

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
November 4, 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 Glenn Charette David Lowe Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:11pm.

Kurt Clason reviewed the Agenda items.

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

II. MINUTES OF PREVIOUS MEETINGS

- Kurt Clason made a motion to accept the minutes of October 7, 2015 as written. Judy Wirth seconded. No discussion. Vote 6 – 0.
- Kurt Clason made a motion to accept the minutes of October 21, 2015 as written. Judi Carll seconded. No discussion. Vote 6 – 0.

III. NEW BUSINESS AND PUBLIC HEARINGS

IV. OLD BUSINESS

- **Dollar General** – Up-date provided by Lee Jay Feldman. The Dollar General amendment will no longer need to be considered. This condition on the original agreement for Dollar General has been met. The abutter has accepted the \$2,500 payment for the landscaping border on the property across the street. This will close the amendment consideration.
- **Design Standards/Guidelines** – set workshop date. Kurt set the workshop date for November 18, 2015 after the conclusion of the Planning Board meeting. Lee Jay stated there is a good start here that may require further discussion at the workshop. The Design Standard copy in front of you would be for Section 7.10 of the Zoning Ordinance – standards that would go to public hearing and the remainder behind is the guidelines – a booklet to give to a contractor of what we would like to see. Be able to look at wall materials/coverings on November 18, 2015. Kurt on November 18, come up with a draft of the standards/guidelines to be able to put a deliverable together for the Board of Selectmen.
- **Section 2.08 – Confirm Planning Board Version.** Kurt gave an overview thus far in the consideration of Section 2.08 revision to send to the Board of Selectmen.

Glenn confirmed with the Town Attorney that the current process is still a variance and should not be considered by the Planning Board. Glenn sheared his concerns regarding the Selectmen's version – setbacks for the Village and Village/Residential Zones; setbacks are exceeding the 15% as stated in Board version. Does not say who can make the adjustment decisions – Zoning Board of Appeals (ZBA), Planning Board, Board of Selectmen, etc. Need to make a decision to go with the 15% or the measured dimensions but not both as currently stated in Natalie's version. The 15% piece is very confusing. Realize that the Planning Board should not even be looking at 2.08. If you look at 15% then it goes to ZBA. If you go with draft of July 22, 2015, which you first approved, the variance would make it go to the ZBA. It reads that the setbacks are from the body of water and not the boundary line. Further discussion ensued regarding ZBA variances and how an applicant would be able to obtain a variance if they should go to the ZBA. Lee Jay read the hardship tests and offered scenarios to go with each test:

- #1. That the land in question cannot yield a reasonable return unless the variance is granted;
- #2. The need for a variance is due to the unique circumstances of the property and not the general conditions of the neighborhood;
- #3. The granting of a variance will not alter the essential character of the locality; and
- #4. The hardship is not the result of action taken by the applicant or prior owner.

Other variances are available but are not in the current local Ordinance. Setback variance for single family home and variance for shoreland zoning variance were examples provided.

Glenn offered that if you do away with 2.08 it moves the applicant to the ZBA which has the setbacks to also abide by the State requirements.

Dwayne offered that if we eliminate 2.08 then they go to the ZBA and follow state regulations. Kurt the ZBA has authority and can then grant the variance. Proposing something that is contrary to the state. Glenn – the Board has been proposing this for at least a year. Kurt polled the Planning Board on their desires for 2.08. Kurt Clason made the motion that the Planning Board recommends elimination of Section 2.08 in the Zoning Ordinance and any references to Section 2.08. Judy Wirth seconded. No discussion. Vote 5 yeas – 1nay (Carll).

V. REPORT OF OFFICERS

VI. COMMUNICATION

VII. MISCELLANEOUS

- Lee Jay shared that the proposed standards for campgrounds should be brought forward. Wilderness and Primitive included to discuss at one time. The information is from the State.

VIII. NEW BUSINESS

- Glenn presented the Planning Board with Thomas DePeter's package and requested that they consider a Site Visit prior to the applicant coming before them. Glenn asked that they review the package that will be coming before them. Lee Jay requested that the Planning Board not discuss the package without the applicant being present. The Planning Board determined that they wanted to speak with the Applicant prior to the Site Visit.

IX. ADJOURNMENT

- Judy Wirth made the motion to adjourn at 7:45pm. Judi Carll seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: _____
