

TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

December 3, 2014

7:00 p.m.

I. ROLL CALL

Board Members

Present: Tim Neill Andy Cote Judy Carll Frank Allen
 Kurt Clason Lee Nelson

Absent: Kurt Clason, from start, arrived 7:10pm.

Others Present: David Lowe Matt Bors Gary Lamb Doug Foglio, Sr.
 Katy Mann Gordon Littlefield Travis Letellier Troy McDonald
 Richard & Patricia Doucette Peter & Patricia Schild Brigit McCallum
 Jon Gale Lisa Bennett Mike Fraser Nancy Roberge
 TammyJo Girard Tammy Bellman

The meeting was called to order at 7:00 p.m. by Tim Neill, Chair.

Tim Neill made a slight change to the agenda – expand Dollar General Site Plan Review item to acknowledge receipt of the traffic movement video, Peer Review Study, and to enter letters from the DPW and WFD into the record.

II. APPOINTMENTS

- ***Relocation/Setback Reduction – Richard Doucette Map 32 Lot 28 – 87 Amy Lane***
The Doucette’s provided a new plot plan with separated structures; the garage being setback 100 feet from the high water mark. Tim Neill gave the overview of a new plan that was requested at the November 19, 2014 Planning Board meeting. Setbacks of no closer than 35 feet to the high water mark; side setbacks of 20 feet and rear setback of 40 feet. Applicant will need to remain within the 30% expansion. Glenn Charette reminded the Board, and the Doucette’s, that they will need the Elevation Certificate for the building permit.

Andy Cote made the motion to approve the plan based on the drawing submitted with minimum setbacks submitted to the Planning Board on 12/03/2014. Tim Neill seconded the motion. Voted. 6-0 passed.

- ***Amend August 6, 2014 Relocation/Setback Reduction - Peter & Patricia Schild Map33Lot 27 - 131 West Shore Road*** Tim Neill gave overview of the Schild’s prior appearance before the Planning Board on August 6, 2014. A site Walk has been performed. The proposed site plan is smaller than the original footprint. Peter Schild also stated it is moved back from the shoreline.

Tim Neill made the motion to approve as presented. Frank Allen seconded the motion. Discussion. Glenn Charette spoke regarding the need for an Elevation Certificate prior to the building Permit being approved. Andy Cote responded that in the past the Code Office could approve or deny the Permit based on the ordinances. The Planning Board only gives the approval for the setback reduction.

Tim Neill withdrew his first motion. Frank Allen seconded the withdrawal. Voted. 6-0 passed.

Tim Neill amended his motion to read – I make the motion to approve the plans as presented with the foundation being raised a maximum of three feet. Frank Allen seconded. No discussion. Voted. 6-0 approved.

- **Gary Lamb – *Vote whether to reconsider the Dollar General Site Plan approval*** – Tim Neill apologized to both Matt Bors and Doug Foglio for criticizing them for delaying the process for Dollar General at a Planning Board meeting. Both Doug and Matt are in attendance.

Tim Neill explained that a Public Hearing was not held, and that letters from the Department of Public Works and the Fire Chief were lost in “the works.” Those in hand tonight are dated December 2, 2014 and November 25, 2014 respectively. Kurt Clason – both after the approval.

Gary Lamb, Town Administrator, is respectfully, asking the Planning Board to formally reconsider their November 5, 2014 vote approving the Dollar General site plan. A short history is provided for the record on this situation. By mid-November, 2014, staff including the Fire Chief, DPW Director and Town Administrator learned of this approval. Questions arose as to why it was approved when the Fire Chief and DPW Director did not approve of the site design. In addition, the Town Planner recommended in writing to the Planning Board that the Board not approve the site plan in present form.

On Monday, November 24th, a meeting of Tim Neill, Planning Board Chair, Doug Foglio, Director Department of Public Works, Matt Bors, Fire Chief, David Woodsome, Board Selectmen Chair, Tom Ursia, Town Planner and Town Administrator was conducted. This meeting was to clear the air and understand why this approval happened. At the end of this meeting there were at least five things that were evident:

- The Planning Board is not getting the information needed to make fully informed decisions
- Staff must, (and will), change how staff review comments are captured in writing and forwarded to the Planning Board in a timely fashion
- Staff will do a better job of getting department heads to the Planning Board meetings when their presence is needed
- The Dollar General Site Plan did not have a mandatory public hearing as required by the Site Plan Review Ordinance

- Fire Chief, DPW Director and Town Planner had met with the applicant many weeks prior and discussed how to change and improve traffic flow for emergency and commercial vehicles...and were not stalling or trying to prevent Dollar General from building here in Waterboro.

On November 25th, the applicant's representative Travis Letellier, Northeast Civil Solutions was contacted via phone and informed that the town was going to ask the Planning Board to reconsider the November 5, 2014 approval. Travis was notified that the Town was prepared to appeal to the Zoning Board of Appeals and Superior Court in the event reconsideration was not approved. I also told him why I was doing this...for the reasons above.

Town Administrator recommended that the Planning Board approve reconsideration to remedy the legal exposure of no public hearing. The Planning Board can then conduct a public hearing, discuss staff concerns with them and the applicant at future meetings, suggest site plan amendments, if you so desire, and then vote to approve or deny the applicant's site plan.

Concerning peer review, one of the firms the town uses for engineering work is Sebago Technics. On Monday, December 1, 2014, Town Planner had Sebago Technics traffic engineer Brad Lyons do a peer review of the submitted turning movement data. The results of that peer review and it shows potentially dangerous situations that can be improved by changing the site plan. It is then up to the Planning Board to first receive and absorb staff and peer review comments and decide on the next course of action.

The Town Administrator is well aware that Northeast Civil Solutions and their client may not want to amend the site plan, because they did not implement such changes when discussed earlier this fall. Town Administrator also aware the Planning Board can deny approval of the present application if public safety concerns exist, in hopes that the applicant will then submit an amended site plan acceptable to all.

According to Natalie Burns, Town attorney, a motion to reconsider should be made within the 30 day appeal period and must be made by someone who voted for approval on November 5th. If the Board votes to reconsider, she suggests a subsequent vote to postpone further review decisions until a date certain.

Department heads would be happy to answer any questions the Planning Board may have.

Tim Neill – the first step is to vote to re-open the Dollar General Site Plan approval.

Tim Neill made the motion to re-open the Dollar General application. Judy Carll seconded the motion. Voted 3-2 (Allen, Clason voted no). After further discussion was heard from the Planning Board, Tim Neill made the motion to withdraw the original motion to re-open the Dollar General application. Judy Carll seconded the motion and withdrew her second for the original motion. A motion was made by Tim Neill, and seconded by Andy Cote to reopen the Dollar General Site Plan Review application. No discussion. Voted. Approved 6-0.

The Public Hearing is scheduled for December 17, 2014 at 7pm.

Tom Ursia shared that in terms of process, the Planning Board should receive further information on the application. Should the plans change, the Board will see the final set of plans and have a second meeting for review of these plans. It can be discussed after the Public Hearing and then re-submitted. Staff and public can present concerns. Gary added that the department heads can speak after the Public Hearing. January 7, 2015 would be the earliest possible appointment for a vote on approval.

Tom Ursia would like the minutes to reflect that Travis Letellier accepts the changes as noted.

Jon Gale raised the questions of whether or not the applicant had looked at other locations, and noted that the proposed business did not reflect the conceptual drawings for the upcoming Comp. Plan. Residents in the proposed location are not going to be happy.

Tom Ursia shared that the alternate location across from Jellerson Road is still in consideration and that Dollar General was considering building on both sites at one time. The two final sites were narrowed from 10. The East Waterboro site has not been released at this time.

Tim Neill stopped the discussion as the applicant was not present.

III. MINUTES OF PREVIOUS MEETINGS

- The minutes were postponed until December 17, 2014. Andy Cote found that the wording for the Martel Garage needed to be changed to 6 inches below the lowest point of the slab not the tar as noted in the minutes.

IV. REPORT OF OFFICERS

- Kurt Clason would like the Site Plan Review Ordinance on the agenda soon

V. OLD BUSINESS

- Tom Ursia shared that the approved 20/20 plan is 11 years old. The current conceptual plan is just that, a concept at this time. Tom added a closing note that at Staff Review they can agree or disagree; create a punch list with an in and out order; and will have a deficiency list to forward to the Planning Board, along with the application.

VI. Communication

- None.

VII. Miscellaneous

- Kurt Clason would like the reminders at the bottom of the agenda for future Planning Board meetings to be utilized.

VIII. New Business

- Tom Ursia wants to review the Site Plan Review Ordinance and make the checklist come into agreement with the ordinance.

IX. ADJOURNMENT

At 8:25 p.m. Frank Allen made a motion to adjourn the meeting. The motion was Seconded by Kurt Clason and carried unanimously.

Approved Date: _____

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