

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
December 16, 2015
7:00 p.m.

Kurt Clason called the Planning Board meeting to order at 7pm on December 16, 2015.

Kurt amended the agenda to move the Public Hearing on Article 7 Sub-section 7.10 to the front of the agenda.

I. ROLL CALL – Public Hearing

Board Members

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

Others Present: Gary Lamb Brigit McCallum Gordon Littlefield Dennis Abbott
Sharon Abbott Jack Seely Shawn Shoemaker Ann Harris Rona Rault
Larry Caron Dana Lewis Debby Downs David Abbott Leo Binette
Dwayne Woodsome David Benton, Sr. Doug Foglio, Sr. Dana Woodsome
Lee Jay Feldman Glenn Charette David Lowe Tammy Bellman

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

II. NEW BUSINESS AND PUBLIC HEARINGS

- **Public Hearing** – Zoning Ordinance Article 7 Performance Standards Sub-section 7.10 Commercial Design Standards. Kurt gave an overview of the procedural side of the Public Hearing – those wishing to make any statements will come to the podium and state their name before any comments are entered. Lee Jay Feldman provided the following overview: standards are intended to be in the ordinance to require an applicant to do certain things. Guidelines are a booklet of what we would like to see. Lee Jay reviewed highlights of the ordinance: 7.10 covers Routes 202 and 5 and plans going through Site Plan Review; covers dumpsters – screening – being within an enclosure of some sort; roof lines – being more interesting - hiding HVAC and air conditioner equipment. The guidelines are still being worked. The guidelines are what the Town would like to achieve. The other piece that is important – concerns and issues were raised regarding an applicant that came before the Town. This is also a part of the Comprehensive Plan a very high priority put in by the Board for Selectmen to be completed by 2015. Lee Jay showed the public where in the Comp Plan this recommendation was. A picture of the advertisement versus the architecture piece was provided to the public, copy attached here. Kurt opened the Public Hearing up to the Public:

Shawn Shoemaker – Under standards made notice of b. 50 foot articulation –
change to and/or

– front facade not sure need to do this –

Lee Jay – this is to break the appearance up

Shawn – break the texture up and not have two entrances?
Judy – not cinderblocks
Shawn – breaking the texture up is better than two entrances

Leo Binette – HVAC – new AC/heat pumps are on side and hung not on ground
the color is also toned to the building – retro fitting to buildings is
part of the energy efficiency guidelines

Lee Nelson – they can be put on the roof easily

Leo – mine are same color and the new units use air flow from all sides – talking
of small tan colored units

Lee Jay – we can change the language that suggests to retro fit to Efficiency
Maine Project

Leo – Trash receptacles are difficult enough to use – business owners start having
Worker’s comp issues with dumpsters - placement makes a big difference –
consider what is visual

Judy Wirth – Considering what is visual from three sides

Leo – guidelines – requiring to park in back of building if that where we are
headed then where AC going or trash – where do you put everything – do
not see any major building now with everything in the back

Lee Jay – only a guideline

Kurt – similar to sidewalks

Leo – what about snow removal – think about what else the business owner needs
to think about

Gordon Littlefield – Paragraph B sub paragraph d - Commercial Business height
of building at 35 feet. Board of Selectmen looking at and
other committees a hospitality business coming in – how are
the buildings for a hotel/motel going to be impacted at 35 feet
when we want to attract business into Town – is there a
definition or another area of the ordinance to address this?

Lee Jay – variances are available but it would be more prudent to wait for the
applicant to come forward and react at that point for a waiver and
address it at that time and not create a problem if do it before.

Gordon – thought the part of ordinance would be to let the business know before
they get here then they can come forward with
specifications/requirements in mind

Lee Jay – Zoning Ordinance restricts all of the zones address the 35 feet - can
address it in the Zoning Ordinance. Make specific to area or to a
specific use – better to wait for the applicant and make specific – don’t
deter the applicant.

Kurt – proposed as a guideline – 35 foot pushed by multi-use building – first floor
commercial second floor residential, ect.

Dwayne – 35 feet comes from the ordinance and was pulled.

Gordon – thought it was for the applicant to know what was needed in the designs
and specifications to meet town requirements porches and balconies that
obstruct views of the building – in the standards not guidelines.

Lee Jay – the Zoning Ordinance addresses that – this is a guideline.

Kurt – talked to the Selectmen for their opinion – all standards or all guidelines.
Looked at other Town standards to give us a start creating standards and
guidelines.

Ann Harris – Located on Main Street wanted to grow my business – looked at

buildings in areas and found the one on Main Street – Standards – re-do or renovate and keep same size as buildings around me – would affect what I can do. A thought – one part of town has walking traffic - like Kennebunk – no insurance on Main Street then put in retail shops for the walking traffic. Corporate business with different building type versus the smaller homey style retail type shops – air conditioners can't blow or restrict the air flow and need to keep snow away from the units.

Lee – take a look at the post office – up off the roof deck.

Ann - insurance perspective there are issues with safety with the vehicles parking out back especially walking from the back – snow and ice. Liability issue.

Judy – that is a guideline.

Ann – dumpster - what about close fitting areas; the dumpsters are noisy – throw out to help be able to attract the corporate businesses and bring more money into town.

Lee Jay – you are way ahead of us – the Comp Plan has 4 village areas throughout the Town – eventually get to various different developments – Hannaford and 202 would be different from what seen out here. This is still a ways out.

Ann – big corporate things like McDonalds with the arches - with nowhere to go in Town this would draw people to Waterboro.

Lee Jay – this part could change when creating different zones for the different areas of Town.

Dwayne Woodsome – Your 35 feet it is an absolute lie!! – Your ordinance has the right for a conditional use to go over the 35 foot with a variance. Here you are saying that at no point shall a building be more than 35 feet. We have done it many times in this town of Waterboro.

Kurt – been on PB for 14 years and –

Dwayne – I was for 22 and we did it many times.

Kurt - only with churches. What ones are over 35 feet Dwayne? Which one's?

Dwayne - Residential homes listed by Dwayne.

Kurt - Residential not covered.

Dwayne –go around and count those buildings over 35 feet. Conditional use can be requested. West Shore Road had a conditional use - is residential – why pick on residents of routes 202 and 5? But you are picking on the residents of 202 and 5. Why have you not created the zones for where commercial buildings can go.

Kurt – we did.

Dwayne - you are picking and choosing which areas.

Kurt - we are selecting the areas.

Dwayne – you should add any state aided highway. You are destroying Waterboro and creating a problems for yourself down the road! Because he can do it and I can't. West Road, Goodwins Mills Road, Townhouse Road, is all state aid roads and can have the same thing as on 202 and 5.

Kurt – ok thank you.

Doug Foglio, Sr. – Resident of the Town of Waterboro. I wanna ask you a simple question ? To protect, enhance and perpetuate the town's historic, cultural and architectural heritage – who's historical value are you protecting my grandfather's or yours – how can

you set there and judge - how many of you know history of architectural history? Those that were here before the fire of '47. The rest of this board that don't have an idea of the buildings. On main street in either East Waterboro nor North Waterboro or South Waterboro not wavetable!

Judy Carll – be left out of this – I know.

Doug – exceeded 35 feet?

Kurt – is a guideline.

Dwayne Prescott – take out the words.

Doug – who's historic value - gave store names – your historic value – trying to improve my own buildings.

Kurt – the towns people beat us up on what the buildings can look like – we cannot tell an applicant what their building will look like without an ordinance.

Doug – this is a step to put us out of business.

Dwayne – already discussed taking out the words.

Doug – lets go down and look at look at 5/12 pitch on a 80 foot wide building. 200 inch roof height. Decent commercial sized bldg. a mini-mall – this is ludacris!

Kurt – came up in a workshop does not have to continue to a ridge.

Judi – you need to read to the end of the sentence. Says it should be designed to appear to have a pitched roof.

Lee Jay – read the sustenance appear to have a pitch.

Doug - very subjective see pictures of the bologna you are trying to jam down our throat with a jackhammer.

Kurt – ok Doug I am going to call this -

Doug – you always have a negative impact on business. You are going to drive land values up or drive them down – you are going to make them either great winners or great losers.

Dwayne – give us suggestions of what you would suggest so we don't end up with a NAPA or a direction to go – these are cosmetic.

Doug – cosmetic on outside and strictly expensive to implement outside. Go from \$75 to \$150 per square foot come up with standard and show what that standard is – you are not going to end up with many buildings in Town. You want it to set with no architect drawings nor designs – coming to us with paper but people on this side of this isle are blind (pointing toward the Planning Board).

Lee Jay – design guidelines we are proposing do have a series of pictures with what is recommended and what is not. Lee Jay listed what was in the guidelines. Recommend that people come by and take a look at the guidelines.

Judy – we looked at how many towns with series of pictures from around New England.

Doug – you looked. We spent a lot of money on a system that would project pictures of what you are talking about. So we could discuss what was being discussed. There are no pictures. Not based on printed word. And there are no pictures for us to see.

Lee Jay – the design guidelines have the pictures.

Kurt – thank you Doug.

Tammy – please keep comments from the audience to those at the podium.

Todd Abbott – North Waterboro – Want to thank you guys. Served on the 20/20 committee as well as Judi, with Tom Ursia as Town Planner. Great

you are working on this. When we looked at it, we looked at it as business that wants to move to Waterboro and then Dollar General came to town while we were going thru this is a good step but when we were talking about this it was to incentivize – it is tough hearing what we can build or what we cannot build as a business owner. Focusing on future business person to make it an incentive to want to build in Waterboro. As a business owner, for example and I came to the board and have an incentivized plan want to have a three story building if the builder could get an additional use – retail and residential for example – get additional rental or additional business. You have not forced them to do anything. Doug mentioned the additional cost. You are forcing the cost on to the future business owner. Might force them to go somewhere else. When on 20/20 committee incentive was a big word. Thought Tom told us that it was illegal for anyone to tell property owner what they can build.

Lee Jay – what Tom told you was completely illegal. That is what ordinances are for – that is not what our intent is - we are not at a point of incentives - if this is where we are directed to go – then we need to re-write the entire ordinances.

Todd – when lots get expanded as Woodsome and Mike Allen’s and when 2020 looked at this we were not talking about forcing anyone doing anything. Went through many scenarios – we were not talking about forcing anyone to do anything.

Judi – what would your suggestions be when another Dollar General or NAPA metal building comes to town.

Todd – ask them what they would also like to do – housing units or additional retail – don’t see what the problem with NAPA or Dollar General is they are neat and clean buildings but as a property owner it is hard to hear what we can and cannot do with our property. Have to be careful. The property that is passed down from family member to family member then the latest one would not be able to do much with their property based on the current ordinances. Don’t feel it is fair/right to force them to do it a certain way. Add cost to build. Add a cost to maintain don’t just look at what is just pretty. Look at from business owner. Thank you.

Shawn Shoemaker – Work for company in many areas – Maine, Massachusetts and Vermont. Companies look at how visible from the road. Should not have to worry about.

Dwayne – in the guidelines.

Shawn - Doug is on the money for 5/12 pitch roof – the gable roof would be taller than the first floor. Desire indicated that certain business in certain areas should not be looking where the company can build – should not allow fast food in one area and banks in another – build within what ordinances allow - Doug was right will make certain people very rich. And others not.

Lee Jay– not talking about changing the uses or restricting the uses.

Shawn – odd people making complaints about NAPA and Dollar General – when NAPA went through no comments but when Dollar General went through all kinds. It is up to the property owner to determine what they can do. Serving a function of what they want to do.

Lee Jay – this ordinance does not get into metal or texture.

Shawn – gets into reflective material.

Lee Jay – in the guidelines. Guidelines do not need to be adopted by anyone.

Shawn - don't want people to think that if you own a piece of property should be able to use as intended.

Kurt – Thank you.

Dwayne Woodsome – to go back to Dollar General in North Berwick. Ain't a lot of difference - only difference is the square footage from the North Waterboro - its got a pitched roof, bigger store.

Judi – the self-lit sign.

Dwayne - The lights could have been had here. Chadbourne Ridge Road most foolish thing I have seen in my life– poor design of street. Can't get out of Chadbourne Ridge and get on the correct side. Poor poor design –

Kurt – we did not have anything to do with the road design.

Dwayne - Steel buildings with a 5/12 pitch are designed to carry the snow load. Will hold the snow that we get. Can have almost a flat roof and carry the snow load. This is not just the cost of the building a lifetime cost – back parking lot, dumpsters.

Lee Jay – almost flat.

Kurt and Dwayne Prescott – did not have anything to do with street design.

Dwayne – 90% of buildings are designed for the northeast – 90 pound snow load – small pitch water run-off and snow load. Maintenance and cost not a one-time deal.

Kurt – this is just the first round, the Planning Board was directed to do so by the Board of Selectmen. We did not just pick a subject out of a hat - we were directed by the Board of Selectmen.

Jack Seery – North Waterboro. Philosophical for a moment – part of the issue running around - are we individuals or are we individuals within a community – I think that we are individuals within a community and the community has a right to say what we have to do and rights as individuals but are limited by the larger voice of the community. Not implying - just voicing what has been articulated by previous individuals.

Todd Abbott – Design Standards not look like advertisement.

Kurt – where – route 1 McDonalds Golden Arches that go out – that type of thing. Where are the pictures that Lee Jay brought in?

Todd – right hand not what we want but left hand is what we want - advertising perspective, Best Buy - Dunkin Donuts – use a box on the side of the building; what about a mom & pop looking like a donut for their building – they are not able to do it. Can't deny them the option.

Doug Foglio, Sr. – Had the time to travel to Lubec this fall – stopped in at a blueberry Building; there was nothing wrong with the building; 1974-75 started on the Planning Board worked on the Zoning Ordinance – some not agree with Zoning Ordinance it was a hard fight for a longtime – I chaired the Planning Board at that time – protective and non-restrictive – promised community that the ordinance would protective and not restrictive this is no protectiveness and is restrictive – lose money because of RSU 57 big elephant – payroll generates to town – restrictive to businesses. Waterboro known as being unfriendly for businesses.

Kurt – what do you suggest? Your suggestion

Doug – Guidelines are good; Standards – if go about properly – a lot of doubletalk; 50 feet than a off-set roof, people on board today and three come on – subjective ideas different from what originally written, come up with clear concise statements. If public water the footprint changed. 1 acre now took 2 acres before public water – makes economical and reasonable for people to get approval – show that you want to do business in Waterboro.

Dennis Abbott – Board of Selectman – Came out of the Comprehensive Plan. It was not the Board of Selectmen’s plan to dictate which piece of the Zoning Ordinance has to be done first – be careful of what we wish for – this is an issue to start and good feedback – like it but not what I want in my backyard. Go back to suggestions from when Tom was here – do something different – aesthetically pleasing – guidelines go a long ways – make clear – visibly pleasing acceptable to area around you. Do you want T111 buildings? If you are going on can’t be ambiguous in language – a good start will churn itself through system – guidelines should overshadow standards. On the other hand what is the design cost – current board should know cost per square foot and then the cost to comply with the proposed standards – board should know.

Gordon Littlefield – mixed views from heard this evening. Tom Ursia taken out of context – there was no ordinance – a point of clarification – contrast to what Todd Abbott stated – what can and cannot do is regulated by codes in construction – what are we doing now. Points well taken – blueberry crop in Waterboro – just as apples would be the culture of the community – would like to commend the Planning Board on this undertaking – brings up historical time of when the zoning ordinance was going in - write the language so it is an acceptable part of the community – responsibility that community that everyone in it and can be proud; the quality of life we would enjoy – for instance – most distasteful - open a porn shop on 202 with a front design that depicted a series of lights flashing that depicted certain characteristics flashing in and out – not sure it would be acceptable here in Waterboro.

Judi Carll – not dealing with uses. Uses are going to be there.

Gordon – common sense element that needs to be injected into this – keep historical values or make contemporaneous with today’s surroundings - question of semantics.

Shawn Shoemaker – one question I have - customer comes in standards not likes – need to make sure that the ordinance can be appealed.

Lee Jay – yes if through Planning Board or Code Enforcement.

Shawn - 35 foot height – can ask for a variance or do through contract zoning.

Lee Jay – I disagree. Legally can’t grant a variance for height; need to meet ZBA criteria.

Shawn – interpretation by board and by the applicants – interpretation not going to work out; Dollar General comments – developer comes in – should meet with the planner.

Lee Jay – would possibly need to go to Superior Court for continued interpretations.

Shawn – should be the Town Planner that is the first line of communication.

Kurt Clason – stated applicant case that said no guidelines no standards.

Shawn – probably did not happen that way - change is going to happen – need to have good communication. Noted Hannaford when they came to town how people did not want it. Good developer communication is key.

Lee Jay – I was not here to have had that conversation with Dollar General.

Judi Carll – if no standards would like ours or North Berwick's?

Lee Jay – Don't know if that would have happened.

Judi – difficult for me to understand as with Waterboro's small town builders.
McDonalds in Freeport.

Lee Jay – big battle with design standards also. Took picture of my town's (Auburn's) Dollar General – very subjective that this one much uglier than Waterboro's.

Judi – bigger trees in North Waterboro than most get – big oaks.

Dana Lewis – mine is a box; an addition to the existing structure to work on vehicles/trucks – biggest concern is that I work on large maintenance vehicles and if I came to the Board and requested to make an addition would I have to change the existing building or the addition?

Dwayne Prescott – existing building would be ok

Dana – wouldn't that make this look hideous – great with Hannaford and Gorham Savings not sure why put in the existing piece?

Doug Foglio, Sr. – again talk about subjective part – Dana's case meets new standards could he end up with something that looks uglier than sin – Dough used his hands to diagram what would look like – look balanced sometimes impossible to put up new part and have it not need renovation to the internal part – renovate old to match new.

Judi Carll – read rest of sentence.

Doug – still subjective – goes on to say more but don't want to meet this standard. If not debatable – also, Section 2.08 – 35 years of never being challenged can't believe that you and him of never being challenged on this – never been beaten! Just commenting on what you said!

Kurt Clason – I am shutting you down - 2.08 not being heard tonight.

Kurt Clason closed the Public Hearing at 8:21pm. Five minute recess taken.

Kurt Clason called the Planning Board meeting to order at 8:32pm.

III. MINUTES OF PREVIOUS MEETINGS

- Judi Carll made a motion to accept the minutes of December 2, 2015 as is. Kurt Clason seconded. No discussion. Vote 5 – 0 (1 abstention – Mann).

IV. OLD BUSINESS

- Discussion on Article 7 Sub-section 7.10 will go forward for more discussion. Lee Jay will pursue the architectural elements and report back to the board.
- Add Design Standards Workshop for next Planning Board meeting – January 6, 2016.
- Brigit McCallum noted that if there was more communication then more people would not be so knee-jerk – give them the process information – if we do it this way then we know we have tried our best and there is no perfect world.

V. COMMUNICATION

- By-Laws need to have the Secretary/Treasurer position added back in it was eliminated – Lee Jay will add back in. The By-Laws do not have to go to the Board of Selectmen.
- Zoning Ordinance Article 2 Sub-section 2.08 goes to Public Hearing on January 26, 2016 with the Board of Selectmen.

VI. MISCELLANEOUS

- Planning Board meeting dates for 2016 were provided

VII. ADJOURNMENT

- Judi Carll made the motion to adjourn at 8:41 pm. Judy Wirth seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

Approved Date: _____

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