

**Minutes for Waterboro Board of Selectmen Meeting  
December 19, 2023, at Waterboro Town Hall  
5:00 p.m. Workshop with Historical Society - 5:45 p.m. Executive Session  
6:00 p.m. Regular Meeting**

**Workshop – 5:00 p.m. – Board with Historical Society**

The Board met with the Historical Societies President Victor Wright discussing a possible collaboration in a building for Town archive storage, Historical Society artifact displays, and voting. This is all in a very preliminary status. The Historical Society had their architect's do a preliminary building sketch (40x60 with a potential to be 40x80) based on a previous building they did for Rye, NH. The size of the building depends on the wants and needs of the Town along with voting establishment rules. The location of the building would be on the Taylor House property and there was discussion on parking and re-locating the skating rink to Friendship Park. The workshop ended at 5:50 pm with the Boards agreement that this collaboration sounds like a good idea and they feel they can work together with the Historical Society in some manner.

**Executive Session – 5:45 p.m. - Pursuant to 1 M.R.S.A §405 (6)(a) – Discussion of a Personnel Matter – Interview potential committee member**

The Board interviewed the potential member for the Library Board of Trustees.

**Votes:** Dwayne Woodsome made a motion to enter into executive session at 5:50 p.m. John Bell seconded the motion. The motion passed 4 – 0.

Gary Fecteau made a motion to come out of executive session at 5:53 p.m. Dwayne Woodsome seconded the motion. The motion passed 4 – 0.

**1. PLEDGE OF ALLEGIANCE**

**Selectmen Attendance:** Dennis Abbott, Dwayne Woodsome, Gary Fecteau, and Jonathan Bell.

**Other Attendees:** Matt Bors, Jason Champion, Michael Gilpatrick, David Lowe, Glenn Seehagen, Felipe Cruz, and Laura Lowe

**2. PUBLIC HEARINGS**

- a. **First Public Hearing is to hear public comment on Proposed Zoning Ordinance Amendments for LD 2003 compliance. The Second Public Hearing, immediately following the first, is to hear public comment on the New Liquor License application for El Tequila Mexican Restaurant, 1041 Main Street.**

Code Enforcement Officer Mike Gilpatrick spoke regarding the **first public hearing** on the Proposed Zoning Ordinance Amendments for LD 2003 compliance. He read from the memo to the Board from Planner Lee Jay Feldman: LD2003 was signed into law by Governor Mills in 2022. This law is designed to remove unnecessary regulatory barriers to housing production in Maine while preserving land use and protecting sensitive environmental resources. The Planning Board held several workshops and a public hearing. Prior to the Public Hearing, the board held several workshops to specifically discuss the Accessory Dwelling Unit (ADU) portion of the changes. During the workshops the board focused on the minimum unit size and the maximum unit size. Based on these discussions as well as a site visit to a home in town who was adding an accessory unit, the board determined that the minimum unit size should be established at 410 square feet in

order to not allow Tiny homes to be used as an ADU and a maximum size of 800 square feet which they felt would be comfortable for living space and a 1 or two bedroom unit with a full bath.

The other portions of the amendments as proposed are standard language straight out of the law which requires the town to accommodate 2-4 full size homes on lots under certain circumstances as well as Affordable Housing Developments under certain circumstances as well. During the Public Hearing, no one spoke for or against. The planning board did receive 1 email from a citizen who was concerned that if an ADU was vacant for 2 years and un-kept that it should be torn down. Mike Gilpatrick, the town Code Officer spoke to this issue and indicated that once a permit has been issued it could not be revoked unless the building as a whole were considered dangerous or derelict under the building code requirements.

Mike stated that number seven (7) of section 4.15 Accessory Dwelling unit should be stricken out from the ordinance.

There was a question sent in via email from Keith Montpas:

Hello Mike, Please accept this message on behalf of the board for the upcoming meeting w/r to the ADU ordinance. I have come to understand that the current proposal will only apply to ADUs added to the properties where the homeowner is the primary resident. I am questioning the selective enforcement of the ADU rules in Maine. I am under the impression that Waterboro is in need of rental property, and the ADU provision potentially proved an ideal opportunity to add a single detached unit adjacent to my current tri-plex at 4 Lilac Lane. My recent work at this property included adding the third unit and a garage, the location of which was determined by the previous rules. That said, the current layout would provide an opportunity to add a detached unit with minimal environmental impact. The lot currently encompasses 8+ acres, ~half of which is currently wooded, and would not need to be disturbed to add a proposed ADU. I have drawn up a single bedroom unit, under 600 ft<sup>2</sup> that I was planning to build once the ADU policies came into effect. Anyone who looks at the property, can see that it is very well maintained, with multiple improvements, and full occupancy. It would be an unfortunate application of Maine's ADU plans, should my request be denied based upon primary residency requirements. Subdividing the lot is always an option, but my initial approach was to maintain the private wooded nature, without overwhelming the lot. Housing is needed in town regardless. Thank you.

Mike explained that the homeowner has to live on the premises that houses an ADU either in the ADU or in the main structure. The property cannot be split either or sold as a rental property. These are the rules the Planning Board wrote. The Board felt the question was self-serving and Mr. Montpas should have gone to the public hearings put on by the Planning Board for this very reason.

Selectman Woodsome asked what would happen with waterfront property with this new rule. Mike stated that each dwelling in Shoreland Zoning needs to comply with 40,000 sf of frontage and you would also need this for the ADU so pretty much this alleviates having ADU's on the waterfront properties.

There were no further questions from the public or from the Board.

**Vote:** Gary Fecteau made a motion to close the first public hearing. Gary Fecteau seconded the motion. The motion passed 4 – 0. The first public hearing ended at 6:18 p.m.

**The second Public Hearing** started at 6:19 p.m. Owner Felipe Cruz spoke to the Board stating that he is looking to obtain a liquor license for a family style restaurant. CEO Michael Gilpatrick stated that Felipe also owns a Mexican restaurant in Auburn and they have had no issues.

**Vote:** Dwayne Woodsome made a motion to close the second public hearing. Jon Bell seconded the motion. The motion passed 4 – 0. The second public hearing was closed at 6:21 p.m.

**Vote:** Dwayne Woodsome made a motion to moved item #10b up to item #2b. Gary Fecteau seconded the motion. The motion passed 4 – 0.

**b. Discuss/vote on signing the new liquor license for El Tequila Mexican Restaurant**

**Vote:** Gary Fecteau made a motion that the Board signs the license application for El Tequila Mexican Restaurant. Jon Bell seconded the motion. The motion passed 4 – 0.

**3. ANNOUNCEMENTS:**

Chairman Abbott expressed “Happy Holidays” to all from the Board.

**4. ADDITIONS OR DELETIONS TO AGENDA:**

**Vote:** Jon Bell made a motion to add to New Business items #9e & 9f: Discuss/vote the Board signing the Authorization to purchase equipment form and Discuss/vote on dangerous buildings. Gary Fecteau seconded the motion. The motion passed 4 – 0.

**5. APPOINTMENT:**

**a. Contact Deputy**

The York County Sheriff’s department has been very short staffed and the deputy was unable to attend.

**6. PUBLIC COMMENTS - none.**

**7. CORRESPONDENCE – Available upon request**

- a. Financial Reports
- b. Motor Vehicle Report
- c. Contract Deputy Report
- d. Annual Charter Customer Notice

**8. REPORTS & STAFF INITIATIVES**

**a. Selectmen’s reports**

**Dwayne Woodsome** - A member is needed in the Charter Commission. The ZBA had a workshop the other night and it went well. They have another partial meeting on January 11<sup>th</sup> where they will continue their last hearing. Training will be done at 5 pm with legal before their next meeting.

**Dennis Abbott** – Regarding ecomaine they will be signing a 35 million contract for a new single sort center. He can do a ½ hour workshop with the other Select Board members to give them information to be able to answer questions before one of their meetings. The other Board members agreed to the workshop.

**b. Town Administrator Matt Bors report**

**General Information:**

- We continue to work on our reconciliation of accounts and prepping for our audit. The check recs must be completed prior to us beginning the audit work. The reconciliation has been time

consuming since it had not been completed since RHR did it last year. Fred Holt continues to help during this transition. We have already started our budget planning for the next FY. We will begin meeting with the budget committee in January.

- Budget prep for the FY 25 budget is well underway. Our plan is to compile preliminary numbers and begin meeting with the budget committee in January. Again, I have asked all to keep the operations as flat as possible, realizing we need to make some adjustments to wages.
- Captain Fraser is continuing working on the safety programs for all and hopes to have the trainings ready for the employees in January.
- Matt thanked Jason Champion and DPW crew for all their hard work during the storm. Jason Champion stated that the water on the dirt part of Chadbourne Ridge Road (117 side) the water is up to the pavement. Also, Little Ossipee is equaled out with Lake arrowhead.

## **9. NEW BUSINESS**

### **a. Discuss/vote on appointing Roni Johnson to the Library Board of Trustees**

Dwayne Woodsome made a motion to appoint Roni Johnson to the Library Board of Trustees. Jon Bell seconded the motion. The motion passed 4 – 0.

### **b. Discuss/vote on removing Andrew Orr from the ZBA (He was replaced but never voted on as no resignation or communication back was received).**

Dwayne Woodsome made a motion to removed Andrew Orr from the ZBA due to lack of attendance. Gary Fecteau seconded the motion. The motion passed 4 – 0.

### **c. Discuss/vote on the resignation from the ZBA from Robert Leeman**

Gary Fecteau made a motion to accept the resignation of Robert Leeman from the ZBA. Dwayne Woodsome seconded the motion with regrets. The motion passed 4 – 0.

### **d. Discuss/possible vote on Town Report Dedication**

Chairman Abbott asked the Board to think on the dedication. He asked for a list of people who have passed away in the last year to possible help in this decision. This item will be moved to pending decisions. A list will be obtained from the Town Clerk.

### **e. Discuss/vote regarding the BOS signing the, “Authorization to Purchase Equipment Form” for the Trash Truck.**

**Vote:** Dwayne Woodsome made a motion to purchase the Trash Truck from Whited and to send the truck to Hewes of NH for the lift. Gary Fecteau seconded the motion. The motion passed 4 – 0.

### **f. Discuss/vote on a Dangerous Building.**

CEO Mike Gilpatrick would like the Board to schedule a public hearing regarding declaring a building dangerous that needs to be torn down due to 17 MRSA ss2851-2859. The building is located at xx Chadbourne Ridge Road. He wants the BOS to sign the form that states they will hold a public hearing. The Board decided the Public Hearing will be held on January 2, 2024.

**Vote:** Dwayne Woodsome made a motion to hold a public hearing for the dangerous building and give notification as such January 2, 2024. Gary Fectrau seconded the motion. The motion passed 4 – 0

**10. OLD BUSINESS**

**a. Discuss/vote on Proposed Zoning Ordinance Amendments for LD 2003 compliance**

Dwayne Woodsome made a motion to approve the proposed zoning changes with striking number 7 from section 4.15. Jon Bell seconded the motion. The motion passed 4 – 0.

**b. Discuss/vote on signing the new liquor license for El Tequila Mexican Restaurant**

This item was moved up to item# 2b.

**c. Discuss/vote on appointing Nicholas Fecteau to the ZBA**

Dwayne Woodsome was so moved. John Bell seconded the motion. The motion passed 4 – 0.

**11. OTHER**

**a. Discuss/vote to accept the minutes of the December 5, 2023 meeting.**

**Vote:** Dwayne Woodsome made a motion to accept the minutes of the December 5, 2023 meeting. John Bell seconded the motion. The motion passed 4 – 0.

**12. PENDING DECISION**

**a. Town Report Dedication**

**13. WEEK'S ACTION LIST**

**14. DISCUSSION OF AGENDA ITEMS**

Town Report Dedication moved to pending decisions.  
Public Hearing scheduled for January 2, 2023 for dangerous building  
Schedule workshop with Dennis & Board regarding ecomaine

**15. ITEMS NEEDING SIGNATURE**

- a. Liquor License for El Tequila Mexican Restaurant**
- b. Signed Authorization for Lease Purchase of Roll-Off Truck**
- c. Notice of Hearing – Dangerous Building**

The Board signed all of the above items.

**16. ADJOURN**

**Vote:** Chairman Abbott entertained a motion to adjourn. Gary Fecteau was so moved. John Bell seconded the motion. The motion passed 4 – 0. The meeting was adjourned at 6:48 p.m.