

TOWN OF WATERBORO
PLANNING BOARD

MEETING MINUTES

August 19, 2015

7:00 p.m.

Site Walk: 100 Bennett Hill Road, Municipal Salt and Sand Shed Map 8 Lot 47

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

Others Present: Gary Lamb Glenn Charette Owens McCullough Doug Foglio
Lee Jay Feldman tammy Bellman

Owens McCullough, Sebago Technics, gave an overview of the site and the sand and salt shed project. MaineDEP approved VRAP approved for the lagoons located on the site. The lagoons are from the tannery that dumped the solvents and fats from their processing. MaineDEP approved closing out the lagoons – the shed will cap one of the lagoons and the other will filled with clay to cap it. The letter was received last week with deed restrictions and covenants. Restricted to industrial use only. The building will have motorized doors with a pull option to open and close the doors. It will be internally drained with 3 catch basins into one catch area the ceiling basin disperses to an outer area. Doug Foglio brought the Planning Board over to see the site for the shed. It was marked with pink ribbons. The Planning Board was able to see the lagoons that are going to be capped.

The Planning Board returned to the Town hall.

I. ROLL CALL

Board Members

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

Absent:

Others Present: Gary Lamb Dennis Abbott Sharon Abbott Lee Jay Feldman
Danny Albert Steve Everett Doug Foglio, Jr David Abbott
Rob McSorley Owens McCullough
David Lowe Tammy Bellman

Kurt Clason called the meeting to order at 7:00pm.

Kurt Clason reviewed the Agenda items.

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

Kurt reviewed the Site Walk attendees and information provided.

II. APPOINTMENTS

- **Danny Albert – Map 39 Lot 3 – 40 Connolly Point – Setback Reduction/Relocation Primary Structure in Shoreland** – Steve Everett gave an overview of the project before the Planning Board – reasons to re-build: house not within code; retaining walls cracking; water issues; going 4 feet wider. Kurt stated that going larger increases the non-conformity. Kurt read the letter provided by the Code Enforcement Officer. Steve Everett questions the non-conformity of the structure or the lot. Kurt confirmed the non-conformity of both the lot and the structure; the structure is bigger so the lot is more non-conforming. Lee Jay Feldman elaborated that Mike Morse from DEP has seen the site and that DEP would say to demolish it and move it back the greatest extent practical based on Maine statutes. Steve Everett asked about the 30% expansion within the Shoreland zone? Kurt responded with you are tearing down the current structure so it would not be an expansion. Glenn Charette spoke to the non-conformity and the fact that this decision will be precedence setting. Glenn included all the standards for the project to be in conformity. Glenn wants to make the minutes clear that impervious surface is no longer used by MaineDEP, they use non-vegetative surface which would include the structure. The proposed project is 23% larger than the existing. The proposed project can be accomplished by reducing non-vegetative surfaces – patio, deck, structure. The road way is a deeded right-of-way to Connolly Point. Eight – nine – or ten feet move would be easier than the 17'. Kurt set the Site Walk for September 2, 2015 at 6pm at 40 Connolly Point. Steve believes that the interpretation that 20% coverage is an unwritten rule - 20% to an undeveloped lot. Kurt said that vegetative surface can be accomplished easily. Judy - what has been done before is not necessarily what we should be doing. Glenn added that Steve is correct but – they are demolishing the existing structure so now it is a new structure and must comply with current standards - creating their own hardship – through no fault of anybody else Mr. Albert is creating his own hardship. He wants to tear it down and rebuild – it has to agree with the 20% rule. There will need to be a Flood Survey before the Building Permit can be completed. Steve – with a structure that needs a new foundation and not to current building codes – would it not be part of the reconstruction of the 50% or rebuild rule and not new construction? Kurt – this can be discussed at the Site Walk. Site walk set for September 2, 2015 at 6pm, Steve will set elevations when setting the markers.

- **Town of Waterboro Salt and Sand Shed – Informational Map 8 Lot 47** – Kurt asked Owens McCullough to come to the podium. Kurt gave an overview of the project being presented. Owens gave a further detailed overview: 80 x 140 building to house salt and sand at the public works facility; aerial map provided; 4 doors – 2 on each end; laminated arched building; separate salt and sand – instead of mixing until needed; salt is used more on the roads instead or a mix – salt significantly less expensive; \$125.00 per yard to mix; no public comfort facilities; going on top of the old tannery lagoons; MaineDEP got involved three years ago – funded a ground water study; August 17, 2015 got approval with covenants from Maine DEP. The deed covenants are with Gary to give to the Town's attorney. Drainage will be internal to the gravel pit; ground water goes down 15' to bedrock then down to the brook; low polyene – neurological problems; good reuse of the property; no residential uses on site; requesting 4 waivers; MaineDEP results – 30 page summary; VRAP (Voluntary Response Action Program) letter is with Gary. Lee Jay Feldman requested that the Planning Board set the Public Hearing for September 2, 2015. Owens stated that they did not notify the Abutters for the meeting with the Planning Board. Kurt went over the CEO letter. Glenn provided

information regarding the letter – what is the groundwater depth; the brook needs to be on the plan; groundwater marbling; deed covenants should be read; the State Fire Marshall does not need to be involved. Owens responded to – internally drained – no direct discharge to the environment – this site discharges to bottom of the pit – it will disperse and eventually go into the groundwater; the ground is the drain. Kurt runoff concern – stormwater management plan – in culvert showing detection area; highly graveled soil where runoff going; wants to see it in writing with surveyor stamp; topos – don't see the whole plot; Bartlett Brook not on plans; Lee Jay - has less exposure this way; Kurt removed himself as Chair and speaking as a Planning Board member - putting three culverts into one; concerned with no stormwater management; detention area; Owen DEP full groundwater study; entire analysis of aquifer would involve a major undertaking and thousands of dollars. Owen will provide copies of the executive summary. Gary Lamb suggested another site walk to specifically see where the drains will be located. Dennis Abbott – sand and salt there for 20 some odd years; runs in same place as building not there; study after study of salt and sand in the aquifer; boils down to taking care of this by 99%. Kurt – town's interest is protected; town needs to set the standard. Lee Jay – are you concerned about just having the groundwater being in detention/retention design; Owen – a detention pond it ends up the same place; Lee Jay – design detention/retention pond instead of sheeting; Owens – create composite plan with aerial plan with the stream; Judi – what is the elevation of the brook versus the pit? Has anyone done a study on the brook? Owens – will look to see if DEP took brook samples. Owen – ultimate discharge will be the brook. DEP did not study the brook. I will look to see if they took brook samples. Kurt – want to see the big picture – brook in relation to drains, building, etc. Owens – DEP's report signed off on the VRAP and can provide you with this information. Gary – widen out the design plan. Gary explained what DEP has done. Gary – greatly reducing what the plumes are going to do with the groundwater. Kurt – want to see the groundwater discharge in relation to the stream. Owens not sure if I can get you the submittal in a timely manner for the September 2 meeting. Planning Board decided that September 16, 2015 for the Public Hearing and submission of the additional information – cross-section of the site referenced to the stream, VRAP letter, Executive Summary, and Deed Covenants. MaineDEP Report will come digitally (700 page report) x 2copies.

- **Brooks Dance Center – Informational Map 4 Lot 30A (p/o)** – Rob McSorley, David Abbott and Doug Foglio, Jr - gave an overview of the Brooks Dance Center project. 2.23 acre site 60x100 size commercial building to house a dance studio. The dumpster – proprietor carrying out trash. Stream present on back side – is labelled; key turnaround for emergency vehicles; auto turn analysis; waivers requested – hydrological, hazardous waste, and nitrate study. DEP – PBR reviewed. Agreed to mark the wetlands with permanent waivers. Stormwater permit – reviewed and addressed concerns – it has been approved. Kurt reminded Rob that tonight was informational only – no decision will be made this evening. Access permitted previously for a previous company. Occupy cleared area. Judy asked about the outside of the building. Rob a metal building with stone at the bottom. Kurt – does not have own driveway – does this driveway become a road? Looks like a lot of development coming behind it. Glenn- with just one structure does not have to be named. Judy – design principles – could you make it look more like a New England building rather than a metal building. Rob - speak with applicant. Doug Foglio, Jr. this bldg. is being located in GP Zone – establish professional business. Young proprietor outgrown current building in this zone a

building previously approved that was larger. Come back to town for re-approval – GP in the future in this area – will be metal. Kurt – think just the opposite. Doug – change the design of the building is cost prohibitive. Dwayne Prescott – aesthetics is what needs to be considered. The landscaping will go back to the natural and reestablish. Kurt – Site Walk on September 16, 2015 at 6pm. Public Hearing scheduled for September 16, 2015 after the Municipal Salt and Sand shed. Glenn – issue with parking – Planning Board determines how many parking spaces need to be required per Section 5.03. Rob - 4200 sq ft for main dance floor dance – 21 spaces and 1 ADA. Glenn – not clearly identified in parking requirements. Rob – no recitals at this location. LJ – consider look at the complication and have any issues at the one by the post office. Just a new location. Point of clarification – PB determines which is most similar – I would consider it a school. Rob – overflow could handle another 12 – 14. LJ grass with compacted gravel. Glenn- Section 5.03 requires parking to be tarred. Kurt – establish criteria first. Rob – per state keep imperviousness down. LJ – primary school 1 for 20 students and 1 for 3 employees or secondary school 1 for 4 students and 1 for 3 employees. Kurt – stake out the building for the Site Walk on September 16, 2015 and Public Hearing is also on the 16th. Doug presented tammy with the certified mailings and letters for the Planning Board meeting.

III. MINUTES OF PREVIOUS MEETINGS

- *August 5, 2015* – Katy Mann made the motion to approve the minutes from August 5, 2015. Judy Wirth seconded the motion. No discussion. Vote 6 – 0 approved.

IV. REPORT OF OFFICERS

- Lee Jay Feldman – provided you with up-dated versions of the Planning Board By-laws and Design Standards. Took out the strike through and underlines. Set up a workshop for the Design Standards. The by-laws will just need to go the Board of Selectmen for their approval/acceptance.

V. OLD BUSINESS

VI. MISCELLANEOUS

VII. NEW BUSINESS

VIII. ADJOURNMENT

- Judy Wirth made the motion to adjourn at 8:34pm. Lee Nelson seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: _____

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