

# TOWN OF WATERBORO

## *PLANNING BOARD*

### *MEETING MINUTES*

*September 16, 2015*

**7:00 p.m.**

**Site Walk:** 6pm - Brooks Dance Center, Route 202/4, East Waterboro Map 4 Lot 30A (p/o)

**Board Members Present:** Katy Mann Judi Carll Dwayne Prescott Judy Wirth

**Board Members Absent:** Kurt Clason Lee Nelson

**Others Present:** Robert McSorley Doug Foglio, Jr. David Abbott Lee Jay Feldman  
Tammy Bellman

Robert McSorley gave an overview of the project: wetland already marked with a metal pin with a red cap; the front landscaping will stay; the empty area at the front will be the septic system and no additional vegetation will be put in; the wetland goes to the edge – 75 foot setback from the brook – MaineDEP is ok for the fill being graded from the building to encroach in the 75’ setback; lights will shine down on the sign; lights will shine down on the building – no direct lighting – the building lights will be on all night as they are security lights. Lee Jay Feldman told Rob to email tammy the MaineDEP permit. Lee Jay shared that the Fire Department and the Town Planner are satisfied with the plans submitted. Rob shared that adult classes will end at 9pm. The group walked to the driveway entrance to review the abutter’s letter. The Planning Board returned to the Townhall at 6:25pm.

**Public Hearing: 7pm - Municipal Salt and Sand Shed, 100 Bennett Hill Road, East Waterboro Tax Map 8 Lot 47**

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

**Board Members Absent:** Lee Nelson

**Others Present:** Gary Lamb Lee Jay Feldman Doug Foglio, Sr. Owens McCullough  
D. Abbott (unable to read complete first name) Brigit McCallum  
Sue Boillard Lacey Wakefield Gerard Bergeron Nellie Bergeron  
William Calvert David Lowe Tammy Bellman

Kurt Clason opened the Public Hearing at 7:02pm. Owens McCullough came to the podium to give the overview thus far for the public in the audience. Two benefits sand and salt will be under cover and two tannery lagoons will be capped off. Would like to build ASAP to get the salt and sand covered. Kurt asked if anyone from the public would like to make a comment. No one responded. Kurt closed the Public Hearing for the Municipal Salt and Sand shed at 7:07pm.

**Public Hearing: Abbott Investments, Brooks Dance Center, Route 202/4, East Waterboro Tax Map 4 Lot 30A (p/o)**

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

**Board Members Absent:** Lee Nelson

**Others Present:** Rob McSorley Doug Foglio, Jr. Lee Jay Feldman Dennis Abbott  
Sharon Abbott Brigit McCallum D. Abbott (unable to read complete first name) Brigit McCallum Sue Boillard Lacey Wakefield Gerard Bergeron  
Nellie Bergeron William Calvert David Lowe Tammy Bellman

Kurt Clason opened the Public Hearing at 7:07pm. Rob McSorley came to the podium to give an overview. Rob McSorley provided the following: 6,000 square foot building; saw building markers and wetland markers at Site Walk this evening; Maine Environmental Protection has approved the 75 foot boundary use for the grading purposes – just slightly inside the 75 foot setback; the approval is in the 30-day waiting period; lighting will be Bollard lighting – wall packs point down on to pathways; on public water; on-site septic; requesting three waivers – Section I.E.9.e and II.A.13 of the Site Plan Review Ordinance – relative to a nitrate study; the project will only generate 236 gallons of effluent/day (less than a single family home); Section I.E.9.a-f of the Site Plan Review Ordinance relative to hydrogeological impact study; the project will not generate more than 800 gallons of flow per day; and Section II.A.13 of the Site Plan Review Ordinance relative to provisions for transportation, storage and disposal of hazardous waste; only household cleaning products will be used/stored on-site. Kurt opened the Public Hearing to the public for comments. Gerard Bergeron wanted to know why he did not receive a notification – per Gerard they purchased the property in July, 2015. The commitment information is based on ownership as of 1 April 2015. The Bergeron’s purchased the property in July, 2015. Lee Jay referenced the Calvert family letter received by the Planning Board. Kurt read the letter from the Calvert’s of 632 Main Street, Tax Map 4 Lots 48C and F. The letter referenced the lighting on the building and signs along with the entrance/exit located across from their house. Kurt closed the Public Hearing at 7:15pm.

## **I. ROLL CALL**

Board Members

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

Absent: Lee Nelson

Others Present: Gary Lamb Doug Foglio, Sr. Owens McCullough Robert McSorley  
Doug Foglio, Jr. David Abbott Lee Jay Feldman Lacey Wakefield  
Lisa Boillard David Lowe Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:16pm.

Kurt Clason reviewed the Agenda items.

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

## **II. APPOINTMENTS**

- **Lacey Wakefield – Map 2 Lot 4-5 – Daycare at 1410 Goodwins Mills Road, Waterboro** – Lacey Wakefield came to the podium and gave an overview of the proposed daycare conditional use. Kurt read the letter from the Code Enforcement Officer, Glenn Charette – Conditional Use in the Ar Zone; construct a 4 foot high fence around the play area of the daycare. Lee Jay with this being conditional use the Planning Board could find the application complete and if the Planning board likes can schedule a Public Hearing. Kurt responded that the Planning board does not wish to schedule a Public Hearing for this conditional use. Kurt asked the Board if they had any questions: Dwayne – has your name changed since the property was purchased – yes per Lacey I got married. Judi – as long as it is fenced it is ok; Katy – no concerns, Judy – none. Lacey explained the State process that she has completed including the State inspection by DHHS. Dwayne Prescott made the motion to pass this application. Judy Wirth seconded the

motion. No discussion. Vote 5- 0 approved with the standard conditions of approval noted here:

1. Applicant will maintain state daycare license.
2. A fence to be maintained for the outdoor play area at no less than 4 feet in height and attached to the building with entrance provided.
3. Schedule a Life Safety Inspection with the Code Enforcement Officer.

### **III. MINUTES OF PREVIOUS MEETINGS**

- **September 2, 2015** – Judi Carll made the motion to approve the minutes as written from September 2, 2015. Katy Mann seconded the motion. No discussion. Vote 5 – 0 approved.

### **IV. REPORT OF OFFICERS**

### **V. OLD BUSINESS**

- **Municipal Salt and Sand Shed – 100 Bennett Hill Road Tax Map 8 Lot 47** – Owens McCullough asked if the Planning Board had any questions. The distance from Bartlett Pond from the proposed Salt and Sand Shed is 1350 feet. Owens explained the cross-section graph to the brook – the run-off runs down into a pit that is internally drained – naturally infiltrates ground; ground water elevation – contour map by Ransom; the bottom footing is above groundwater elevation; Kurt asked delta Y to Bartlett Brook? Owen – 325 to elevation foundation wall – 50 feet of change; Kurt relatively no pitch. Lee Jay explained the aerial photo in the DEP report. Kurt – Salt and Sand Shed to the stream is a 4% grade; Kurt soil and stormwater management and health management submitted to MDEP. Owen – tannery lagoons and drinking water restrictions in deed covenant; identical process for the contractor; the results are publically received and recorded at the registry of deeds; the draft document for intermittent occupancy has also gone to the attorney. Lee Jay added that understanding of the fact that by capping the lagoons will severely slow the migration of any materials coming out of the lagoons would be slowed as diagramed by Ransom would be forever before it gets to the brook.

Waivers:

1. Section I.E.9.a-f of the Site Plan Review Ordinance relative to hydrogeological impact study; the project included a Maine DEP VRAP that already addresses groundwater. Judi Carll made the motion in place of the hydrogeological study to accept the Remedial Investigation Waterboro Patent Lagoons Bennett Hill Road Waterboro, Maine as prepared by MaineDEP. Dwayne Prescott seconded. No discussion. Vote 5 – 0 approved.
2. Section II Site Plan Review Standards. A formal stormwater management plan is not proposed since the project is located within an internally drained town owned gravel pit. Kurt Clason made the motion to accept the stormwater management waiver. Judy Wirth seconded. No discussion. Vote 5 – 0 approved.
3. Section I.E.9.e and II.A.13 of the Site Plan Review Ordinance – relative to a nitrate study; Project requires an on-site wastewater disposal. Judy Wirth made the motion to accept the nitrate study waiver. Kurt Clason seconded. No discussion. Vote 5 - 0 approved.
4. Section II.A.13 of the Site Plan Review Ordinance relative to provisions for transportation, storage and disposal of hazardous waste; No hazardous waste

will be stored as part of this project. Katy Mann made the motion to accept the Hazardous Waste waiver. Judy Wirth seconded the motion. No discussion. Vote 5 – 0 approved.

Site Plan Review: Kurt read the requirements of the Site Plan Review:

1. The proposed use meets the definitions and/or requirements set forth in the Zoning Ordinance; in compliance with Article 3 Section 3.06 Subsection 3.06.1.16.
2. The proposed use will not create fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles; adequate dry hydrants; or adequate access to off-site dry hydrants and from there to the site; the standard has been met – currently on town maintained road and access for the emergency vehicles are adequate.
3. The proposed exterior lighting will not: create hazards to motorists traveling on adjacent public streets: be inadequate for the safety of occupants or users of the site or will damage the value and diminish the usability of adjacent properties; - the standard has been met with the applicant proposing a low-intensity lighting device attached to the proposed structure.
4. The provisions for buffers and on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development; - standard is met due to the forested and vegetative areas around the proposed development location.
5. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause; - shall be met due to the development is for storage and distribution of non-hazardous product that has no fumes and is seasonal in use.
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety or will not impose significant burdens on public facilities which could be avoided by reasonable modification of the plan; - shall be met due to the fact that this site location is for town employee use only on a secondary town road with minimal through traffic.
7. The bulk, location, height or design of proposed buildings, structures or paved areas, or the proposed uses thereof, will not have a significant detrimental effect on private development on adjacent properties, or on the value of adjacent properties which could be avoided by reasonable modifications of the plan; - the standard will be met based on the proposed building submitted with this application.
8. The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements; or storm water detention pond(s) are not adequate; - not applicable due to the site is not identified in the FEMA flood map as being in the flood zone.
9. Adequate provisions have been made for the disposal of wastewater or solid waste or for the prevention of ground or surface water contamination; - standard shall be met by following MDEP recommendations and conditions.

10. Adequate provisions have been made to control erosion or sedimentation; - standard shall be met by following MDEP recommendations and conditions.
11. Adequate provisions have been made to handle storm water run-off or other drainage problems on the site; - shall be met due to the site being designed to be internally drained.
12. The proposed water supply will meet the demands of the proposed use or for fire protection purposes; - not applicable as there is no water supply to the proposed structure.
13. Adequate provisions have been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law and Waterboro Hazardous Waste Ordinance; - per waiver submitted and approved no hazardous waste will be storage as part of this project.
14. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan; - shall be met due to the new structure being in close proximity to the old structure, no impact foreseen.
15. The project will not increase nitrate nitrogen concentrations in surface or groundwater at the property line of the site in excess of State of Maine Drinking Water Standards. If groundwater contains contaminants in excess of the primary drinking water standards and the project is to be served by on site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated to meet applicable standards; - not applicable as there is no subsurface waste disposal system proposed for this project.

The Board found that the application for a Municipal Salt and Sand Storage Shed in the agricultural residential zoning district is an allowed use under site plan review. Section II; Section I.E.9; Section II.A.13; and Section I.E.9.a-f are waived with the following conditions.

#### **Conditions**

Any modifications to the site plan as approved, prior to being made, must also be reviewed and approved by the Planning Board

Dwayne Prescott made the motion to accept the application as submitted. Judi Carll seconded the motion. No discussion. 5 – 0 approved.

- **Abbott Investments, Brooks Dance Center**, Route 202/4, East Waterboro Tax Map 4 Lot 30A (p/o) – Rob McSorley came back to the podium. Kurt – the lights need to meet the dark sky requirement. Rob – from the building with existing landscaping does not shine the lights directly into their house. Cars exiting – the headlights do cross the front of the house; the power pole will off-set the lights and plant arborvitae; the exiting cars go across the front of the house not directly into the house; the sign lights are facing upward toward the sign; the security lights are on the building shining down toward the building; the last class exits at 9pm. Notifications of Public Hearing given to Rob McSorley. Kurt – work with the abutter for a way to lessen the impact of the exiting head lights. Rob and David Abbott will talk with the neighbor to make a better situation. The common driveway is a potential for future businesses – with that said the provision to cut the lights to the neighbor is more important – Rob – we will lessen the impact.

Waivers:

1. Section I.E.9.a-f of the Site Plan Review Ordinance relative to hydrogeological impact study; the project will not generate more than 800 gallons of flow per day. Katy Mann made the motion to accept the waiver. Judy Wirth seconded the motion. No discussion. Vote 5 – 0 approved.
2. Section II.A.13 of the Site Plan Review Ordinance relative to provisions for transportation, storage and disposal of hazardous waste; only household cleaning products will be used/stored on-site. Judi Carll made the motion to accept the waiver. Judy Wirth seconded the motion. No discussion. Vote 5 – 0 approved.
3. Section I.E.9.e and II.A.13 of the Site Plan Review Ordinance – relative to a nitrate study; the project will only generate 236 gallons of effluent/day (less than a single family home). Judy Wirth made a motion to accept the waiver. Dwayne Prescott seconded the motion. No discussion. Vote 5 – 0 approved.

Site Plan Review: Kurt read the requirements of the Site Plan Review:

1. The proposed use meets the definitions and/or requirements set forth in the Zoning Ordinance; in compliance with Article 3 Section 3.10 Subsection 3.10.01.10 Churches, public and private schools, and other public buildings or facilities.
2. The proposed use will not create fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles; adequate dry hydrants; or adequate access to off-site dry hydrants and from there to the site; the standard has been met – proposed location on state maintained road and access for the emergency vehicles are adequate.
3. The proposed exterior lighting will not: create hazards to motorists traveling on adjacent public streets: be inadequate for the safety of occupants or users of the site or will damage the value and diminish the usability of adjacent properties; - the standard has been met with the applicant proposing a low-intensity lighting devise attached to the proposed structure that project the light toward the ground.
4. The provisions for buffers and on-site landscaping provides adequate protection to neighboring properties from detrimental features of the development; - standard is met due to the forested and vegetative areas around the proposed development location, applicant stated the front vegetation will remain.
5. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause; - shall be met due to the development is for a dance studio that does not have classes after 9pm.
6. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety or will not impose significant burdens on public facilities which could be avoided by reasonable modification of the plan; - shall be met due to the fact that this site development has ample parking and area for the loading and un-loading of dance students.
7. The bulk, location, height or design of proposed buildings, structures or paved areas, or the proposed uses thereof, will not have a significant detrimental

effect on private development on adjacent properties, or on the value of adjacent properties which could be avoided by reasonable modifications of the plan; - the standard will be met based on the proposed building submitted with this application.

8. The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements; or storm water detention pond(s) are not adequate; - not applicable due to the site is not identified in the FEMA flood map as being in the flood zone.
9. Adequate provisions have been made for the disposal of wastewater or solid waste or for the prevention of ground or surface water contamination; - standard shall be met by the wastewater from the proposed building will be collected in an proposed septic tank with effluent septic field proposed for east of the proposed parking area.
10. Adequate provisions have been made to control erosion or sedimentation; - standard shall be met by a sediment filter barrier placed at the te of any proposed grading to prevent erosion. The entrance will provide a stabilized construction entrance to prevent tracking of sediment onto the public road.
11. Adequate provisions have been made to handle storm water run-off or other drainage problems on the site; - shall be met due to the site being designed with an underground soil filter detention basin to treat the stormwater run-off.
12. The proposed water supply will meet the demands of the proposed use or for fire protection purposes; - a 1.5" copper water service is provided for the proposed building from the existing water main. The existing fire hydrant is provided on Main Street to meet the demands of fire protection.
13. Adequate provisions have been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law and Waterboro Hazardous Waste Ordinance; - per waiver submitted and approved no hazardous materials will be used not stored at the proposed structure.
14. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan; - shall be met due to current site having been cleared previously and is not a wildlife habitat. There are no scenic vistas visible from the site.
15. The project will not increase nitrate nitrogen concentrations in surface or groundwater at the property line of the site in excess of State of Maine Drinking Water Standards. If groundwater contains contaminants in excess of the primary drinking water standards and the project is to be served by on site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated to meet applicable standards; - not applicable as the project has public water and an approved Subservice Wastewater Disposal System proposed.

The Board found that the application for Brooks Dance Center in the General Purpose zoning district is an allowed use under site plan review. Section I.E.9; Section II.A.13; and Section I.E.9.a-f are waived with the following conditions.

**Conditions**

1. Any modifications to the site plan as approved, prior to being made, must also be reviewed and approved by the Planning Board.
2. The sign lighting be placed on a timer with a shutoff time of 10:00PM nightly.
3. The applicant meet with and discuss the potential of a vegetative screening on the front of the property at Map 4 lots 48C and 48F, and report back to the planning board regarding any decisions.

Dwayne Prescott made the motion to accept the application as submitted with the conditions. Judy Wirth seconded the motion. No discussion. 5 – 0 approved.

**VI. COMMUNICATION**

- Lee Jay Feldman up-dated the Planning Board on the Design Standards/Guidelines based on the meeting of August 5, 2015. Dwayne has three suggestions for the guidelines: 1. No visible flat roofs; 2. No visible equipment from three sides; and 3. No visible screening or stockade fencing. Kurt suggested proposing just guidelines; Lee Jay offered that guidelines have no public hearing to be approved but do not have any enforcement criteria. Lee Jay clarified Section 12 and 13 for entry into the Zoning Ordinance.
- Tammy to draft letter to go to town boards regarding the status of the Design Standards/Guidelines. Invite the Board of Selectmen to the workshop on October 7, 2015.
- Judy Wirth made the motion to accept the August 19, 2015 By-Laws. Kurt Clason seconded the motion. No discussion. Vote 5 – 0 approved. Lee Jay will move the By-Law to the Board of Selectmen.
- Kurt Clason up-dated the Planning Board on the September 21, 2015 workshop by the Waterboro Water District. Sebago Technics presented the workshop – covering the following topics:
  - Presentation and comments on the draft “Comprehensive System Facilities Plan”
  - Presentation of the new water system computer model
  - Discussion on the current status of the water system
  - Discussion on the future direction of the water system

**VII. MISCELLANEOUS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

- Judi Carll made the motion to adjourn at 8:20pm. Judy Wirth seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: \_\_\_\_\_

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