

TOWN OF WATERBORO
PLANNING BOARD MEETING MINUTES
May 5, 2004
7:10 p.m.

Chairman Susan Dunlap called the Public hearing for Birchwoods Subdivision to order at 7:10 p.m. Noting attendance of the board as follows: Kurt Clason, Teresa Lowell, Roland Denby, Denise Everest and Everett Whitten. Jonathan Raymond is absent. There are no members of the public present.

There was also a site walk held for this proposed subdivision immediately before the meeting from 6-7 pm. There were no members of the public present for the site walk. The planning board reviewed the lot lines, abutter's property lines, the drainage swale on lots 17-6 and 17-7, walked the road and cul de sac and reviewed the road frontage for the lots on Webber Rd.

Bruce Lewis states that this proposed subdivision is located on Map 11 Lot 17 off Webber Road with one of the lots having some frontage on Townhouse Road. All new lots in the subdivision will be accessed via a road that ends in a cul de sac off Webber Road. The total acreage of the original lot is 18 acres. They are proposing 9 new lots in the subdivision. It is also noted that there will be a drainage easement located on Lot 17-7. Bruce states that this lot is level and has consistent soils.

Sue Dunlap reads a letter from an abutter, Paul Marble, requesting a 50' no-cut buffer zone along the eastern portion of his boundary to preserve the character of his property. Sue asks the applicant if he would be willing to comply with this request. The applicant states that Mr. Marble has clear cut a large portion of his property and therefore has created his own lack of buffer.

Sue inquires about a tote road that crosses this lot. The applicant states that to his knowledge that is not a legal R.O.W. for anyone. Sue would like to have documentation in the file confirming this fact. Sue also suggest that the applicant re-plant trees in that area that the tote road enters the property to discourage further traffic down this trail. The applicant expresses a willingness to do this and to also re-ditch the tote road.

Because there are no further questions or public comments, the public hearing is closed at 7:30.

II. APPOINTMENTS

Genest Concrete on Map 13 Lot 59-1 Attorney Peggy McGehee is present to represent Genest Concrete. Also present are Chris and Matt Genest. Chris Genest explains that the property is located off Sokokis Trail. Attorney McGehee states that the Genest's

originally filed an application for a conditional use permit to operate a gravel pit in February of 1997. There was a public hearing held on May 14, 1997. Attorney McGehee explains that shortly after there were some boundary issue that arose between an abutter and the Genest's. In January 2000, the boundary issue was resolved. Attorney McGehee states that while the Genest's were waiting for a resolution to the boundary issue, the Town enacted the Extractive Industry and Land Reclamation Ordinance.

Attorney McGehee states that the town never notified the applicants that they were terminating their application.

Sue Dunlap informs Attorney McGehee that the Town's Attorney, Natalie Burns feels that the applicants must comply with the new ordinance.

Sue explains that a few years ago there was a lot of controversy surrounding gravel pits and this new ordinance was adopted. Sue states that all gravel pits in town were contacted and informed that the new ordinance was being enacted but the town received no response from the Genest's. Sue feels that the Genest's should have responded when they received the certified letter. Attorney McGehee states that the Genest's felt that the letter was addressed to pits with an "active" status and where the Genest's application was pending they felt it did not apply to them.

Sue inquires what the official status of the gravel pit was prior to 2000. Chris Genest states that the pit was inactive but the prior owner did some extraction in 1993. Chris states that the DEP has verified that no extraction has taken place since that point.

Denise inquires when the boundary issue was resolved with the abutter. Attorney McGehee states that the dispute was resolved in late 1999. Attorney McGehee further states that the application has been pending and was initiated prior to the enactment of the new ordinance. Therefore, she feels the Genest's application should be "grandfathered" and held to the standards of the old ordinance.

Sue Dunlap feels that the board is not prepared to make a decision and will make no progress on this issue tonight. The new ordinance defines active status as operating for remuneration for at least 6 months per year for the 3 year period immediately preceding the effective date of the ordinance. It is unclear at this point what the past status of the pit was.

Sue suggests a workshop with the town attorney to discuss this issue and the apparent overlapping of ordinances. The town attorney will be contacted about holding a workshop on June 16 from 7-8p.m. or June 21 from 7-8p.m.

Bruce Lewis for final approval of Ledgewood subdivision on Map 2 Lot 9 Bruce gives a brief overview of the proposed subdivision and tells the board that Lot # 14 as shown on the plan will be retained as open space.

Bruce informs the board that his Maine DEP stormwater permit is still pending but has been reviewed and approved by York County Soil and Water Conservation District. The board reviews the checklist and confirms that it is complete with the exception of the Maine DEP stormwater permit.

Denise makes a motion to approve the final plan for Ledgewood Subdivision pending receipt of the Maine stormwater permit along with a concurrence from York County Soil and Water Conservation District that their recommendation has not changed. The board discusses the possibility of placing guidelines on a time frame for substantial construction. Everett seconds the motion to approve and the motion passes with a unanimous vote in favor.

III. MINUTES OF PREVIOUS MEETING

April 21, 2004 - Teresa motioned to accept minutes. Kurt seconded the motion but Sue feels the fact that Kurt suggested moving the house and the applicant agreed to the possibility should be in the minutes. Sue feels the minutes should be changed to reflect this. Teresa and Kurt withdraw their motions so the minutes can be changed.

IV. REPORT OF OFFICERS

V. OLD BUSINESS

VI. COMMUNICATION

VII. MISCELLANEOUS

Denise asks fellow planning board members their views on impact fee's and the possibility of an impact fee study committee. Sue states that based on the feedback she has received from the townspeople, they are interested and feel that the townspeople would like to see the possibility of a committee pursued. Sue directs Denise to speak with the Selectmen's office or the Town Administrator.

VIII. NEW BUSINESS

IX. ADJOURNMENT

Everett made the motion to adjourn at 9:10 p.m. Roland seconded and the motion passed with a unanimous vote in favor.