

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**January 21, 2004**  
**7:00 p.m.**

The Planning Board held a workshop with Natalie Burns, Esq. Prior to tonight's regularly scheduled meeting. Attendance from the board is as follows: Susan Dunlap, Teresa Lowell, Roland Denby, Everett Whitten, Denise Everest and Jonathan Raymond

The board discusses the age restriction exemption and the current wording in the growth ordinance. The board would like to change the restriction and is leaning towards changing the age to 62. The board discusses the best way to word the change without excluding nursing homes and assisted living facilities. Sue asks what the definition of a legal definition of a group home is. Natalie says that generally there are 2 different classifications of group homes: ADA protected, which include homes for physically disabled, recovering alcoholics, mentally ill, etc. The second classification are those that are not ADA protected. The board discusses whether or not, in changing the exemption age to 62, the board would be excluding people they did not intend to. Natalie suggests the following wording: "housing for older persons that comply with the Fair Housing Act for 62 or older". Natalie will draft a recommendation that can be reviewed by the board before the next meeting.

The board reviewed the distribution of growth permits and the possibility and legality of re-distributing growth permits. Natalie feels that from a legal standpoint this would be acceptable. A meeting will be held with Phil Tarr from the Lake Arrowhead Association to discuss the possibility of re-assigning some of the 20 growth permits currently allocated to LAC. Natalie also discusses the required 3 year review of the growth ordinance. This shall include information on the impact on various town resources in relation to the number of growth permits. Another issue that will be reviewed is how often and when the growth permit cap has been reached. A review will need to be done this year. Teresa asks about the possibility of impact fees and what those fees can be used to fund. The impact fee study committee doesn't recommend trying to implement an impact fee at this time.

The Planning Board asks Natalie what changes must be made to give the Planning Board the authority to require town water. Natalie feels that with the growth ordinance we currently have the cost to developers would be prohibitive. The cost of putting in a development is already restrictive as only 3 houses per year can go in, putting a delay on a financial return to developers and placing the financial burden to run town water would be too much. Sue feels that the planning board needs to have some standard in place to require town water if a developer is within a certain number of feet from the town water line. The board specifically discusses an application that will be coming for final approval.

tonight. The board is concerned about a possible contaminated water source due to a contaminated site approximately 500 feet away. The board inquires about the town's liability if the applicant was not required to run town water. Natalie feels that the board has every right to require the applicant to provide the board with the necessary information to prove that the added draw will not contaminate surrounding wells. Natalie feels that the town probably could not be held responsible if this site did contribute to the contamination of surrounding wells. Ultimately the burden of proof is on the applicant and the board should not feel pressured to make a decision until this information is received.

The water processing plant moratorium is discussed. The dates on the draft moratorium can be changed and it is determined that a moratorium can be extended by order of the selectmen in 180 day increments as needed.

## **I. ROLL CALL**

Chairman, Susan Dunlap called the meeting to order at 8:00 p.m. Attendance from the board is as follows: Susan Dunlap, Kurt Clason, Teresa Lowell, Roland Denby, Everett Whitten, Denise Everest and Jonathan Raymond.

Sue Dunlap introduces new Planning Board member, Denise Everest and briefly discusses the different processes and policies the planning board follows.

## **II. APPOINTMENTS**

### **Linda Morin and Larry Plourde for final approval of 50's Diner on Map 8 Lot 1B**

The outstanding drainage calculation issues are discussed and it is determined that the issues have been resolved to the satisfaction of the peer reviewer, Deluca Hoffman. The applicants will be putting in a larger retaining area and changing the grade of the parking lot to divert runoff. Teresa asks if there will be any entrance and exit signs or stop signs. Teresa states that it is a requirement in our ordinance for commercial buildings with more than 50 spaces. Sue feels that entrance and exit signs are unnecessary as there is only one entrance/exit but that a stop sign should be placed. The applicant agrees to place a stop sign.

The checklist is reviewed at this time. The waterline is the last outstanding issue. The board discusses the contaminated site that is located approximately 500 feet away. The Department of Environmental Protection has not signed off on the site and the contamination issues. The board has concerns that the added draw on the water supply might disturb the heavy metals/contaminants and possibly contaminate the applicants and neighboring wells. Al Frick states that the water has been tested and that the water underground is currently moving in a southerly direction, away from the site. Kurt would like to see the water test from Swett Assoc. Sue feels this would not be helpful as the test only measures the applicant's impact on their own property, not the abutters. Sue further states that in her opinion there are too many outstanding issues with the contaminated site

and the planning board is not qualified to make the determination of whether or not this added draw would be a problem.

Al Frick states that the applicant will be putting in a bedrock well, which should not effect the ground water. Al further states that is also a requirement of the DHS to test public water supplies monitoring of the water quality. Sue feels that the board does not want to wait until there is a problem as the risk is too great. The attorney for the applicant states that this proposed diner site is located in the GP zone, which is a commercial zone, and asks whether the planning board will require all new commercial buildings to run town water. Sue informs the applicant's attorney that if there is a question of safety the planning board can require it and has required town water for prior applicants.

Everett suggests a letter from a hydrologist addressing the contaminated site, stating that a well drilled into bedrock will not disturb any contaminants. Everett makes a motion to send to a hydrologist for review to get assurance that the applicants well will not cause any contamination to abutter's wells. The applicants request a five minute break to discuss from 9:10 to 9:15.

The applicant's attorney states that the applicants understand the issues at hand. They would like to request a conditional approval pending the letter from the hydrologist. Everett amends his motion to include a conditional approval. Jonathan seconds the motion. Motion carries with a 5-1-0 vote, with Teresa opposing

**Village Pines Subdivision for final approval on Map 5 Lot 9** Everett Whitten excuses himself from the board to present final plans for his subdivision. Sue Dunlap points out that Jonathan Raymond and Denise Everest, as new members, are not familiar with this subdivision. Sue reviews the details of the subdivision with the new members. It is determined that the letter or credit is the only outstanding issue. The minutes from the November 19 meeting are reviewed as this is the last time Everett came before the board. The board discusses various possible wording of a motion to include approval of the road top coat by a third party engineer. It is also noted that the road width shown on the plan is 18 feet and needs to be changed to 22 feet with 2 feet on either side. The final plan will also need to reference the road specifications.

It is determined that Sue Dunlap will have to vote tonight on this motion as Jonathan Raymond and Denise Everest have not been involved in any previous meeting in regards to this subdivision.

Teresa motions for a conditional approval with the following conditions

- road width needs to be changed on final plan to 22 feet wide with 2 feet on either side
- road specifications need to be corrected and referenced on the plan
- road must be built according to road specifications as certified by a 3<sup>rd</sup> party

engineer

- top coat must be finished as approved by a 3<sup>rd</sup> party engineer
- no building permits may be issued until the road is constructed to the base tar

Kurt seconds and the motion carries with a 4-0-2 vote with Jonathan and Denise abstaining.

Everett Whitten re-joins the board at 10:10

### **III. MINUTES OF PREVIOUS MEETING**

December 3, 2003 - tabled - to be signed at next meeting

January 7, 2003 - tabled - to be signed at next meeting

### **IV. REPORT OF OFFICERS**

### **V. OLD BUSINESS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

### **VIII. NEW BUSINESS**

### **Board Vote for the positions of Secretary/Treasurer and Vice Chairman**

Sue Dunlap nominates Everett Whitten for the position of Secretary/Treasurer. Teresa seconds and the nomination passes with a unanimous vote in favor.

Teresa Lowell nominates Kurt Clason for the position of Vice Chairman. Jonathan Raymond seconds and the nomination passes with a unanimous vote in favor.

### **IX. ADJOURNMENT**

Kurt made the motion to adjourn at 10:20 p.m. Teresa seconded and the motion passed with a unanimous vote.