

TOWN OF WATERBORO
PLANNING BOARD MEETING MINUTES
February 11, 2004
7:30 p.m.

PUBLIC HEARING

Chairman, Susan Dunlap called the public hearing to order at 7:30 p.m. The purpose of this public hearing is to discuss possible zoning changes to take to town meeting. There were no members of the public present. Attendance from the board is as follows: Susan Dunlap, Kurt Clason, Teresa Lowell, Roland Denby, and Everett Whitten. Denise Everest and Jonathan Raymond are absent.

The first issue discussed to the possibility of adding the following paragraph just prior to paragraph three in Article 2 Section 2.03

Prior to the issuance of any occupancy permit for any structure with a potable water supply system, a water quality analysis demonstrating that the State of Maine Safe Drinking Water Guidelines are met shall be submitted to the Code Enforcement Officer.

It is determined by the board that a definition of potable water must also be added.

The second issue discussed is a change to the age restriction in the growth ordinance. The current ordinance has an over 55 exemption. The current exemption contains loopholes, is unclear and creates a lot of Federal Fair Housing paperwork and record keeping. The proposal is to raise the exemption age to 62 and reads as follows:

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 to 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~~).

The third issue discussed is the possibility of issuing **5 additional** growth permits per year for subdivisions being served by the Waterboro Water District and would read as follows:

AMENDMENTS TO GROWTH MANAGEMENT ORDINANCE
SECTION 6.C-MAXIMUM NUMBER OF PERMITS ISSUED PER SUBDIVISION

ADMINISTRATION~

Issuance Procedure

1. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From that time on, Applications will be accepted, and Growth Permits issued, as provided for herein.
2. Growth Permits shall be available on a first-come, first-served basis.~
3.
 - i. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued.
 - ii. Expired Growth Permits shall be available for reissue.
 - iii. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.~
 - a. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year, in the order in which the Applications were deemed to be complete.
4. With respect to Growth permits sought for property located within a subdivision approved by the Planning Board of the town, no more than three growth permits shall be issued during any year for the building of dwellings in a single subdivision, where the lots within the subdivision will not be served by the Waterboro Water District. No person, partnership, or corporation shall be entitled in any single year to more than two of the three growth permits allowed to a subdivision. No more than five growth permits shall be issued during any year for the building of dwellings in a single subdivision where the lots will be served by the Waterboro Water District. No person, partnership, or corporation shall be entitled in any single year to more than two of the five growth permits allowed to a subdivision in which the lots will be served by the

Waterboro Water District.

With respect to permits allocated to a subdivision, corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership.

With respect to Growth Permits sought for property not located within a subdivision approved by the Planning Board of the Town, no more than 2 Growth Permits shall be issued during any year to any one person, partnership or corporation.

5. If, at the end of the fiscal year, there are any unissued Growth Permits still available, they shall not be carried over to the next year.

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

II. APPOINTMENTS

The following recommendations are voted on by the planning board to take to town meeting:

Teresa motions to add the following paragraph just prior to paragraph three in Article 2 Section 2.03:

Prior to the issuance of any occupancy permit for any structure with a potable water supply system, a water quality analysis demonstrating that the State of Maine Safe Drinking Water Guidelines are met shall be submitted to the Code Enforcement Officer.

A definition of potable water will also be added.

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

Teresa motions to bring the following revision to the growth permit ordinance to town meeting:

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 to 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~~).

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

Kurt motions to bring the following revision to the growth ordinance to town meeting:

AMENDMENTS TO GROWTH MANAGEMENT ORDINANCE
SECTION 6.C-MAXIMUM NUMBER OF PERMITS ISSUED PER SUBDIVISION

ADMINISTRATION~

Issuance Procedure

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 - ii. Expired Growth Permits shall be available for reissue.
 - iii. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.~
 - a. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year, in the order in which the Applications were deemed to be complete.
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any single year to more than two of the three growth permits allowed to a subdivision. No more than five growth permits shall be issued during any year for the building of dwellings in a single subdivision where the lots will be served by the Waterboro Water District. No person, partnership, or corporation shall be entitled in any single year to more than two of the five growth permits allowed to a subdivision in which the lots will be served by the Waterboro Water District.

With respect to permits allocated to a subdivision, corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership.

With respect to Growth Permits sought for property not located within a subdivision approved by the Planning Board of the Town, no more than 2 Growth Permits shall be issued during any year to any one person, partnership or corporation.

5. If, at the end of the fiscal year, there are any unissued Growth Permits still available, they shall not be carried over to the next year.

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

Everett seconds and the motion carries with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETING

IV. REPORT OF OFFICERS

V. OLD BUSINESS

VI. COMMUNICATION

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Everett made the motion to adjourn at 8:50 p.m. Teresa seconded and the motion passed with a unanimous vote in favor.