

Town of Waterboro

Planning Board Meeting Minutes

January 10, 2001

I. ROLL CALL

Chairman, Douglas Foglio calls the meeting to order at 7:35. In attendance are: Douglas Foglio, Susan Dunlap, Everett Whitten, Todd Morey, Roland Denby Dwayne Woodsome and Tim Neill. Also Attending: Steve Kasprzak, Jim Webster, Jeff Brown and Norm Labbe.

II. APPOINTMENTS

7:30 Sebago Technics site plan Waterboro town hall expansion. Chairman Doug Foglio states that by purchasing the Day property this lot has gone from a non-conforming lot to a conforming lot. The previous approval may not have taken that into consideration. This probably should have gone before the Zoning Board of Appeals. The Planning Board considers safety issues of egresses and parking and such, this is more of a building change, going from a two story to single story building. Doug thinks should vote to approve the site plan under the condition that they receive a frontyard setback from the Zoning Board of Appeals. Susan states that they talked about the building being in two zones and a minor part of the building is in village zone. Doug states that there is different opinions of what is allowed if one building is in two different zones. It is an attached building in the sense that the roofed concrete walkway will attach the two parts of the building, per Steve Kasprzak.

Doug states that originally the Planning Board felt that because the building is attached and because the setback is not changing that they had the right to approve this. By their approval of this conception the voters have approved this plan.

Steve K. asks if Section 2.08 applies to this project. Doug discusses the letter from Ken Cole stating that the Planning Board does not have the right to issue dimensional size reductions on lots created prior to March of 1977. Doug states that he felt the letter to Ken Cole from the Jim Webster, CEO was misleading because it did not address the issue of non-conforming lots of record. Jim states that his intention was not to mislead.

Doug states that this lot is not non-conforming since the town bought the Belval property. This lot started at 1.37 acres and added 3.88 acres with the Day's property. This is a conforming lot with a non conforming structure.

Steve Kasprzak would put emphasis on the paragraph that states that the increase of a non conformance should not be encouraged.

Everett Whitten made the motion to accept this minor change subject to the town receiving all necessary permits. Roland seconds. Motion carries with a unanimous vote in favor.

Todd Morey made the motion to allow the driveway to be moved 10 lateral shift as long as it does not decrease the setback from the right of way, if it means that we can save the 40" spruce trees. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Doug discusses the letter from Ken Cole of December 11th. Ken was asked in a letter from Jim Webster a two part question. Ken only answered one part of the question.

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Ken answered the question regarding a conforming lot stating it would have to go to the Zoning Board to get a setback reduction in the form of a variance. Sue reviews section 2.08. Doug states that the Board is going to ask for a new definition of this from the attorney after tonight's meeting. The Zoning Ordinance is very specific that lots created before the zoning ordinance was adopted in March of 1977 could be reviewed for dimensional setback reductions by the Planning Board. Any lot created after that has to conform to today's standards or go to the Zoning Board of Appeals.

There is discussion between the Planning Board and Jim Webster, (CEO) regarding section 2.08. There is further discussion regarding the 30% rule in the shoreland zone. Todd Morey states that no longer should this board sit down and figure out volume increases for applicants. There is lengthy discussion of the Moore conditional use permit. Sue states that Mr. Moore admitted he was over the calculations of the 30% volume increase. Sue states that applications will not be considered at all unless they are complete and concise. Doug states that the board used to make applicants draw their plans to scale. Doug states that the code enforcement officer has the right to require a survey. Doug states that the site plan must be drawn to true scale and a site walk is done to view the property, and if it is approved then it goes on to the CEO and he has the right to require a survey. Dwayne Woodsome states that Roland and Everett will do a site walk done once someone in the shoreland zone applies to go before the Planning Board prior to their meeting with the Planning Board. Todd states that as a Planning Board member his expectations are to be fed the information that is needed to review their applications. Todd adds that as a Planning Board member he should not be doing the applicants work for them, at the expense of the town. Doug states that the Code Office and the Planning Board should give assistance to the applicants. Jim Webster states that if there is a violation, regardless of who the violation is against he will enforce the ordinance. Todd Morey made the motion for a 10 minute recess. Dwayne Woodsome seconds.

8:30 Jeff Brown and Norm Labbe representing Lake Arrowhead Association regarding the proposed Wellhead protection zone.

- Jeff Brown states that when he discussed with the Planning Board last January he was asked to provide a set of plans. This map he has presented tonight represents demonstrates the zones that have been proposed.
- Susan asks what is this intent of this proposed change? Sue adds that are they going to propose this change by way of petition or is Lake Arrowhead looking for an endorsement from the Planning Board to bring this to town meeting. Sue states that she believes that the Planning Board last year agreed that they were not going to endorse this proposed change.
- Todd asks what Zone A is on the map.
- Norm Labbe answers Zone A is a 200 A capture zone for the first well. Zone A and B overlap. In Zone A it is required that no new structures be constructed except for LAC community monitoring wells.
- Todd asks who owns that lot. The answer was Lot 1A, B and C Lake Arrowhead owns. Lot 1 is privately owned.
- Sue asks if the people who own lot 1 know that this is being proposed.
- Jeff Brown states that no that not until the public hearing process would they know. Jeff states that the owner has not received notification of this proposal. Norm Labbe explains how the capture zone is determined by the engineers.

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- Doug states that what the Planning Board asked for at the last meeting was a map with clear delineation of what is being proposed.
- Sue states that this map does not show the different property owners that this proposal affects. This map does not reflect all the information that the Planning Board needs to review this proposal.
- Doug states that this proposal does not take into account any of the other three wellhead zones in the town of Waterboro.
- Todd asks what was done to establish the current wellhead protection zones. What was done for reports and analysis and what was done to get these zones voted in. We are getting asked to create a new wellhead zone based on a map that they are having a hard time following without any supporting information. Todd would like to follow the same model that was used to vote in the wellhead zones that we have now. Todd states that they need to know that the property owners know that they are going to be affected by this change.
- Jeff Brown states that he was asked last January for this specific map. He states that he requested what the Planning Board needed in order to review this request. Jeff states that he requested to meet last April and repeatedly until now so that this wouldn't be a last minute request.
- Doug and Todd both state that the well has already been installed and hooked up and now Lake Arrowhead wants to create a zone to protect it and take away the right of private property owners to build anything on their property. Todd states that is far above and beyond what our current ordinance has that can't see any reason for it.
- Jeff Brown states that "this is a proposal and if there are parts of the proposal that the board isn't comfortable with this would be revised or refined to the point where the proposal is ready for public hearing to inform the abutters. This meeting was geared to have occurred last April so that this process could have started much earlier. He is here to ask that this process get underway so that they can do anything they need to do to satisfy the needs to move forward with this."
- Doug states again that the well has already been installed which infringes on the rights of the abutting property owners, and now they want the Planning Board to justify it. This affects the wellhead zone of the whole town.
- Sue asks "what are we protecting this well from. There are houses in that zone, why are we restricting all other houses to be built."
- Doug adds "they are trying to do after the fact what they should have done up front. They are taking these people's land without compensation or justification."
- Mr. Labbe states that the first well was put in prior to any type of wellhead protection zone. Norm's opinion is that the State is going to mandate that Water Districts develop wellhead protection zones within the next three years.
- Sue adds that in that zone almost nothing is allowed other than houses or churches. It is a residential zone and there is no access to state aid road. So there wouldn't be any gas stations or any hazardous uses allowed anyway.
- Jeff wants a laundry list of what is needed to review this proposal. He will provide what is asked. The only thing he was asked for is this map that he has brought to the board tonight.
- Sue states that last year the message was very clear that the Planning Board did not support this proposal, and feels that they still don't support it.

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- Dwayne Woodsome made the motion to set a public hearing for February 22. Motion fails for lack of a second.
- Jeff Brown states that he doesn't think they are ready to go to the public.
- Doug suggests we need to have two or three members of the Planning Board meet and read through this and come up with something that we could discuss and meet with the hydrologist. This isn't something we can do before March.
- Doug is willing to review it.
- Todd states he is willing to help.
- Jeff Brown states that they will make themselves available at the Planning Board's time table.
- Doug states the first meeting in March they will set a time table to meet and review the information. Doug states it would be very helpful to think of modifications in the A district that Lake Arrowhead could live with.
- Sue asks isn't it about time that the abutters know this dialogue is going on.
- Doug states we should try to prepare first before informing the public. Doug would like have a list of every property owner that falls within the A and B zone for the March 14th Planning Board meeting. At that time the Planning Board may at Lake Arrowhead's expense notify these people.

Everett Whitten made the motion to postpone this meeting till next Monday night, January 15th, to discuss gravel pits only at 7 p.m.

III. MINUTES OF PREVIOUS MEETINGS

IV. REPORT OF OFFICERS

V. OLD BUSINESS

VI. COMMUNICATIONS

VII. MISCELLANIOUS

VIII. NEW BUSINESS

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Continuation of 1/10/01 meeting.

January 15, 2001

Susan reconvenes the meeting at 7 p.m. noting attendance of: Todd Morey, Tim Neill, Roland Denby, Dwayne Woodsome, Willis Lord, Eric & Diane Herrle and Teresa Lowell.

OLD BUSINESS

Reclamation plans will be reviewed on the following four gravel pits: The town's pit, Glenn Bean's pit, MacDonald pit, and Forest Owen's pit.

Discussed the fact that the secretary did not get the entire checklist as discussed at the workshop. Everyone puts their notes together to come up with the complete checklist.

Roland asks about the banking of the pit. Does it have to be in the parameter of the pit or can that go into the setback. Todd states that they discuss the active extraction can not go into the setback but on a case by case basis the reclamation plan might break into that setback, but shouldn't be going to the property line. Roland states that you'd have to go 40' to meet the grade. Susan states the ordinance states working pit. Todd states that this will be discussed more when we get new applications for pits. The Board will have to make the applicant provide specific measurements of the working pit and reclamation slope.

Sue asks how many monitoring wells does the old ordinance require. There are two required for every five acres. The new ordinance only requires one, so the board will require the most stringent being two.

Sue questions sections 10-3, 10-4 and 10-5 where it states that pits aren't required to file a plan. You would want to be able to verify a few things like a monitoring well. Maybe the board can require them to submit a letter of their intentions. Until we resolve this part we can get a letter of intent to comply with section 10. Todd thinks they should make it part of their conditional approval. Todd thinks that these should be standard conditions for all pits.

Roland asks the difference of the 1991 standards as mentioned in section 10-7 as opposed to the old ordinance required 1974 guidelines. Todd answers that the 1991 standards are what the state uses and the 1974 standards are obsolete now. The Planning Board will use the current regulations being 1991 guidelines. Roland states the 100 yards quoted in section 10-9 should be 1,000. This is something that ought to be fixed.

Willis Lord asks if you have a 10 acre pit shouldn't the pit owner have to reclaim anything over the five acre limit as they go? Todd states that DEP requires that you can only have a five acre working pit at a time, and once you get to acre six you have to reclaim. Willis asks if DEP has this regulation shouldn't the town have the same requirement? Todd states that if it is already covered by the state, the requirement is there.

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Diane Herrle asks why the Planning Board is discussing holding a public hearing on the reclamation plans. Todd Morey explains to the Mrs. Herrle that it is a requirement under section 6.2 of the ordinance.

After this discussion the following was the end result for the checklist for Reclamation Plan Review.

- Land owners name and all abutting property owners names including tax map and lot numbers
- All zones must be depicted on map
- Existing waterbodies on existing properties and proposed waterbodies
- Access roads / major roads in relation to property
- erosion control plan as a minimum or current state standards
- A recent survey that will include the total property showing the current area of extraction. This survey must have been done within the last five years or provide a guarantee that the most recent boundary lines have not changed
- Must show existing trees and proposed trees that will serve as the visual and acoustical buffers. A photo is sufficient if the trees are existing.
- Show slopes no steeper than 4-1
- Statement regarding loamed and seeded areas will be guaranteed for 18 months showing trees that are going to be preserved or planted. A photograph would be sufficient.
- Proposed visual and acoustic buffer
- Gates may be waived under Section 4.03 (optional)
- Provide language and placement of posted signs
- Confirm via statement a guarantee that maintenance on this project will continue through the rehabilitation of the project and provide the general maintenance plan
- Provide estimated cost of rehabilitation plan.
- If there will be standing water at the completion of rehabilitation the plan must meet all the requirements of the Extractive Industry and Land Reclamation Ordinance section 11.7 a through g.

The first pit to be reviewed for reclamation plan is Forest Owen.

The following is a list of additional information required to move forward with the review of this reclamation plan.

- Survey of the property showing the zoning districts your property covers.
- Provide all abutting landowners names with tax map and lot numbers.
- Depict all existing and proposed waterbodies on your plan.
- Clearly depict the overall extraction area.
- Show all access and major roads on your plan.
- Provide an erosion control plan which complies with current state standards.
- Show 4-1 slopes.

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- Provide a statement on how your intend to dispose of the grubbings generated which complies with all state and town regulations.
- Provide a statement on the plan to giving guarantee that all loamed and seeded areas will remain so for a period of no less than 18 months.
- Must show existing trees and proposed trees that will serve as the visual and acoustical buffers. A photo is sufficient if the trees are existing.
- Provide the language and posting location of all signs.
- Provide a statement guaranteeing continued maintenance of this project through the reclamation process per the rehabilitation plans.
- Provide the cost of the rehabilitation.
- Provide a statement as to whether or not there will be standing water at the termination of the project and if it is expected provide a further statement showing a plan for compliance with Section 11.7 a-g (copy enclosed).
- The Planning Board has waived the requirement to gate your property under section 4.03 of the ordinance.
- Reiterate the same information that was included in the 12/8/00 letter regarding the expected final use of the property after reclamation and the estimated completion and closure date.

The next pit reviewed was Glenn Bean's pit. The following is a list of additional information required to move forward with the review of reclamation plan.

- A Larger scale drawing and or map.
- Show all waterbodies including streams etc, labeled clearly on the drawing.
- A recent Survey of your property lines. This survey must have been done within the last five years or provide a guarantee that the most recent boundary lines have not changed since the last survey.
- Label Route 202 on the map.
- Show 4-1 slopes.
- A statement on how you intend to handle the grubbings per town & state ordinance.
- A statement of guarantee that the seeded and loamed areas will remain for a period of 18 months.
- Show the trees on the property that serve as visual and acoustical buffers. A photo is sufficient.
- Provide the language and posting location of all signs.
- Confirm that you will provide maintenance of your project through the rehabilitation process in compliance to the rehabilitation plan.
- Provide the cost of the rehabilitation plan.
- Make statement as to whether or not there will be standing water at the completion of the rehabilitation and if so, you must provide a statement showing that you intend to comply with section 11.7 a through g of the Extraction Ordinance (a copy enclosed).

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The next pit reviewed is the MacDonald pit run by Leighton Excavation. The following is a list of additional information required to move forward with the review of this reclamation plan.

- The remainder of the abutters shown need tax map and lot numbers labeled on their property. The property owners across the street need to be listed with map and lot numbers as well.
- Depict the zones that your property is in on your map.
- Provide a standard topographical map.
- Provide a statement as to whether or not there are existing or proposed waterbodies on the property.
- Depict the overall extraction area on your map.
- Add metes and bonds along with a certified surveyors stamp.
- Label all access roads and major roads on the plan.
- Provide an erosion control plan to comply with current state standards.
- Show 4-1 slopes on the plan.
- Statement on the plan showing how you intend to dispose of grubblings complying with town and state regulations.
- Statement on the plan to giving guarantee that all loamed and seeded areas will remain so for a period of no less than 18 months.
- Must show existing trees and proposed trees that will serve as the visual and acoustical buffers. A photo is sufficient if the trees are existing.
- Provide the language and posting location of all signs.
- Provide a statement guaranteeing continued maintenance of this project through the reclamation process per the rehabilitation plans.
- Provide the cost of the rehabilitation.
- Provide a statement as to whether or not there will be standing water at the termination of the project and if it is expected provide a further statement showing a plan for compliance with Section 11.7 a-g (copy enclosed).
- The Planning Board has waived the requirement to gate your property under section 4.03 of the ordinance.

The last pit to be reviewed is the town pit on Bennett Hill Road.

The following is a list of additional information required to move forward with the review of this reclamation plan.

- Provide a list of all abutters names and tax map and lot numbers to this property.
- Depict all correct and current zones your property is in (see your note 3)
- Show any proposed zones, if none so state.
- The plan needs to show consistency in active area size and final area size.
- Show access roads on the plan.
- The plan must comply with town and state ordinances regarding grubblings (see Note 11)
- Provide a statement of guarantee that the loamed and seeded areas will remain so for a period

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of no less than 18 months.

- Depict the trees used for visual and acoustical buffers. If existing, a photo is sufficient.
- Provide the cost of rehabilitation.

Get the checklist officially typed up and titled. A copy to each applicant. A review of the checklist as it relates to their pit will also be sent to the pit owner.

It is decided to send a registered letter to these four pit owners giving them notice of these required additional information. The due date for the information will be four Planning Board meetings from the date the letter is sent out.

Respectfully submitted,

Dwayne Woodsome

Dwayne Woodsome
Treasurer/ Secretary

APPROVED Date: 2/22/01

Chairman, Doug Foglio

Dwayne Woodsome

Todd Morey

Todd Morey

Everett Whitten

Everett Whitten

Susan Dunlap

Vice Chair, Susan Dunlap

Roland Denby

Roland Denby

Tim Neill