

TOWN OF WATERBORO
PLANNING BOARD MEETING MINUTES
February 18, 2004
7:30 p.m.

I. ROLL CALL

Chairman Susan Dunlap called the meeting to order at 7:30 p.m. Attendance from the board is as follows: Teresa Lowell, Roland Denby, Jonathan Raymond and Denise Everest.

II. APPOINTMENTS

Dana Borgkvist for a setback reduction on Map 43 Lot 7 Chuck Turnage speaks for the applicant as the contractor for the job. The property is located in the Basken Shores development which is in the Residential zone. The applicant is requesting a reduction in side setbacks from 35 feet to 20 feet on either side. It is noted that the applicant originally came before the board on July 16, 2003 and the Planning Board requested the applicant get a survey of the property. The property has a current septic design for the property with no variance needed.

The board reviews the zoning ordinance in regards to their authority to grant this type of setback reduction. Sue feels that being in such close proximity to Lake Arrowhead that a reduction of this nature would be consistent with the other homes in the area.

Teresa motions to approve the 20 foot side setback request with the following conditions: The structure may not be any closer than 20 feet from the property line as measured from the drip edge and the applicant must obtain a survey at foundation showing setback requirements are met. Roland seconds and the motion passes with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETING

January 21, 2004 - Teresa motioned to accept minutes Jonathan seconded and the motion carried with a unanimous vote in favor.

January 28, 2004 - Teresa motioned to accept minutes Jonathan seconded and the motion carried with a unanimous vote in favor.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

Linda Morin and Larry Plourde for the proposed 50's diner proposed on Map 8 Lot 1B.

Linda Morin, Larry Plourde, Albert Frick and Attorney Sandra Guay are present. The board reviews various letters from Wayne Paradis at the DEP and Andrews Tolman from the State of Maine Division of Health Engineering. Specifically Sue references the letter from Wayne Paradise that states in the DEP's opinion, they do not anticipate a new water production well to draw any contamination from the nearby Southern Maine Finishing contaminated site. It is also noted in the letter from Andrews Tolman the following statement, "*Based on their (DEP) work, which indicates there is little or no residual contamination at the site, and on their findings that nearby residential bedrock wells were not contaminated by the site, it appears unlikely that a new well approximately 1,000 feet up-slope from the site would be contaminated by SMF.*"

The town's attorney, Natalie Burns advises the board that the issue the planning board needs to decide tonight is to decide whether the outstanding water issues have been addressed by Richard Sweet's letter to the satisfaction of the board.

Sue suggests that as part of a possible motion the board could require periodic testing for the specific existing known contaminants and heavy metals. The possibility of sending Richard Sweet's report to a peer reviewer is discussed.

Attorney Guay feels that a peer review is not necessary as the DEP and DHS have already backed up the report from Richard Sweet.

Teresa asks if a well drilled into bedrock will be able to produce a high enough yield for fire protection purposes. Teresa states that a typical bedrock well only yields enough water to supply a single family home. The site plan ordinance is reviewed and it is determined that site plan requires that it meets the demands of the use and fire safety. Where the building is not going to have a sprinkler system, the board has no authority to dictate water quantity issues.

Teresa asks whether the abutters septic systems should be shown on the site plan. Attorney Burns states that DHE will take the abutters septic systems and their locations into consideration.

Sue addresses the fact that for this size septic system the State requires it be placed at least 300 feet from any wells. The leach bed/well separation is currently shown as 208 feet. It is noted that the size of the lot appears to make this setback requirement impossible. The applicants are in the process of going through DHE to determine the leach bed/well separation distances that will be required. Sue points out to the applicant that while this is an issue that the code enforcement office will be dealing with, if the location of anything changes from what is on the site plan, the applicant will be required to come back before the planning board for approval of the change.

Sue states that in her opinion, the planning board has done all they can do as far as requiring reviews and gathering information from DEP and DHE

Eric Herrle speaks as a member of the board of selectmen and states that he feels it would

be in the public's best interest to have the applicants run town water to the proposed diner.

Attorney Burns feels that an ordinance amendment needs to be done to create a clear understanding as to when the planning board can require town water.

Attorney Guay states that it would cost the applicants approximately 120-140 thousand dollars to run town water. Attorney Guay also states that requiring town water is not part of the town's current ordinance.

Teresa notes the following statement in a letter from Andrews Tolman

"One of the requirements for a new PWS well is a separation of at least 300 feet from any new septic system leachfield. I note that on-site disposal is proposed for this facility. You should review the site plan for conformance with this requirement, which is in both the DWP rules and the Plumbing Code."

Teresa questions if this is a responsibility of the planning board to review the site plan. It is determined that it is the responsibility of the code enforcement officer. Patti McIntyre states that the diner will be required to monitor their water usage and if they go over their proposed use they will be required to expand their system.

David Benton, Water District Trustee is asked for a rough estimate for running town water. David states that the cost per foot would be approximately \$50-\$55.

Jonathan Raymond feels that the applicants have not pursued the details of running town water thoroughly enough. Attorney Guay answers that the town has no requirement or standard in place to require town water and that the contaminants at the SMF site are above safe drinking levels. Teresa still questions that effect the added draw on the bedrock may have.

Eric Herrle questions the definition of safe drinking level. Attorney Guay states that safe drinking levels are the same standard that the municipal water supply has to meet.

Attorney Burns suggests a possible motion to table a vote to allow for time for the applicants to meet with the water district to discuss prices of running town water. At this time a break is taken and the applicants and Attorney Guay speak with David Benton.

Attorney Guay states at this time the applicants are willing to work with the water district in running town water and would like approval tonight based on that fact. Linda Morin states that Mr. Woodsome has expressed a willingness to help them out financially to run the water line.

The board reviews the revised plan. Sue states that any work involving the road will require permits through the DOT as the water line work is along a state road not a town road. The only change that will be made on the existing plan is the addition of a stop sign

and the well crossed off with a notation that town water will be servicing this site

Teresa motions the following approval. The planning board approves the site plan dated January 12, 2004 subject to the following conditions of approval: The applicant has agreed to eliminate the proposed well shown on the plan as providing the water supply to the project. The applicant has agreed to extend Waterboro Water District water service up Route 5 to the site to serve the project. The applicant will submit a revised site plan showing this change for signature by the planning board and a corrected as-built plan will be submitted. Jonathan seconds and the motion carries with a unanimous vote in favor.

The applicant makes the changes tonight on the existing plan and the board will sign it tonight.

VI. COMMUNICATION

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

Teresa made the motion to adjourn at 9:40 p.m. Jonathan seconded and the motion passed with a unanimous vote in favor.