

Town of Waterboro
Planning Board
Meeting Minutes
June 27, 2002

I. ROLL CALL

Susan Dunlap calls the public hearing to order at 7:10 p.m. Noting attendance from the board of Kurt Clason, Everett Whitten, Dwayne Woodsome, Roland Denby and Everett Whitten, Town Attorney, Ken Cole; Selectmen Bob Fay, Willis Lord, Doug Foglio, and 45 members of public present.

The purpose of the public hearing is to review the proposed Growth Management Ordinance and to hear comments from the public.

Sue states that Waterboro has expanded by 38% between censuses and that we are the second fastest growing town in Southern Maine. Sue reviews the proposed ordinance and states that this is not necessarily the final document and that changes can be made after tonight's meeting.

At this time Sue introduces Phil Tarr who is the manager of Lake Arrowhead to speak before the floor is opened for questions. Phil reads a letter from himself on behalf of the board of directors in support of this growth management ordinance.

Sue introduces Ken Cole, the town attorney who is present to answer any legal questions regarding this proposed ordinance.

Sue states that the limit of 70 permits per year is not less than what we are already giving out. We took the average of the permits issued over 10 years although 70 is less than the last 2 or 3 years.

Willis Lord feels 70 is too high.

Sue states that they took a 10-year average and mimicked an ordinance from other towns that has held up in court.

Rich Wasina asked when the town started thinking about this. He wonders why no one mentioned this. John Perry agrees with these questions.

Sue states she has mentioned a growth ordinance for a couple of years. This has been mentioned in public meetings.

Rich asks how they came up with the April 1 retroactive date. Sue answers that is the first time it was officially discussed at a Selectmen's meeting and decided to work on a growth management ordinance.

Rich states that he has several lots that are promised to people and why is the town targeting subdivisions? Sue states that it is obvious in a town that has a 38% growth rate that we are going to do what we can to manage it. Sue adds that they are trying to make it as fair to people with private lots. Rich asks what if the lots are already sold. Sue states that people will have to apply for growth permits if this passes. Sue adds that since April 2 they have already issued over the # of allowed permits that would be allowed for the year.

John Perry states that he feels there has been no prior notification. Sue states that his subdivision application started over a year ago and they didn't have this information when that process started. John

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states that he thinks there should be an extension for those who are in the process of subdivision. John asks why doesn't the town just impose impact fees.

Sue states that is just passing the cost on to the buyer and impact fees can only be used for certain things. A lot of research needs to be done prior to imposing impact fees legally.

John McCaw asks about a permit that he had on file for months. The date of application is when the application is completed.

Sue states that there has been 22 permits issued since April 2 with 8 more waiting to be processed.

An unidentified person states that they have a signed contract for land in a subdivision as of April 6. Sue states that approval of a subdivision does not guarantee the issuance of a building permit.

Tim Blanding who is representing the board of directors of Lake Arrowhead states that this concept has been discussed for years and has been seriously discussed with the selectmen for months. Lake Arrowhead has imposed impact fees and this has had no effect on the number of houses going in. Tim adds that Lake Arrowhead has to sacrifice the income stream of the new houses to slow down the growth so they can manage upgrading the water lines and roads. The board of directors is in favor of this ordinance.

Paul Lamontagne asks that if the town has already given out 22 permits this year are they still going to cap it at 70 for the year? Sue states that this will be taken under consideration and discussed with the attorney.

Ken Cole states that there could be a possible middle ground to make the ordinance effective July 1. It would be easier to administer. The code enforcement office has been warning people since this proposal came out of its possible effect on their building permit applications. Once this proposal was made the town has been on notice and until voted in we can't know its exact effect. The effective date only affects permits already issued.

Sue states that any pending applications can still go ahead if we structure it the way Ken mentioned. The retroactive ordinance has stood up in court. The retroactive date of April 2 is there because that is the first day that this was mentioned at a public selectmen's meeting.

An unidentified woman states that she had no warning and did not get a notice.

Ken Cole states that essentially we are all on warning of any issue discussed at a public meeting. Any person is presumed to have notice because the meetings are public.

Rich Wasina states that he called 3 weeks ago and asked if there was a potential cap or moratorium and he was told by a town employee that there was not.

Sue states that Rich should take this up with the selectmen and isn't fair to discuss that at a public meeting.

Bob Fay states that no matter what they figure out there will be some unhappy people. The selectmen took this to the attorney and got advice and researched other town's ordinances.

Ryan Raymond states that this is the first time he's pulled a permit in Waterboro. People building a \$200,000 homes have to take the heat for the growth in Lake Arrowhead.

Barbara Clegg states that she lives in Lake Arrowhead and she builds 3-4 houses a year and she is going to be effected by this. Wouldn't it be wise to put this in the paper and give people more of a notice?

Sue states that the town meeting will be posted in the legal time frame, as was this meeting, which includes legal notices in the newspaper.

Tom Losa states that he was told by a town official that we are creating our own ghetto. Sue states that if he has an issue with town officials, take that to the selectmen.

Teresa Lowell states that she has questions with the wording of the ordinance. #6 is not clear at all. Sue states they will look at rewording that. Teresa states that the VR zone should be depicted on the zoning map. Teresa adds that Alfred just passed a cap of 40 houses per year and the planning board could have suggested a 120 day moratorium on building and that could be extended to 180 days legally. This could be worse.

Henry Holmes states that he does a lot of building in Lake Arrowhead and Waterboro. He has contracts signed to build homes. What happens to those contracts? Henry suggests activating this on the day of voting to be fair. Henry states that as a developer he is speaking for future residents of Waterboro.

Sue states that she would like to hear from people who are not developers.

Judy Fay feels the town should start by July 1 or people will just come in and push permits through. There is a huge problem with over crowding in the schools.

Dwayne Woodsome made the motion to adjourn this public hearing because he thinks that the board has gotten what they need out of this meeting.

Doug Foglio added that the selectmen will hold another public hearing on this ordinance.

Kurt Clason seconds the motion. Motion carries with a unanimous vote in favor.

This meeting recessed for 15 minutes.

Regular Planning Board meeting of June 27

II. APPOINTMENTS

Rich Wasina with sketch plan for Birchwood subdivision map 11 lot 17 on Webber Road. The application is for 10 lots on 20-acre parcel. They are proposing a 700' gravel road and will be looking for a waiver on the minimum dead end of 600'. They may need a stormwater permit from DEP depending on the impervious area. If DEP requires it they will make that application.

The sketch plan checklist is reviewed.

Rich states that he will meet with the fire chief to get his recommendations on the fire pond requirements. The proposal includes common driveways for lots 3 & 4, and 5 & 6 with the private gravel road servicing the rest of the lots. Doug Foglio states that the board should consider not allowing egress and ingress off of town roads and require all lots to be serviced from internal roads that are built to town specs.

Rich states that the configuration of this lot makes it impractical for the return of the lots. The owner of the property, David Dunn states that this is a cost factor.

Doug Foglio states that Webber Road is a major artery and that the road could be turned so that it can service all lots. In his opinion subdivisions should have 100% internal roads. The lot values are there to support this.

Sue states that the board can vote on the sketch plan with the understanding to the applicant that the board may want to require an internal road. The developer is requested to consider an alternate layout.

Roland asks if these could be considered spaghetti lots. The ratio can't be more than 5-1. These are not spaghetti lots.

Dwayne Woodsome made the motion to table this application. Motion does not get a second.

Kurt Clason makes the motion to accept the sketch plan with the caveat that the proposed driveways do not meet the approval of the board at this time. Tim Neill seconds. Motion carries with a vote of 3 in favor 1 opposed and 1 abstention with Dwayne Woodsome opposing and Roland Denby abstaining. Dwayne states he opposes it because he would like to see a sketch plan with an internal road.

Robert Dame with Conditional Use Permit application on map 16 lot 19D for a small welding shop in his existing garage. The property is 1 mile short of the Limerick Line on Route 5. The garage is on a cement slab with no floor drains. There are not any neighbors that are close to his property. There is 300' of frontage. He has not talked to his neighbors about this. There won't be anything stored outside. He has a mig welder. Dwayne asks if the welder would affect the neighbor's electricity?

Dwayne made the motion to do an onsite visit. Everett Whitten seconds. Dwayne wonders if this wouldn't fall under home occupation. Kurt asks if he intends to have a sign? Sue's concern is about fire protection. There is a hydrant near the property. Robert states the inside of the garage is lined with fire proof sheetrock. The motion carries with a unanimous vote in favor. This site walk will be performed prior to the July 10 meeting and this application will be brought back under old business at that meeting.

Laurent Ouellette map 47 lot 45 for an after the fact conditional use permit for a setback reduction. They built a 12 x 20 deck and got a stop work order from the code enforcement office. Sue asks how many square feet the lot is. It is less than 80,000 square feet. The sideline requirement is 35' in the AR zone.

Dwayne Woodsome states that it is hard to figure the setback when they aren't sure where their front property pins are. Dwayne Woodsome made the motion to table this application until the property pins are located and then do an onsite. Dwayne added that under section 2.08 non-conforming lots created prior to the zoning ordinance must have a standard boundary survey. Everett Whitten seconds the motion. Motion carries with a unanimous vote in favor. The applicant is instructed to inform the secretary when they've done the survey and a site walk will be scheduled at that time.

Andre Cote – Meadowbrook Subdivision application for preliminary approval map 11 lot 42. The list of items that needed to be added to the plan was reviewed. The name of the hydro geologist has been added. The width of adjacent streets has been added. The dry hydrant has been amended according to the fire chief's recommendations. The 8 x 60 turnout will be paved.

Dwayne Woodsome asked who would be responsible to maintain the fire pond. There is no hydro-geo impact study but there is an extensive nitrate study. There was a motion made at the April meeting to send this to peer review to decide whether this nitrate study covers the requirements the town is looking for. Kate Albert at Southern Maine Regional Planning will be asked to review this.

The deed covenants are not completed yet and they will be noted on the final plan.

Dwayne Woodsome states that he wonders about reducing the width of the road to reduce speed. In looking at other town's developments they are reducing the widths. Sue states that we could have the fire chief and road review committee comment on that.

Dwayne Woodsome made the motion to approve the preliminary plans as presented with questions being answered as noted. Roland Denby seconds the motion. Motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETINGS

Dwayne Woodsome made the motion to approve the June 12 meeting minutes. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

The mylar for the Ford Pond Estates subdivision does not match the final plan on file. Dwayne Woodsome made the motion to table this until the mylar meets final plan approval. Tim Neill seconds. Motion carries with a 4-0-1 in favor with Kurt Clason abstaining.

VI. COMMUNICATIONS

VII. MISCELLANEOUS

VIII. NEW BUSINESS

Discussion regarding the growth ordinance and the recommendation to the board of selectmen. Dwayne Woodsome made the motion to send the proposed growth management ordinance to the selectmen to take to special town meeting. Tim Neill seconds. Motion carries with a unanimous vote in favor.

The recommendation to the selectmen from the board is discussed. Sue states that they should set a workshop to discuss this. Dwayne Woodsome made the motion to continue this meeting on July 1 at 8 p.m. to finish this agenda to make the recommendation to the selectmen regarding the growth management ordinance. Everett Whitten seconds. Motion carries with a unanimous vote in favor.

Continuation on July 1, 2002

Sue reconvened the meeting at 8:35 p.m. noting attendance of Everett Whitten, Roland Denby, Tim Neill, Dwayne Woodsome and Kurt Clason.

Sue states that the board needs to put on the list for next year's zoning changes to change the frontage requirement in the GP zone.

Discussion of the Growth management ordinance.

Item #6 – it is decided to change sections 2 and 3 around and add the word remaining permits. So that this section is more clear.

It is decided to recommend a July 1 effective date.

It is decided to recommend that permits be issued quarterly with 6 per quarter for the 1,2 and 4 quarters and 7 in the 3rd for private lots and subdivision lots and 5 per quarter for LAC lots. If there are extra permits in any quarter those could be carried forward into the next quarter and be issued to subdivision lots in a lottery. Any extra permits cannot be carried forward into the next fiscal year. No contractor could pull more than 6 permits per year if they happened to get a permit by lottery. The town clerk would be responsible to perform the lottery.

Dwayne Woodsome made the motion to send these recommendations to Ken Cole for review and forward them to the Selectmen. Tim Neill seconds. Motion carries with a unanimous vote in favor.

IX. ADJOURNMENT

Dwayne Woodsome made the motion to adjourn the meeting at 9:30 p.m. Motion is seconded and passed unanimously.

Approved date: 8/14/02







