because the bond will expire and he will have to put down \$5,000 to \$10,000 down annually out of his pocket or would you prefer to see a gradual extraction done on a long term period being taxed at a larger percentage than the average homeowner. The gradual extraction will have less of an impact on the area. The taxes on an extraction operation is outrageously larger than on a standard parcel of land. Its not fair to have a property owner be forced to haul 3 to 4 times more gravel a year just to pay the bond. Does that make sense to you?

Paul: Yes. As an abutter it does. Bonds or passbook do not require these operators to pay the monies on a yearly basis.

Dwayne: A bond is renewable on a yearly basis. With a bond it will make a lot more work for the town to assure that these bonds are current.

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Paul: What about a passbook? Again, I keep hearing its not fair to the pit owners. I say its not fair to the abutters, its not fair to the general public of Waterboro.

Dwayne: A farmer will not have \$5000.00 to put up, they take it when it comes. In most cases it won't take more than \$700 to \$800 to reclaim an acre.

Paul: I sympathize with the plight of the land owner but also sympathize with an abutter. Setbacks have also been reduced!

Dwayne: No, you are looking at the shoreland which has a stricter ordinance.

Susan Dunlap We looked at 6 or so different ordinances in the area, including the State Ordinance and the Model Municipal Ordinance. We looked at a lot of different things to get the best of all of them into one. All of which has been opened to the public, I wanted to comment on the reclamation the cost/surety. There has to be someone to manage that. Currently there is no one who is able to follow-up on the bonds. Site plans are generally not required to present a surety. Shop 'n Save was not required to put up a bond and that would have been an eyesore if it had been left unfinished and nobody asked them to put up a surety. I think its worth mentioning that we don't do it to others but the option is there.

Whether gravel extraction is a Site Plan or not there will always be a public hearing, the public is always welcome to come and if 25 people show up and their concern is that they could see this from their house I think the sensible people of the board would say that this is a special circumstance that we should make sure that there is some kind of money set aside. Even then, what if the pit is open for 10 - 15 years. It may cost today \$700 per acre but how about in 10 years, you go after the owner and say we now need \$1,500 an acre. We need the people of the Town to come and tell us on a per site basis of what the need will be as Todd mentioned. That's how were protecting the abutter, on an individual basis.

Paul Thank you for your thoughtful rationalization but I fully disagree with you. One comment is that if one of the costs is administering the bonding issue, I would be one to want more tax dollars be spent on the Code Enforcement and improving our Code Enforcement capabilities in this town. I see it clearly would be the job of the Code Enforcement Officer so if we have to spend more money to protect the real interest of the people of Waterboro I would be willing to it as a taxpayer.

Sue: We cannot pass a budget increase for the Code Enforcement Office. That has be proposed and done at town meeting as a separate warrant.

Les Leighton: I'm involved with a couple of properties where extraction is being done. We don't ask anyone else in town to come up with a bond. If my neighbors house burns down that house may sit there until someone cleans it up. What protects me from something like that. Once we go over 5 acres DEP is right there to tell us how to reclaim the property. We can't decide that ourselves, we have to get an approval. I have a neighbor next to one of the properties that extraction is taking place. He's so irate with me that he's pile up garbage dumpsters all the way down the property line along with junk cars. There is no bond there to clean this up. A bonding Co. does not guarantee that they are going to stay in business. If the Co. isn't around to renew than your out of luck. Then what do you do?

I do not know of any gravel extraction properties that post the land to unable snowmobilers and 4-wheelers from using the land.

Willis: Item 4 in Section VIII should clarify the concerns brought forward regarding conditions. The Planning Board may impose such conditions that are necessary to minimize the adverse impact associated

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with mineral extraction operations. It would seem that reclaim as they go along, every 1 ½ - 2 acres at a time would save a lot of trouble. I feel the trouble is when they don't do anything until the 5 acres is reached. If you reclaim as you go then you'll get into a system. If possible and/or feasible, before issuing a permit, request that they begin reclaiming after an acre or so.

The setbacks imposed, how do they correspond to the DEP setbacks?

Doug: The Town has stricter regulations.

Doug Yoman: I am not a student of Code Enforcement but a student of language. Apparently this ordinance is something less than the ordinance that is on record, otherwise it would be a seamless transition. This ordinance is pointing to become compatible with the state regulations. I heard that the Board is trying and also that the board has the option to bring this up to snuff.

Mr. Woodsome has made a comment that the bonds would create a faster extraction operation. I think that if you're going to speak something on paper than you should act that way too.

Dean Waterhouse: I'd like to know why there are no hours of operation?

Susan: Yes there is.

Dean: No, that's just for the crusher, I mean hours of operation on all areas of the gravel extraction.

Dwayne: The hours of operation are listed for the processing.

Dean: Does processing include hauling?

Dwayne: No, processing means the screening, crushing and sculping. Do you work on Sunday?

Dean: No, I take the day off to work on my trucks in the garage.

Dwayne: You are discriminating one business in Town, the variety stores are open every morning. If you owned a gravel pit which you do and you wanted to grade the road on the weekends and we restricted you, you wouldn't be able to grade it so that the trucks could use it on Monday. If the owner can go in on Saturday or Sunday when the trucks and crushers aren't running is a different story. Do you want it shut down so that the maintenance of the pit like sweeping the roads and greasing the equipment can't be done?

Dean: I don't call that hours of operation. I'm talking about hours of hauling that gravel out of the pit and a lot of towns do have this.

Susan: We chose the most objectionable operations that are covered by this. Correct me if I'm wrong but the Town pit will also have to abide by these regulations.

Dean: Not on emergencies.

Sue: Now you have to define an emergency and what mechanisms do we have in place to authorize that on the weekend. We can't allow the Town to haul sand on the weekend if we don't allow everyone to haul on weekends. So we chose the most objectionable operations. In my mind we have put firm restrictions on when those materials can be processed.

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Todd: I work Monday thru Friday, 6a.m. to 7p.m. which leaves Saturdays & Sunday to work around the house. When I first moved into my home I had a large hole in my backyard. I bought fill on the weekends from the small contractors in the area so that I didn't have big piles all over my yard upsetting my neighbors. The materials did not come from the large contractors in town. They came from the smaller contractors that did this kind of thing on the weekends. By limiting the processing we have tried to eliminate the noisiest operations. We have put firm restrictions on when those materials can be processed. When all the emotions are set aside, it is a business, Shop 'n Save, Lakeside they are businesses. We don't restrict their business, I personally don't feel its right to completely shut them down by having those kind of weekend hours.

Tim: The boards has learned from the Town Attorney that the extraction industry is allowed to be singled out. I was in the same boat as Todd, however, I went to the larger suppliers and had them deliver the materials during the week and did my work on the weekend.

Everett: I just feel that this is going to restrict the small pit owners more than a large pit owner. I don't want to see a small pit owner who works a separate job not be able to haul on the weekends.

Roland: I never had much knowledge about gravel pits but I did pick up a lot during the last few months. One of the first things we should do is get away from the word "pits". I've seen some extractive industries remove an esker and improve the land. A lot of times the extractive industry may simply improve the use of the land.

Bob Fay: On page 8 section 6, If there is a problem does this section allow them to come back and if necessary, restrict the hours? Zoning is never dispensed equally to all so the argument that "because you don't place something on all businesses" doesn't hold up to me. The people in Town did expect stricter restrictions on Sundays and Holidays.

To Ken Cole, if this passes and there are problems may this come back to the board again for further restrictions?

Ken Cole: Yes and no. Yes they can impose those conditions at the time they approve the Site Plan. No they cannot impose hours of operation at a later date. Further restrictions can be imposed if the applicant returns to change some of the conditions on his Site Plan approval.

Bob Fay: That doesn't give me much does it? I hope you all realize that if this passes it may come back to you again.

Mr. Yoman: What Mr. Fay says has crossed my mind. If you do have an ordinance that doesn't cut the mustard to the previous ordinance you'll find yourself looking back to the previous ordinance.

Doug: You are under a very large misconception if you feel that this ordinance is not equal to or better than what we have in place right now. Although I feel we have a very good ordinance in place right now.

Frank Faith: Now versus proposed. Upon my own research in educating myself with the ordinances I have a few questions. In the issuance of a site plan review under this proposed ordinance will require Planning Board review. The Board reviews it, it comes back with a recommendation and it goes back and forth until an agreement is made. It is further reviewed by the public in a hearing and then approved. Once its done and I want to change something or if someone has a complaint against me can additional review be done?

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Ken Yes, you can review if there are any violations. It can only be modified by the applicant at its request or by the town for enforcement. If you want to amend it you have to return to the Planning board. If the original approval did not designate hours of operation you cannot, after the fact, impose them.

Frank: Can it be done if enough people come back to the Board and they have sufficient interest in an area to say that we would like reconsideration of this site approval?

Ken: Its not different than a conditional use permit. Once they have the permit its the same as any other permit.

Frank: But it can be modified down the road through the proper channels.

Ken: If your wondering if this is something that can be modified by abutters and or other interested parties the answer is no. It can only be modified by the applicant or it can be enforced by the Town in the event the applicant violated its terms. Its the same as the conditional use permit.

Frank: The only modification through the Town then is through enforcement?

Ken: Right, which is the same as what is on the books now.

Frank: In review of other permits ex: Northeast and Dyer pits, I understand that these have changed hands many times. The Northeast documents were no where to be found after searching for 1 - 1 ½ hours. With regards to the Dyer Pit, it changed ownership three times. Each time there were requested changes brought forward which makes it a legal document.

The one question I have is on the existing permits, its a paperwork mess, there have many changes, some large, some small in the ordinance in the last 10 -15 years and the paperwork hasn't been kept up with. Particularly the Northeast Pit. I have not been able to even see a permit. I'm just wondering in the scheme of this new ordinance, how will it bring the permits to date so the Code Officer can go in and locate the specifications for the individual operation. Is there a way that this new ordinance will deal with that?

Dwayne The Northeast pit had received the majority of its permits under Kasprzak Inc. After receiving the majority of its permits through DEP it was sold to Northeast.

There will be a yearly fee of \$100 to track all the active pits in Town. This will allow the Code Office to inspect the pits on a yearly basis.

Frank: So it will be up to the Code Officer to ensure the documentation is there?

Dwayne: Yes.

Fred Fay, Road Commissioner: Am I under the impression that this will exempt the towns pit on holidays and weekends due to floods and/or storms?

Doug: This effects only the processing further restrictions may be placed on a pit by pit basis. Placing distinct hours does not end all discussion on the hours. This allows the Board to afix hours to a pit depending on the location, area and development.

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Dwayne: Most pits in Waterboro have sand. This will allow them to haul sand from their pit to sand door-yards, Shop 'n Save etc.

Dean: I can see sanding. Normal people have the day off during the holidays but those around the pits can't. Sanding on an emergency basis is reasonable. What I'm talking about is hauling 5 or 6a.m. as unreasonable, that's not an emergency.

Millard: The definition of processing, what is meant by sculpting?

Dwayne: It is not sculpting it is sculping.

Doug: Sculping is sizing material over a non-mechanical device. The materials are run over bars and/or chains.

Mark Cyr: Hours of operation, If your hauling out of a pit at midnight loading crushed rock in an aluminum body, is that considered processing or is it allowed? Does this ordinance prevent that because of the noise once it hits the aluminum?

Dwayne: Under the proposed ordinance yes.

Les Leighton: How many complaints over the last couple of years have occurred due to dumping of rock at 12:00 at night? Is that something we should be addressing?

Dwayne: Mr. Leighton, the only complaints have been because of you. I won't say any hour but you are the only one complaints have been made on.

Eric Herrle: I'd say that 80% of the work in this ordinance is nice work, but would like to clarify a couple of areas with Ken Cole. First I would like to request from Lisa copies of all the Performance Bonds that have been granted since 1977. I will gladly give a couple weeks and pay for the copies.

Question to Ken: My major issue is under Section II Applicability, line 4 beginning with " new excavations regulated under....". Extraction is currently not a permitted use anywhere in this Town unless it has a Conditional Use Permit.

Doug Foglio: This is your interpretation of a Conditional Use Permit.

Eric: That is the Zoning Board of Appeals interpretation. When you go to Section 3 in the Land Use Chart, mineral extraction is listed as a Conditional Use Permit. Is this going to stand as it is or are you going to change this as a permitted use.

Ken: This will change to a permitted use with Site Plan Review in the AR, FA and C zones only. This is an amendment to the Ordinance not a free standing ordinance. There are series of bookkeeping amendments that accompany this to make it consistent with the existing ordinance as a whole.

Eric: So if we vote this in, then resource extraction will be permitted throughout the Town?

Ken: No, it will be permitted in the same three districts that it is currently permitted with a Conditional Use Permit and that is all. It will be prohibited in the Village and Residential zones as always.

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Doug: Mr. Cole, the point that Mr. Herrle is trying to point out is that Mr. Herrle believes that a conditional use is not a permitted use. A conditional use permit is a 100% permitted use with such conditions that the Town wishes to apply. But for the purpose of this meeting Mr. Herrle would like to make everyone in Town believe that this changes conditional non-permitted uses to approved uses to permitted use with Site Plan Approval which is a far better procedure for the Town to use than the current Conditional Use method

Ken: Ten years ago in the Town of Brunswick the law courts said that that was the case. A conditional use is a permitted use with conditions applied.

Eric: Thank you, I didn't understand the difference between the two.

Currently you have to be 500ft from any existing residence, camp or waterbody as noted in section 3.06, 3.07 and 3.08. It appears from the new document that you are reducing the setback to 200 feet. How does this protect the well being of the Town as a whole?

Diane Herrle: Currently a hydro study is required for new pits and also expanded pits over 5 acres. I feel it is very important for the protection of the wells and groundwater. Why you chose to require it only if the pit will dig up to 2' above the water line. I feel that doesn't take into consideration the blasting that can be done well above the water table which can disturb wells. Why did you choose to do this?

Todd: What do you think a hydro study does?

Diane: It shows how the water flows underground to let you know if the table drops creating a problem in peoples wells, you can tell what wells will be effected.

Todd: We've asked for a hydrogeological survey on all externally drained pits and when extraction will occur within 2' of the water table. When you have a pit that is completely internally drained you cannot determine the effect of the water migration from one side to the other. Completing hydro study in this case is an unnecessary requirement.

Diane Herrle: I do not believe that is true. The water is still flowing underground in the same direction.

Todd: Case by case based on how the land is formed and drained. The board will require it on a case by case basis.

Diane: Just wanted to be on the record as objecting to the lack of requiring a hydrogeological survey.

Willis: Don't they have to dig a well to establish where the water table is?

Doug: Under our proposed ordinance 2 test wells are required in the first 5 acres. An engineer or soils scientist has to mark the elevation above sea level on top of the well and clearly indicate its location on the plan. This needs to be made accessible so the Code Officer or designate may check to see the bottom elevation of the excavation is proper to the level of the water table.

Mr. Yoman: How much does a hydrogeological study cost for a 5 acre pit.?

Todd: Depending on what needs to be reviewed and what the initial findings are it may run a few thousand dollars to \$60 - \$70,000 depending on what is found.

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Frank Faith: Asked Ken Cole to review statutes and see if they applied in this case.

Ken: The document states that all zoning ordinances must be in compliance with the Comprehensive Plan. That is a general statute. Ken noted that he has only met 1 zoning ordinance that wasn't in compliance with the Comprehensive Plan because it is incredibly broad and grants a great deal of flexibility.

Frank: Questioned if the proposed ordinance is still in compliance with the comprehensive plan.

This proposed amendment is to remove it as a conditional use application and replace it with the Site Plan Review. The future land use plan in the comprehensive plan breaks down the various zones and districts and lists what is permitted, prohibited and the lot size. The comprehensive plan lists extractive industries as a conditional use and as I see it they are looking to have the extractive industry remain as a conditional use.

Ken: Mr. Foglio noted earlier and I will say it again, a conditional use is a permitted use under Maine Law. By doing this as a Site Plan Review it is actually being more restrictive.

Frank: By doing this as a Site Plan review is it still in the Town Theme of the comprehensive plan.

Ken: Yes.

Frank: In the current proposed amendment you are differentiating what will require a hydrogeological study as being warranted and where it is not, am I correct in that assumption?

Dwayne Woodsome: You are correct, but if you are taking off a knoll a hydro study is not needed when all he's doing is creating a field.

Frank: Does the Town feel that they will still fall under the Comprehensive Plan?

Ken: Absolutely. The comprehensive plan has a broad spectrum.

Willis: Isn't the comprehensive plans suppose to be updated every 5 years?

Ken: As always, it got passed in the early nineties, then the development ended, so the updates were not created.

Eric: I am requesting that the remaining portion of the special meeting be continued to be recorded for the public access.

Public Hearing closed at 9:32.