

**Minutes for Waterboro Board of Selectmen Meeting
May 16, 2023, at Waterboro Town Hall
5:30 Workshop - 6:00 p.m. Regular Meeting**

5:30 pm – Workshop: Selectmen with Town Clerk regarding: Voting place issues

Select Board Attendance: Dennis Abbott, Dwayne Woodsome, and Gary Fecteau. David Chauvette and Michael Provencher were absent.

Other Attendees: Matt Bors, David Lowe, Glen Seehagen, and Laura Lowe. Earl & Gretchen Nobles arrived at 5:52 p.m., Dennis Ford and Michael Gilpatrick at 5:54 p.m., Steve Everett and David Alves at 6:00 p.m.

Marina went over the floor plan she has mapped out for the Election this June being held at the Town Hall. There were some questions on the amount of booths to use. Marina does not anticipate a large voter turnout and feels that 15 booths should be enough. There was some discussion of the use of a golf cart to be used to shuttle the handicapped to and from their parking spot and she will be looking into costs. There was discussion for future voting places. All agreed that we need one place to vote to help stop confusion of where the voting will be held. The Workshop ended at 5:55 pm with the Board asking Marina to look into the cost of making the Town Hall ADA compliant for voting.

1. PLEDGE OF ALLEGIANCE – Regular Meeting:

Chairman Abbott started the meeting at 6:00 p.m. with the Pledge of Allegiance.

2. PUBLIC HEARINGS:

- a. **6:00 p.m. Public Hearing is to receive comment on the proposed Zoning Ordinance Changes for Section 2.03 & definitions**
- b. **Immediately following the first public Hearing the second public hearing is to receive comment on the proposed Shoreland Zoning Ordinance changes to Section 15B-1.section E, and Section 16-H.**

Chairman Abbott opened the first public hearing at 6:02 p.m. He asked CEO Michael Gilpatrick to explain about the changes he has proposed. He is proposing adding in section 2.03, "Building, Occupancy, and Change of Use Permits Required": 1. That all direct abutters will be notified by mail, 2. A paragraph stating that prior to the construction or installation of any building or structure, the property owner or contractor shall provide the Code Enforcement Officer with a certification from a land surveyor demonstrating that the placement of the foundation meets the required setbacks. 3. Addition to the definitions section of the words Foundation and Foundation Certification.

Selectman Woodsome feels that the changes proposed should not apply in all circumstances and does not agree with the way the proposed change is worded.

There were no emails sent in from the public and no questions or concerns from public attending.

Vote: Gary Fecteau made a motion to close the first public hearing at 6:07 p.m. Dwayne Woodsome seconded the motion. The motion passed 3 – 0.

Chairman Abbott opened the second public hearing at 6:07 p.m. The proposed changes for the Shoreland Zoning are changes to Section 15B-1, section E, "Land Use Standards – Other Required Setbacks" are: 1. Crossing out what is currently in Section 15-1B Section E. and adding: All new principal and accessory structures within any shoreland zone shall be set back at least (20) feet from the side property lines, and (25) feet from the front property line a measured along the road frontage of the lot. In the event that a lot does not have shore frontage, any principal or accessory structure shall be set back at least (20) feet from the rear property line, in addition to the setbacks required in Section 15 (B)-1. All direct abutters will be notified by mail. 2. Secion 16H "Appeals": Crossing out the last sentence that states: Any order, requirement, decision, or determination made, or failure to act in enforcement of this ordinance is not appealable to the Board of Appeals. This was proven recently by case law stating that all action be taken by the authority having jurisdiction is appealable, thus the reasoning for notifying abutters of all development. This allows the Code Office to start the time table for the Appeals Board.

Selectman Woodsome is concerned that first proposed change will split-zone Lake Arrowhead and he wants Lake Arrowhead to stay the same. Michael Gilpatrick respectfully disagreed and explained that it will help to solve the confusion of having dual zones when a structure falls within Shoreland Zoning. There were no emails or questions from the public.

Vote: Gary Fecteau made a motion to close the second public hearing at 6:15 p.m. Dwayne Woodsome seconded the motion. The motion passed 3 – 0.

Agenda Item #9E: was moved up before announcements so the Nobles (Earl & Gretchen) who won the bid for the Town land could receive a copy of the signed deed.

Vote: Dwayne Woodsome made a motion to move Agenda Item #9E up: Discuss/vote on quitclaim deed for Map 3 Lot 55. Gary Fecteau seconded the motion. The motion passed 3 – 0.

Vote: Dwayne Woodsome made a motion to sign the quitclaim deed for Map 3 Lot 55. Gary Fecteau seconded the motion. The motion passed 3 – 0.

3. **ANNOUNCEMENTS:** - none.

4. **ADDITIONS OR DELETIONS TO AGENDA:** - none.

5. **APPOINTMENT:**

a. David Alves RE: Contract Zone Extension Map 5 Lot 50, 51, and 49-1

David Alves came before the Board to answer questions raised from the last meeting of why he needs the extension. He stated that the water supply status has stalled the project for nearly a year and a half. He has approximately four months left on the project and he would like to extend his contract so he can proceed with confidence that he can get all of the approvals needed from the Planning Board. Selectman Woodsome stated that when Mr. Alves left the Town Hall after he received the contract zone, he was going to explore what he had for water on the property and he has not seen any action of this. Mr. Alves states that when he left here, the water department said that they could accommodate one of the buildings so he went in that direction, and then soon after that they said they could not accommodate any of the buildings. So the project stalled there. Then later they got in touch with him and said that they were going to explore the property for a water

source and thought it was going in that direction. However, he received a letter stating that they are going elsewhere for the water supply. They have not checked his property for a water supply. Gary Fecteau asked what the time table was that was needed for the extension and a year was stated. So he will have until the last Select Board meeting in October of 2024.

The Board decided to move Agenda Item #10a up so as not to make Mr. Alves wait until the end of the meeting: Discuss/vote to allow a Contract Zone Extension to David Alves.

Vote: Gary Fecteau made a motion **to move Agenda Item #10a up** before Public Comments. Dwayne Woodsome seconded the motion. The motion passed 3 – 0.

Vote: Gary Fecteau made a motion to allow the Contract Zone extension for one year (Planning Completed by Oct. 2024) Dennis Abbott seconded the motion. The motion passed 2 -1 (Dwayne Woodsome).

6. PUBLIC COMMENTS: - none.

7. CORRESPONDENCE – Available upon request:

- a. Treasurer's Reports
- b. Motor Vehicle Report
- c. Water District Meeting Minutes 04-19-23 meeting
- d. Letter from Resident Curtis Gerry re: Zoning Ordinance Change

8. REPORTS & STAFF INITIATIVES:

a. Selectmen's reports:

Dwayne Woodsome: RSU #57 had their budget meeting last night and he was surprised there was only 40-50 people there total.

b. Town Administrator Matt Bors report:

General Information:

- DPW/Transfer Update:
- RSU 57 Budget Meeting May 15th update:
- All monuments (property markers) have been installed on Panoramic Drive. We are just waiting for the final deed to be completed and recorded.
- Charter Commission Update- I have spoken with Natalie regarding our next steps. At this point you have 3 options: (MEMO Also provided)
 - 1. BOS could appoint 3 members and the appointed members would be required to find 6 others for the committee (not a favorable idea)
 - 2. BOS could ask voters again next June and have 6 people elected at the same vote.
 - 3. BOS can have Natalie review and make suggested changes to eliminate the 10-year review of the Charter. This would not restrict the BOS or public from asking for a review at any time. Again, this would require a vote in June of 2024

Pending:

- No new updates regarding the property tax list of today. We will gather a list of all LAC properties and provide those for your review.
- Mike Gilpatrick & Angela are reviewing the current fee schedule and will propose changes soon, I would suggest we address the ZBA fee, since our current fee for this does not cover actual expenses.

REMINDER: Important dates provided by Marina:

- Thursday, June 08th, 2023: This is the LAST DAY for someone to request an Absentee Ballot
- Friday, June 09th, 2023: This is the day that Marina will be doing the early processing of any and all ballots we will have received.

9. NEW BUSINESS:

a. Discuss/vote on Zoning Ordinance & Shoreland Zoning Ordinance changes from the Public Hearing

Vote: Gary Fecteau made a motion to postpone this until the next meeting. Dwayne Woodsome seconded the motion. The motion passed 3 – 0.

b. Discuss/vote on renewal liquor license for Five Ponds Public House

Vote: Dwayne Woodsome made a motion to approve the renewal liquor license for Five Ponds Public House. Gary Fecteau seconded the motion. The motion passed 3 – 0.

c. Discussion on Holmes Road in South Waterboro (formally known as Grist Mill Rd)

The DPW Director was planning on having this road paved but was approached by someone stating that the road was put in the wrong place. There was much discussion by the Board on this. This road was previously researched by Gary Lamb and Surveyor Charlie Brown from Sebago Technics. Matt will look into finding out what information Charlie Brown has on the road. He thinks that if the Select Board decides to move the road, where ever it is moved there will be issues. Chairman Abbott stated that we are not going to move the road. The road was accepted as a Town Road back on Sept. 25, 1971. It is his opinion is that the road should be paved. The other selectmen agreed.

d. Discuss/vote on abatement from Assessor for Map 047 Lot 034

Vote: Dwayne Woodsome made a motion to abate map 047 Lot 034. Gary Fecteau seconded the motion. The motion passed 3 – 0.

e. Discuss/vote on quitclaim deed for Map 3 Lot 55

This item was moved up by unanimous vote to before announcements Item #3.

f. Discuss/vote on quitclaim deed Map 045 Lot 001-544

Vote: Dwayne Woodsome made a motion to sign the quitclaim deed for Map 045 Lot 001-544. Gary Fecteau seconded the motion. The motion passed 3 – 0.

g. Discuss/vote to send Zoning Ordinance Change correspondence request to Planning Board

Vote: Dwayne Woodsome made a motion to send the Zoning Ordinance Change request to the Planning Board. Gary Fecteau seconded the motion. The motion passed 3 – 0.

10. OLD BUSINESS:

a. Discuss/vote to allow Contract Zone Extension to David Alves

This agenda item was voted by the Board unanimously to move up to before Public Comments item #6.

11. OTHER:

a. Discuss/vote to approve the minutes of the May 2, 2023 meeting.

Vote: Gary Fecteau made a motion to accept the minutes of the May 2, 2024 meeting. Dwayne Woodsome seconded the motion. The motion passed 3 – 0.

12. PENDING DECISIONS: - none.

13. WEEK'S ACTION LIST:

Letter to Planning Board regarding Agenda Item #9g to be sent to the Planning Board for review
Matt to check with Charlie Brown regarding Holmes road

14. DISCUSSION OF AGENDA ITEMS:

Agenda Item #9a brought back under Old Business

15. ITEMS NEEDING SIGNATURE:

- a.** Abatement
- b.** Quitclaim Deeds for Map 3 Lot 55 & Map 045 Lot 001-544
- c.** School Budget Referendum & School Warrant & Notice of Election
- d.** Five Ponds Public House renewal liquor license application

16. ADJOURN: Dwayne Woodsome made a motion to adjourn the meeting at 6:49 p.m. Gary Fecteau seconded the motion. The motion passed 3 – 0.