

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
July 15, 2015
7:00 p.m.

I. ROLL CALL

Board Members

Present: Kurt Clason Katy Mann Lee Nelson Judi Carll Dwayne Prescott Judy Wirth

Absent:

Others Present: Lee Jay Feldman David Lowe Glenn Charette Tammy Bellman

Katy Mann called the meeting to order at 7:00pm.

Katy Mann reviewed the Agenda items.

Katy stated that a quorum has been reached by the Planning Board with the members present.

Katy Mann made the motion to move Old Business - Conditional Use for Katy Mann to the front of the agenda. Kurt Clason seconded. No discussion. Vote 5 – 0 – 1 (Mann abstained).

Katy Mann recused self.

II. OLD BUSINESS

- Katy Mann – Conditional Use on Map 1 Lot 36 Residential Zone – request to have horses on property.
- Kurt Clason assumed Chair. Gave overview of the history of this request. Judy Wirth made a motion to accept the Conditional Use. Dwayne Prescott seconded the motion. No discussion. Vote 5 – 0 (Mann recused). Conditional Use approved. Katy returned to the Chair position.
- **Election of Officers** – Dwayne Prescott made the motion to nominate Kurt Clason as Chair. Katy Mann seconded the motion. No discussion. Vote 6 – 0. Kurt Clason 2015 Chair. Dwayne Prescott made the motion to nominate Katy Mann as Vice-Chair. Kurt Clason seconded the motion. No discussion. Vote 6 – 0. Katy Mann 2015 Vice-Chair. Katy Mann made the motion to nominate Lee Nelson for Secretary/Treasurer. Kurt Clason seconded the motion. No discussion. Vote 6 – 0. Lee Nelson 2015 Secretary/Treasurer.

III. APPOINTMENTS

IV. MINUTES OF PREVIOUS MEETINGS

- **July 1, 2015** – Dwayne Prescott made the motion to accept the minutes as written from July 1, 2015. Judy Wirth seconded the motion. No discussion. Vote 4 – 0 (Nelson and Clason abstain).

V. REPORT OF OFFICERS

VI. COMMUNICATION

- Lee Jay Feldman explained that there would be no discussion on the Planning Board By-Laws this evening. For Planning Board review only. Lee Jay will check the Town Charter for numbers of Planning Board members and terminology.
- Reminder Tuesday, July 21, 2015 Comprehensive Plan workshop with the Board of Selectmen at 6:30pm.
- Reminder Wednesday, July 22, 2015 Boardsmanship Workshop with Town Attorney at 7:00pm.
- Lee Jay briefed the Planning Board on the status of 2.08 – Board of Selectmen can change and or keep any ordinance received from the Planning Board. The Zoning Board of Appeals can only go to 15% per Judi Carll. Glenn Charette was granted permission to speak. The Planning Board version better as it does clarify some of the “gray” areas and holds the 15% versus the Board of Selectmen’s version. The last sentence in the **Note** can be deleted. Neither version can conflict with the Shoreland Rules. Kurt Clason noted that the chart in the Zoning Ordinance is at 66% reduction not the 15%. The Town Attorney agrees with the CEO that it is up to the property owner to ensure that the setbacks are met and the CEO does not measure the setbacks. Dwayne Prescott read **Section 9.05 Existing Nonconforming Lots and Pending Applications for Building Permits** from the Waterboro Zoning Ordinance - Nonconforming single lots of record on the date of enactment of this ordinance may be utilized as provided in Section 2.08. Two or more contiguous lots of record in common ownership at the time or since adoption or amendment of this ordinance shall be combined and treated as a single lot or parcel of land. If the dimensional or area requirements of the district in which the combined parcel is situated are not met, development shall be in conformance with the provisions of this ordinance. (Amended 4/26/03).

Nonconforming use rights can not arise by the mere filing of a notice of intent to build, an application for required building permits, or an application for required state permits and approvals. Such rights arise only when actual construction has begun. Such construction must be legal at the time it is commenced and must be in possession of and in compliance with all validly issued permits, both state and local.

Lee Jay suggested that the Planning Board provide an informal correspondence on 2.08 to the Board of Selectmen once the Planning Board has come to a consensus.

- New 2015 MDEP version for Shoreland Zoning due out – MDEP is easy to understand – the Planning Board will be now able to work on Shoreland Zoning for Waterboro.
- Lee Jay shared that August 5th Planning Board meeting will include workshop s on the Planning Board By-laws and Design Standards.

VII. MISCELLANEOUS

VIII. NEW BUSINESS

IX. ADJOURNMENT

- Judi Carll made the motion to adjourn at 7:56pm. Kurt Clason seconded the motion. No discussion. Vote 6 - 0 in favor.

Approved Date: _____
