

TOWN OF WATERBORO

PLANNING BOARD

Meeting Minutes
January 24, 2007
7:00 p.m.

Susan Dunlap, Chair, called the meeting to order at 7 p.m.

I. ROLL CALL

Planning Board	David Benton	Judy Carll	Roland Denby
Members Present:	Susan Dunlap	Teresa Lowell	
Members Absent:	Donald Day	Tim Nelson	
Others:	On sign-up sheet		
	Ken Cole	Tina Smith	

II. PUBLIC HEARING

Ø ***Proposed amendment to the Zoning Ordinance, Section 13.04 Contract Zoning, and proposed amendments to the Growth Management Ordinance.***

Susan Dunlap asked those in attendance to sign the sheet on the clipboard and added that copies of the proposed amendments were available. Ms. Dunlap explained that a few years ago the Selectmen looked into Contract Zoning and Impact fees. Impact fees were not able to be used by the town. The Growth Ordinance was enacted and has been adjusted as necessary, the number of permits was changed and the exemption for housing for older persons. The proposed Contract Zoning ordinance would apply to both commercial and residential development and allows the town to negotiate with developers.

During 2005 the Planning Board had a workshop with the Selectmen and discussed a proposed Contract Zoning ordinance. The selectmen established a committee comprised of Planning Board members, Selectmen and community members. The committee was looking to manage the largest parcels of land in town; no names were associated with the parcels. The committee determined that Contract Zoning would apply to parcels of 500 acres or larger. In exchange for considerations given to the town, the subdivider could receive additional growth permits. Ken Cole added that any extra growth permit given, even if given in exchange for something else, would count toward the total number. These additional permits must count toward the town's average and increase the number to be given out in following years.

Dwayne Woodsome stated that Lake Arrowhead doesn't need the 20 growth permits they are currently given. That number could be changed. There are ways of working with the numbers as they are now.

Ken Cole added that any increase in the number of permits given would be part of the agreement with the developer. The state mandated that you increase the numbers of permits to 105% of your ten year average; these increased numbers could be used for contract zoning agreements.

Dwayne Woodsome said that we could have a conversation with Lake Arrowhead to decrease the number of permits given to them.

Evan Grover said that there should be a way to designate a group of permits just for subdivision contract zoning. The commercial development projects could, as an example, reduce setbacks in exchange for something for the town.

Sue Dunlap added that we are under no obligation to have a contract zone agreement, if it is decided it is not in the town's best interest. It is a negotiation tool we don't have at this time.

Jon Gale said that 70 new houses could add 140 students to the schools. These numbers don't go away after 20 years.

Sue Dunlap said one of the concerns was that the legislature had been talking about forcing towns to get rid of their growth ordinance.

Bob Fay said that the State Planning Office is against growth ordinances, not the legislature.

Ken Cole added that the underlying premise is that there is always a risk that legislation might change.

Dwayne Woodsome said that people shouldn't get hung up that this will be used every day; but it does allow the tools to negotiate.

Evan Grover questioned the use of contract zoning for residential; we have already had some commercial projects we could have used it on.

Bob Fay said that the availability for residential projects would be very limited, may be to only five parcels.

Teresa Lowell said we should create another category within the growth ordinance for contract zoning use.

Dwayne Woodsome said landowners may purchase adjacent tracts of land to meet the

500 acre requirement.

Sue Dunlap said if the town were presented with a development for 200 houses, the contract zone would allow us to look into it and see if there is anything in it for the town.

Todd Abbott said that perhaps the requirement should not be 500 acres, but the number of house to be developed. This would depend on the zone the development was located and access to town water.

Sue Dunlap stated that the board would be interested in knowing how everybody feels about going forward with the documents as written, with a change to the growth ordinance.

Jon Gale asked the Planning Board members to state what they thought of the proposed amendments.

Dave Benton said both ordinances are tools that work together. He thought that Contract Zoning should apply to both commercial and residential applications.

Judy Carll said that Contract Zoning is an important tool for the town. She stated that she was still on the fence because the residential uses will raise the 10 year average but thought the growth ordinance could contain a separate slot for the conditioned permits.

Teresa Lowell stated this was an important tool that would be good for the town. She would vote for a change to accept the Contract Zoning for commercial and residential. She stated that another category should be added to the growth ordinance for the contract zoning permits, 5 or 10 more per year. The high point is the long term reduction of homes.

Roland Denby stated that the zoning ordinance now has specific uses that can be put in each area. Contract Zoning gives the Selectmen and Planning Board means to negotiate.

Sue Dunlap stated that she has mixed feelings on it. We should have tools to negotiate but is not in favor of anything that will ratchet up the number of permits given out. Stated she would be in favor of reallocation of the permits issued.

The straw poll of the audience showed everyone in favor.

Sue Dunlap stated that we will look at the proposed amendments, try to incorporate changes with Ken Cole and have another public hearing.

The public hearing was closed at 8:10 p.m

III. APPOINTMENTS

Ø *Amended Sketch Plan*

Les Bois Carthage

Katherine Joyce, Perkins/Thompson

Katherine Joyce addressed the board regarding an amended sketch plan on behalf of the applicant, Les Bois Carthage. She explained that the applicant has submitted other plans involving the whole parcel; this plan is for a section located next to the Ossipee Landing subdivision. The current plan is for ten 15-acre lots.

Owen Haskell provided a plan showing the proposed subdivision in relation to the other holdings of the applicant.

Katherine Joyce added that the applicant still favors the idea of contract zoning, but this phased subdivision would allow them to begin the subdivision on a small scale and continue with a mutually beneficial agreement.

The Board noted that the Ossipee Landing subdivision was approved in 2003. This subdivision was out of the original parcel and approved less than 5 years ago.

The applicant was asked if there would be a restriction from further division placed on these lots. Katherine Joyce responded that Lot 10 could be further divided.

Owen Haskell added that there would be a 40' recreational easement on some of the parcels, as shown on the plan. He added that Huff Lane would be brought up to town standards for a gravel road. Sue Dunlap added that there would need to be a turn around for emergency vehicles at the end of the road after the last driveway.

The applicant will discuss fire protection measures with the Waterboro Fire Chief.

IV. MINUTES OF PREVIOUS MEETINGS

Ø *December 20, 2006*

Teresa Lowell asked that the conditions of approval for the school's amended plan be added to the minutes.

V. REPORT OF OFFICERS

VI. OLD BUSINESS

David Benton advised the Board that signs have been placed within 300' of the new school. There are now two 15 mph zones. The school will install lights which will flash during certain periods of the school day.

VII. COMMUNICATION

A proposal was received from Southern Maine Regional Planning Commission to revise the Shoreland Zoning Map and ordinance to comply with the state's minimum standards. The total cost is \$6,930. The Board discussed if the money could be allocated from our budget, or allocated from another account. A motion was made by David Benton to request the money and made a determination where the money could come from. The motion was seconded by Teresa Lowell and unanimously carried.

VIII. MISCELLANEOUS

Ø *Memo regarding Special Amusement Ordinance and Outdoor Dining Amendments*

Teresa Lowell made a motion that a Public Hearing be scheduled for Tuesday, February 20, 2006 at 6:30 p.m. for the Special Amusement Ordinance and Outdoor Dining Amendment. The motion was seconded by Judy Carll and unanimously carried.

IX. NEW BUSINESS

On Wednesday, January 31, 2007, at 7:00 p.m. the board will conduct a workshop with Ken Cole, this will followed by a board meeting

X. ADJOURNMENT

A motion was made by Teresa Lowell to adjourn the meeting at 9:40 p.m. The motion was seconded by David Benton and unanimously carried.