

**TOWN OF WATERBORO**  
**PLANNING BOARD MEETING MINUTES**  
**January 28, 2004**  
**7:30 p.m.**

Chairman, Susan Dunlap called the meeting to order at 7:40 p.m. Attendance from the board is as follows: Susan Dunlap, Kurt Clason, Teresa Lowell, Roland Denby, Everett Whitten, Denise Everest and Jonathan Raymond.

Tonight's meeting will not be televised or recorded as the meeting location does not allow it.

## **II. APPOINTMENTS**

The main purpose of tonight's meeting is to review material received from Natalie Burns regarding zoning changes and discuss town meeting articles.

\* The first issue discussed was a change in the over 55 exemption of the growth ordinance. Natalie suggested the following wording

### **5. EXEMPTIONS~**

#### **This Ordinance shall not apply to the following:-**

A. The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.

B. Dwelling units constructed by the York & Cumberland Housing Authority; an agency of the state or federal government; or by a private developer or contractor ~~with a continuing age restriction of persons 55 years of age or older~~ if such dwelling units are located in a subdivision or multi-family dwelling development that is permanently limited by deed, covenant, or other legally enforceable restriction housing for persons sixty-two (62) years of age or older, provided that such subdivision or multi-family dwelling development complies with the requirements of the Federal Fair Housing Act, 42 U.S.C.A §§~3601-3631, as may be amended from time to time, and all applicable federal regulations promulgated under that law. Any conversion of these units eliminating the age restriction ~~would~~ shall require a Growth Permit prior to the conversion.~

(Note: Additions are underlined; deletions are ~~struck through~~).

Everett motions to accept the change as worded above. Teresa seconds and the motion carries with a unanimous vote in favor.

\* Differential growth and the possible re-distribution of 10 of the 20 growth permits currently given to Lake Arrowhead is reviewed. The board discusses the best possible use for these extra permits. It is noted that the state planning office tries to encourage controlling sprawl. The board would like to see the additional 10 growth permits allocated to subdivisions that will be serviced by town water. Natalie Burns will be consulted as to her opinion in this matter.

\* Currently, daycares are a conditional use in all zones in Waterboro. The Board is under the impression, however, the Lake Arrowhead Association's bylaws prohibit daycares in LAC. The Lake Arrowhead office will be contacted in regards to this issue so the board can clarify this.

\* The board discusses the water processing plant moratorium. The selectmen have expressed interest in voting on this issue. It is decided that a copy of the draft moratorium from Natalie Burns will be forwarded to the Selectmen's office

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

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

January 7, 2004 - tabled - to be approved at next meeting

January 21, 2004 - tabled - to be approved at next meeting

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

### **V. OLD BUSINESS**

Linda Morin and Larry Plourde are present to present a letter from Richard Sweet from Sweet Associates as discussed in the minutes of the January 21, 2004 planning board meeting. The applicants were asked to provide certification from a hydrologist to give the board assurance that the applicants well will not cause any contamination to abutter's wells. Also present are Sandra Guay, Esq., Al Frick and Dick Sweet. The board reviews the letter from Sweet Assoc. Kurt feels the wording in the letter is ambiguous, using words such as "highly unlikely", "partially" and "with little penetration".

Kurt is concerned that the water source isn't completely sealed. Dick Sweet states that nothing is ever completely sealed and states that the area's top 50 feet is sand and the underlying 50 feet is hard glacial material. Mr. Sweet further states that by putting a well down through sand and drilling into bedrock, the water would be coming from the upper layer, pulled from the sides. Mr. Sweet says that water would not be able to be pulled from the more compacted lower levels. Mr. Sweet says that the contaminated site is located approximately 1000-1500 feet away and that according to his calculations the direction of water flow would not be changed as they are planning on putting the well into bedrock and the flow of water is coming from the north.

Kurt asks Mr. Sweet how the added burden of Hannaford also discharging water effects the area. Mr. Sweet explains that when water is discharged it creates a "bump" on the water table and slowly moves through the sand in a southerly direction.

Sue asks if the Hannaford discharge effects the plume and whether it has effected the direction of the plume. Mr. Sweet explains that the ground is dissipating water at a quick enough rate, otherwise there would be visible surface water near the site.

Everett asks if the state has any records on the contamination levels and whether or not the levels have decreased. Mr. Sweet answers yes, they do. Sandra Guay states that the last tests at the site only showed high levels of aluminum, but at acceptable levels, and that DEP had no issues with the site. Ms. Guay spoke with Wayne Paradise at the DEP.

Everett states that he owns property near this same site and he used to receive studies from the DEP twice a year. Everett also notes that DEP required Hannaford to remove large amounts of soil from the site and send it to Fryeburg for treatment.

Teresa consults the following paragraph from Mr. Sweets letter: *'DEP is planning to sample the SMFC wells to confirm their conclusion that no further action is required. The last known sampling was conducted by DEP in June 1998 '.* Teresa asks if the above referenced testing has been done. Ms. Guay states that she contacted DEP who said the testing had been done but the results were unavailable as they had been archived. Mr. Sweet states that the concentration of contaminants at the site has been flushing and will continue to flush from the site.

Teresa asks if the heavy metals can be shocked free. Al Frick answers that yes, they can be shocked free but heavy metals tend to be attracted to and bind to clay.

Sue addresses Dick Sweet and asks if he feels very comfortable stating that years from now there will be no problems caused by this diner. Sue further states that many residents are concerned that three other businesses in the area were required to run town water and the diner was not required to. Denise states that the public is aware of this contaminated site.

Mr. Sweet states that the diner would be required to do regular testing through DHS, but they probably don't test for the types of contaminants that are being referred to from the nearby contaminated site. Mr. Sweet suggests that any testing include periodic testing for heavy metals. The code enforcement office will contact DHS and find out what the required testing would include and whether or not that would include testing for heavy metals.

Sue asks Mr. Sweet if he knows who did the hydro review for Hannaford. Mr. Frick thought it was Deluca Hoffman but Al Frick believes it was Robert Gillespie

Kurt motions to send a copy of Mr. Sweets letter to the Town Attorney for her opinion, to have the Code Enforcement office contact Wayne Paradis to confirm the conversation he had with Ms. Guay, and to contact DHS to find out what their required testing standards are. Everett seconds and the motion carries with a unanimous vote in favor.

## **VI. COMMUNICATION**

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

Everett made the motion to adjourn at 9:30 p.m. Denise seconded and the motion passed with a unanimous vote in favor.