

TOWN OF WATERBORO
PLANNING BOARD

WATERBORO, MAINE

FEBRUARY 23, 1989 PUBLIC HEARING
ALDER ACRES SUBDIVISION & PROPOSED CHANGES TO ZONING ORDINANCE

ALDER ACRES SUBDIVISION:

Meeting opened at 7:30 P.M. Present from the Planning Board were John Roberts and Dwayne Woodsome. The owners of the subdivision and approximately 25 citizens were present.

Repositioning of the cul-de-sac to correct setback error for Lot #7 of the subdivision. House was built before completion of cul-de-sac. Since a Public Hearing was held for the original subdivision a second hearing is necessary for changes.

Two proposed changes were presented by Wes and Kathy Leighton. #1 was previously presented to the Board and thoroughly discussed. #2 the Board was presented just prior to the meeting. Mr. Leighton noted that the Board had expressed concern with the plowing of the cul-de-sac and thought that this might be easier to plow. Comments from the audience were requested. If no comments Board will recommend plan #1 to the Board Meeting following the Public Hearing.

WELLHEAD PROTECTION DISTRICT: Proposed change to the Waterboro Zoning Ordinance. Mr. Dennis Abbott, Chairman of the Board of Selectmen presented the change. Five and a half months previous a meeting with lengthy discussion regarding protection zone and a moratorium declared for site #1. An Ordinance was proposed by the Town Planner and was sent to the town Attorney. The town attorney felt that incorporation to zoning was favorable.

Wellhead Protection Zone Map was left out from posting. Maps were handed out to those attending. Section referring to is the 250 acre section of land adjacent to the well. 650 acres declared as recharge area by the experts. The 250 acre recharge area is the proposed Wellhead Protection Zone.

Changes allow permitted uses in the zone. The recommendations from Jack Rand, C. White and Dept. of Human Services suggested restrictions and or permitted uses for the Wellhead Protection Area (WFA).

There is a warrant article to accept the land. Board of Selectmen are not totally sure that this is the site. DEP still corresponding. DEP has noted that another well could be put on the property without being in the same vein as the existing well.

The Selectmen intend to explore the two other sites. DEP is happy with the existing site. The well will supply the contaminated wells and DEP would like to solve the immediate problem. Selectmen note too early to tell. Ordinance changes are the very minimum limits allowed by Dept. of Human Services (DHS). Selectmen have informed DEP that they are proceeding with measures to purchase the property to protect the investment of both DEP and the Town of Waterboro.

Prior to the warrant being posted the map will be posted. This would be creating another zone in town. Allowances read by Mr. Abbott. Mr. Hamilton asked if copies were available for people in attendance. Copies on the front table were noted. Non permitted uses also read by Mr. Abbott.

Mr. Jones commented that at the moratorium meeting the people were informed that there would be no zoning changes. Mr. Abbott noted that there would be no vote on this tonight that all people would have equal opportunity to vote for these changes at Town Meeting. DHS and DEP will be notified of the decision by the townspeople.

Dianne Holden: Why are the town funding all this? Is DEP responsible for the water system? Mr. Abbott noted that the town is not ready to put in a water system for 13 homes when there are 55 homes in South Waterboro in possible jeopardy of contaminated wells. Mr. Abbott again noted trying to purchase the property to protect the investment. 25 gallons per minute minimum yield nice from individual home however potentially an excessive cost for engineering with storage etc. for supply of servicing 80 homes. The two other sites might yield nothing. The town can request reimbursement from DEP for expenses.

D. Holden: Will every area fall under this zone? DHS wants separate restrictions. What if land purchase is not accepted or protected by zoning changes by the vote of the townspeople? DEP no longer has a well site. The townspeople have to vote to purchase the land or the land can be taken by eminent domain. This would still need acceptance by the townspeople. DEP can take land by eminent domain.

Mr. Leighton noted that there are Conditional Uses existent currently on the area denoted.

If proof is shown that loss of equity by rezoning would the town have to reimburse the loss? Potentially so however Mr. Abbott noted he is not an attorney.

Mr. Leighton: Would it be more feasible to extend the moratorium?
Mr. Abbott: It could very well be.

J. Roberts noted if this zoning change was voted in nothing says that the map delineating the protection zone couldn't be changed.

Mr. Abbott noted that the town of Lyman has recently voted in new zoning for the entire town. They voted 5 acre zoning for the entire town. Nothing says zoning is forever. By the vote of the townspeople it can be changed.

Don Holden: Commented that a Hearing as vital as this involving as much value had such little notification. He felt that each member that this directly involved should have received notification. Could not believe that we perform in this manner. 250 acres is an irregular shape. What determines the placement of this zone? Why was a road or boundary line not followed. How does it effect land that is divided up.

Mr. Abbott noted he was not proud of the handling of the meetings posting. There was concern and conflict the night of the moratorium. Everything was posted without defining the area. We are here we should make the best of this. The area was defined by C. White and Ed Bradley it is an elliptical shape. The wells on the site and surrounding the site were sampled during the test if surrounding wells lowered the effect was noted.

Don Holden: Who determined the test points? Real valuable land within the zone. Who determined the boundary of the well protection site?

Mr. Abbott: Originally wanted 650 acre radius. The area now being denoted as the moratorium area is an elliptical shape within the 650 acre radius approximately 250 acre. The recommendation of the experts is the elliptical shape not road boundaries. Good water is not possible without adding additives.

Could it be requested for Town meeting whose wells were tested? There were test holes also drilled on site.

J. Hamilton:

Area selected is probably high value area for building than in any area in town. Zoned that way years ago. The other alternatives not yet researched are in a ten acre lot zone. Possibly the town could use railroad beds for running the water to the village this would be less costly to the town. Time needed to replan.

Mr. Abbott:

Went to the people of the town and requested \$40,000. for possible water supply for contamination. DEP decided to participate. The area where the well is located is the closest site to the problem area that DEP is responsible for. That is what DEP is concerned with.

Mr. Woodsome:

The railroad bed would probably not be the best route for a water system to go. More likely go along the road allowing people to tap into the system.

DEP is looking for something quick.

Serious problems:

1. Gasoline in ten homes in South Waterboro
2. SMF chemicals pumped into the ground in E. Waterboro
3. Area on Old Alfred Road sixty homes on sixty acres

Bureaucracy sees one problem. One system for ten homes. If others exist there answer would be to add on. Nothing is going to happen over night.

Real costly area. If you look at the original Comprehensive plan areas noted are high impact.

D. Holden: Would like to see concerns stated through town meeting. Even if he were not affected this area would not be a good site.

Townpeople will be the final authority. If a town water supply is put in by DEP for 13 homes property value in S. Waterboro will be hurt.

A large storage area would be necessary. Based on the study another well could be drilled without hitting the same vein. Mr. Abbott noted that the Board of Selectmen had learned one thing in the past 2 years and that was in order to do this right Political clout is needed. All present were welcomed to review the material on file in the Selectmen's Office.

DEP has money burning a hole in their pocket. DEP is responsible for the contamination. Townpeople support needed towards dealing with DEP. The investment of \$40,000. has yielded 3 sites for potential water supply one has been investigated. DEP will receive the bills. The well will be in someones back yard. Would like to think minimal people would be affected.

Dianne Holden: Not looking at the number of people affected going into the center of the 1 acre zone. This would be changing the character.

Mr. Abbott: When geologist are hired and closest proximity to the problem is found the area is investigated.

Kathy Leighton: If wellhead was around the Day field the water system could go to different areas.

Mr. Abbott: A 500-600 gallon yield would be substantial enough for supplying the Town. Moody pond the experts found surface water not desirable.

Jim Hamilton's proposal not long range. If pressurized, water system would have impact on Fire insurance. Substantial system should go where area is most centrally located.

Mr. Abbott noted that water would not supply hydrants for fire protection. DEP wants to put a system in now and watch remainder of problems. Whitman & Howard has been in on meetings with DEP. Town fathers looking at chemical geologist to go over Caswell, Eichler and Hill's report. DEP has a habit of whitewashing reports.

In Friendship Maine the system cost approximately 1 million. DEP has \$150,000 that they will commit towards a system. If a system were designed for 80 DEP would pay 13% of the cost. There are approximately 260 residents or business that could use water. Fifty five homes are in immediate jeopardy. Fool hardy to put in system for 13 when more are known to potentially exist.

Selectmen are looking to secure the land and try to protect it by proposed changes in the ordinance. If this fails we go back to the drawing board.

Isn't a zoning change a drastic measure versus continuation of moratorium? That has been discussed. It may be. We may need this well, not all is known, we do have a sizable investment. DEP asked if the town would secure it.

Wes Leighton: With subdivision regulations so strict not much could be built in this are. If property is purchased haven't you locked DEP in?

D. Holden: Amount of investment of town? Land you hope to purchase give you access? Have access through Glenn Bean by his permission? Glenn commented that he feels he's getting shafted.

The intent is not to take land without reimbursement. Persons have been contacted. Separate warrant article for this.

Article #58: To purchase the property

Article #59: By eminent domain

Article #60: Enact amendments to protect district this will be posted 7 days prior to town meeting. Will require a yes or no vote.

Article #61: If not protected, moratorium for additional 180 days.

K. Leighton: Request for further funds?

D. Abbott: Not at this time. Last request from the town to DEP was for more funds. No response as of this date.

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Have Selectmen checked legality of action at the meeting for the moratorium. Moratorium proposed was defeated. People voted on a different proposal. For all practical purposes would not be legal. Intent of people voiced was to go with a moratorium. Extension wording the same.

J. Hamilton felt that several people left after the first vote on the article was voted down.

Mr. Abbott: Purely speculation that people left in a mass exodus.

Mr. Hamilton noted confusion on issue.

J. Roberts: If Zoning changes are voted in nothing prevents the town from changing the zoning area. Zoning can be changed.

Use specifications are as recommended by DHS. Request from town denied to lessen the restrictions. Zones provided by the study were explained. Large aquifer noted on information in the upstairs offices. C. White & Assoc. were asked to look at problems and search for immediate area in South Waterboro village. Cost, area of service, not likely within six months. Geologist recommended a bedrock aquifer. Towns people decision.

Regarding other ordinances posted Mr. Abbott expressed that he was not pleased with the posting for other communication proposed at town meeting: Mass gathering ordinance, Underground ordinance, Solid waste ordinance. Apologies from the municipal offices. In posting for the wellhead protection zone map was left out. Map will be added for town meeting.

Meeting adjourned at 9:14 P.M.

In attendance were three Planning Board members, John Roberts, Dwayne Woodsome and Douglas Foglio Sr. Approximately 20 residents.