

**TOWN OF WATERBORO**  
***PLANNING BOARD***  
***MEETING MINUTES***  
***August 17, 2016***  
**7:00 p.m.**

**Regular Meeting**

**I. ROLL CALL**

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

Absent: Lee Nelson Steve Letellier

Others: Tim Neill Stephen Everett Aaron Additon Thomas Blesso Patricia Bernier  
Roger Lauzier Lee Jay Feldman Glenn Charette David Lowe  
Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:00pm on August 17, 2016.

Kurt reviewed the agenda.

**II. MINUTES OF PREVIOUS MEETINGS**

- **July 6, 2016** - not enough members present from the July 6 meeting - tabled until next meeting.
- **August 3, 2016** - Katy Mann made the motion to accept the August 3 minutes. Judi Carll seconded. No discussion. Vote 4 – 0 - 1 (Clason).

**III. NEW BUSINESS & PUBLIC HEARINGS**

- **Election of FY 2017 Planning Board Officers** – Kurt Clason postponed until next Planning Board meeting.
- **Public Hearing – Aaron Additon – “Blueberry Fields” 3-lot subdivision, Old Alfred Road** Kurt Clason opened the Public Hearing up at 7:07pm. Steve Everett came to the podium representing Aaron Additon. Steve explained the changes on the survey for “Blueberry Fields”. No public comment. Kurt closed the Public Hearing at 7:08pm.
- **Public Hearing – Thomas Blesso – “Sweet Fern Acres” 7-lot subdivision, Sky Lane** Katy Mann made the motion to take “Sweet Fern Acres” off the table. Dwayne Prescott seconded. No discussion. Vote 4-0-1(Clason). Kurt Clason opened the Public Hearing at 7:10pm. Steve Everett came to the podium representing Thomas Blesso. Steve explained the changes that were requested and noted on the latest project survey: note 7, sight distances are 525 and 553 feet at the intersection of Sky Lane and Silas Brown Road. Kurt opened the Public Hearing up to questions from the audience:

Patricia Bernier – At the last meeting what was the decision on the primary residence needs to come before the garage? Does the primary residence need to come first? Dwayne went over the prior meeting information. Patricia – this sounds more like a storage unit or just a garage – I see no value coming to the community and residents. Want to make sure that bringing activity that is of a value to the community and its residents. If putting in road and houses then that is a good activity to the area and a positive impact on the area.

Glenn Charette – When Mr. Blesso came with his proposal I based my decision on Section 2.07 of the Zoning Ordinance. And, told Mr. Blesso that the garages were allowable. I asked for Natalie’s determination and she disagreed with me along with the Town Administrator. I can’t buck Natalie’s opinion. As it stands now can’t do only residential garage as a primary use. There are four garages without a residence in the AR district that have been permitted by four CEOs with no Planning Board review. The Ordinance does not say what the order of the buildings need or must be for the buildings to be constructed. I don’t agree with Natalie’s opinion, it is just an opinion. If you read Section 2.07; Glenn read 2.07: **Section 2.07 Use Restrictions** - In each zoning district the only uses permitted are those specified as primary uses or conditional uses and those natural and usual accessory uses and structures which enable or facilitate necessary repair, storage, parking, gardening, recreational activity, the non-commercial keeping of animals, and similar undertakings incidental to a primary or conditional use.” In addition, all conditional uses in any zoning district and their accessory uses and structures are subject to Planning Board review and approval (See Article 4). There are a pile of things that could be in the AR Zone including junkyards. You are able to have contracting equipment but not a personal garage used for storage. I don’t think they would restrict the use of the property because you can store excavators on your property in the AR Zone. Kurt closed the Public Hearing for Sweet Fern Acres at 7:17pm.

#### IV. OLD BUSINESS

- **Aaron Additon – “Blueberry Fields” 3-lot subdivision Final Preliminary/Approval** – Kurt Clason abstained – not familiar enough.  
Dwayne Prescott – I make the motion to approve Blueberry Fields as a 3-lot subdivision. Judi Carll – I have something to say first. You do not have 80,000 square feet per definition of a cluster development – you can’t increase the overall density of the land. You don’t have enough land so you are increasing the density. GP Zone density minimum square footage not serviced by water per 3.14. Have been under the impression that not increase the density but give break on builder for not meeting other requirements. Steve – not very well explained. Judi – what I just read is very clear. Steve – what we are short is the size of a good sized house. Kurt – this been addressed before at a previous meeting. Judi – did more research – found that there are conflicting things. Chapter 14 definitions and 3.10.02 – Judi read Subsection 3.10.02 Conditional Uses and Structures
  2. Clustered single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed where public water supply is available. If public water is not available the maximum density shall be 80,000 square feet per family unit.

Under this I can't support. Kurt – we have a motion – Dwayne – I remove my motion. Glenn came to the podium – Section 8.03 is vague – the interpretation has to be in favor of the applicant not the Town. Glenn read **Section 8.03**

**Cluster Development** - . . . However, all layout, dimensional, and area requirements imposed by this ordinance or the town's subdivision regulations may be altered without restriction. Glenn – for interpretation the Planning Board can alter the subdivision requirements based on section 8.03 - all decisions are weighted in the favor of the applicant not the Town. Dwayne clarified three lots short by 3,200 square feet. Kurt the overall acreage is short – can't give up conservation area. Dwayne – when were the sections amended – for most current? Kurt and Glenn same date. Kurt – we need to make a decision. You can see we are at a negative thought process coming out of the board, we have three options: 1. A motion to approve or deny; 2. Send back and see if something different you want to do; or 3. Change the number of lots or acquire 3,200 square feet. If we deny, you can go to the ZBA to appeal. They are able to overturn our decision. Steve – speaking with the applicant. May I approach – can we table this and let this sink in. What Glenn read opens the discretion of the board – the board would be allowed to make the decision. We are close very close. Would we be able to continue to the next meeting. Dwayne Prescott made the motion to continue this to the next meeting. Katy Mann seconded. Discussion – Dwayne does the fact that none of the abutters did not make an appearance make a decision on the outcome. Lee Jay – no. Vote 5 – 0, continued.

- **Thomas Blesso – “Sweet Fern Acres” Preliminary/Final Approval** – Steve Everett represented Thomas Blesso. Kurt this is Preliminary – Steve – correct. Kurt – I read through Tom's responses. Any questions from the Board? Dwayne – two different decisions. As a subdivision can subdivide and the other is the use of the property. Should we pass the subdivision and then determine the use. Or is the conditional use in question. Lee Jay no application for the conditional use. As long as the subdivision meets the requirements the land can be divided. However, it has been made aware that the applicant wants to put uses on the property that are not allowed. The board can put conditions on the approval for a primary use for when the building permit is issued based on lot by lot. Dwayne – noticed under conditional use clarified between accessory structure anything from #12 latitude by Planning Board same like and kind. Lee Jay I would differ with you. Similar in character. Judi – come up with definition of residential garage and add to zoning regulations. Dwayne – if you look at the comp plan this meets the comp plan – brings in property tax at full 100% property value profit without taxing the school system and town. Lee Jay – this is not a business. Dwayne – falls completely within the Comp Plan! Judy Wirth – assured us that the water level run-off would not be going toward Pigeon Brook. Katy – we are only looking at the subdivision right now – correct? Kurt – yes. That is the only application before us. Kurt – if we adjust like Lee Jay said – if approved then it would be part of the plan. Lee Jay - To be recorded in the registry. Steve – how would you like me to state the note? Lee Jay will come up with the wording for the final note. Kurt – you will work with Steve to come up with the wording. Lee Jay – I will work with the board. The other thing the applicant should be aware of and the board also – this is the first one with an infrastructure and will need to follow the standard – the applicant come forward with a dollar or letter of credit while the road is being constructed. Kurt – Lee Jay is correct – need to have a third party standard before it becomes a public road. Steve – may I huddle with my client? Kurt – yes. Steve returned to the

podium. So for the approval – if the road may become or the current owner has the ability couldn't you insist that it be brought to the current standards or leave as a private drive for the six lots? Dwayne – it is not appropriate to leave the maybe in. you need to put a note on the plan to say it will remain a private road with no intention to make it public. Steve - if I change the note the new owner can come to the town if they bring it up to the current standard. Lee Jay – please be aware of 12.04 Performance Guarantee has “shall's” not “mays”. Judy – what about a general note on the road association? Kurt – you can enter the note about a road association on the plans. Lee Jay explained/read 12.04 to the audience and the Planning Board. Dwayne – the Performance Guarantee is a guarantee to the town that the work will be performed. Kurt – we will work on the wording and communicate it to you. Steve – isn't the structural height the CEO's responsibility? Dwayne – if it is listed in the Zoning Ordinance and not said this where it gets “squirrely.” Kurt – so it is back to the applicant – your letter addresses residences. Steve – I will put something on the plan. Kurt – we have done dozens with lots for sale. Dwayne – my position is to not condition the entire plan – do one at a time to come before the Planning Board. Lets get the subdivision completed first then go forward with the conditional uses and clarify the road issue. Kurt – the reason to do now is the cost perspective – if done now then would not need to hire an engineer to inspect and guarantee that the road is at the current standard of that date. Steve – the road may not go public so the money would be wasted. Kurt – yes. Kurt Clason made the motion that Sweet Fern Acres has completed preliminary and ready to go to Final on September 7, 016. Judi Carll seconded. No discussion. Vote 5 – 0.

## V. COMMUNICATION

- **Glenn Charette – Up-date on Shoreland Ordinance** - The Board of Selectmen held their Public Hearing on the Shoreland Ordinance. Many attended but not nearly as many as for the Planning Board Public Hearing. The argument was still there on the docks. The Board gave the public 30 days to provide written comment on the ordinance. They will take a boat tour on Saturday. The Board would like to schedule a workshop with the Planning Board. I encouraged them to get it completed by the end of the year. Tim Neill commented that it was nice to see the Planning Board dealing with complicated issues.

## VI. MISCELLANEOUS

- **Lee Jay Feldman** - you have in front of you the proposed realignment Table of Contents for the Zoning Ordinance. It flows better with this alignment. The Site Plan Review has been moved in its entirety into the Zoning Ordinance. Specialty use standards are grouped together; propose to move from Article 7 to Article 4. You are able to see where to current location is and where it will be moved to. You do not have to make a decision this evening – I wanted you to see the progress thus far. It will not go to the Board of Selectmen until after the entire Zoning Ordinance is done. Judy – Design Standards have not been scheduled by the Board of Selectmen.
- **Glenn Charette** – I have been with the Town now for a year and a half - it bothers me that in one situation I am told to walk away from the ordinance and Where the ordinance is vague I am told this is the way it should be. It is up to me to interpret the ordinance, not the town attorney, not the administrator not

the Planning Board. She gives me her opinion. The Planning Board's duty is to pressure the Board of Selectmen to find the money to fix the ordinance. I take things to Lee Jay and sometimes we agree and sometimes we don't. It is my interpretation. With the prior applicant situation, I still stick to my opinion that it should be allowed. Sometimes I make the applicant happy sometimes I don't and sometimes I am wrong. I am not going to make any further comment as the applicant is not here. I take my job very seriously. Kurt – So glad we have two experts to give us counsel. The Board does not mean to say we disagree or don't value your opinion – the Planning Board strongly values your opinion and interpretation. For a long time we worked in a vacuum. Don't want to make you feel that way. Glenn – I commend you on what you are doing. You have two very difficult situations that you need to have to make a decision on. Judy – how would one pressure the Board of Selectmen? Glenn- Create a pack – have the residents pressure to get the work done, send out letters, emails. Lee Jay – agreed with Glenn, situations all time. Kurt – we will provide a line budget for the next year. Tammy – need to be ready for the first of the year as the Budget Committee starts meetings shortly thereafter. Lee Jay – it will be good when re-written. Active EDC wants the business side but also wants to protect the citizenry. Dwayne – can you get us a preliminary project proposal? Lee Jay – yes. Glenn - Mr. Lamb is behind both Lee Jay and myself and knows the issues we face.

**VII. ADJOURNMENT**

- Judi Carll made the motion to adjourn at 8:20 pm. Judy Wirth seconded the motion. No discussion. Vote 5 - 0 in favor.

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

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