

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
January 17, 2018
6:30 p.m.

I. ROLL CALL

Present: Dwayne Prescott Lee Nelson Judy Wirth Judi Carll David Christensen

Absent: Ryan Vanasse

Others: Gerard Bergeron Jason & Chelsea Dore Frank Heacock Winnie Heacock
Gene Libby Robert Prendergast Mark Dodge James Cloutier
David Benton, Sr. David and Mary Ellen Bozza Tim Neill Gary Lamb
Lee Jay Feldman Glenn Charette David Lowe Tammy Bellman

Dwayne Prescott called the Planning Board meeting to order at 6:30pm on January 17, 2018.

Dwayne stated a quorum has been met with the members present.

Dwayne moved the New Business and Public Hearing item to the front of the agenda.

II. NEW BUSINESS & PUBLIC HEARINGS

➤ **Public Hearing - Little Ossipee Lake Campground Expansion – Conditional Use – Tax Map 7 Lot 052**

Dwayne opened the Public Hearing 6:31pm. Lee Jay Feldman came to the podium and requested that Jim Fisher from Northeast Civil Solutions provide the overview to bring everyone up to speed with the project. Lee Jay then turned the podium over to the Applicant's Representative Jim Fisher of Northeast Civil Solutions.

- 30 acres for the campground;
- Currently 85 site will be proposing to add 50 RV sites only;
- Access off of Route 5 – Sokokis trail;
- Parts of the internal roads are already in place;
- The emergency vehicle turning templates have been done and the proposed road system can handle the Town of Waterboro's emergency vehicles;

- Pool and small bath house;

- Waivers requested for:

1. Bath house within 500' of pad sites – 7 sites go beyond the 500' – there is no tent camping; RV vehicles have facilities within them – water, showers, toilets;

2. Solid waste facility must dispose of trash in RV and have dumpsters within 500' – set-up at emergency exit – have to go by the dumpster to enter or exit for ease to dump site trash;

- Emergency access off McLucas Road with a "Knox" box;

- Docks – currently have 16 docks and 5 mooring balls;

- Proposing 32 slips and 0 moorings = 32 slips with 2 dedicated slips for public use with an increase of only 11 slips;
- Not a marina;
- Going forward the docks are not to be expanded any further;
- The distance between Sunnyside Cottages docks and Little Ossipee Lake docks is 115'
- Regarding flipping the swim area – the proposed flip puts the swim area into a murky area and the owners do not anticipate much use as a pool is being proposed near the bathhouse;
- Cross-walk – currently working with MDOT; Stephen Landry – lengthy conversation regarding safety at the cross-walk; current lights not allowed; Jim provided the Planning Board with a light schematic for the proposed new crossing lights that are button controlled; the proposed new system would need to be requested by the Town; there will be pre-construction meetings; hoping to have before the camping season this year; cross-walk will be painted once the crossing area is ADA compliant.

Dwayne opened the Public Hearing up to comments from the public in attendance:

James Cloutier, Attorney for Winnifred and Frank Heacock, property owners of Sunnyside Cottages, LLC came to the podium; they are concerned with the location of the docks; the area that LOL will be using Sunnyside has been making use of since the 1930s; James showed pictures from 1935/1936; recommend that you engage an independent expert for waterborne activities and area required or needed for the docks; stretching the definition of incidental use – substantial code and economic development; presented pictures showing the sandbar that will interfere with the use of their docks and swimming areas; they want the areas protected for their patrons; Sunnyside has parallel docks that do not protrude into the cove; do not think an appropriate setback is established; James showed a picture of the cottages with a tie-line; Tie-line is used when there is a meandering shoreline as the cove has and it goes from this point to that point – a straight line; Judi – don't own the water – how is that to this point?; James – to evaluate the setbacks; Judi – we don't have regulate – so no setbacks and no one owns the water; James – performance standards – not interfere with usefulness of the area; navigation; inland fisheries and wildlife have been here; showed the proposed docks superimposed on the Sunnyside area of the cove; no one in the area can so then just do what Little Ossipee Lake Campground is doing?

Mark Dodge – Own Map 28 Lots 12, 13, and 14; interest is shared by the Heacocks; discussion about harbor master, moorings and docks, neighbor and friend of Heacocks; 14 docks in place, Town does not regulate; allow 1 property owner to monopolize, how many of the 50 new sites are going to bring their boats?; no control of this; ruins the property – why should I property owner be allowed to detriment the cove?; noise ruins my Saturday night; drove 100 miles to get here; important to my voice.

Robert Prendergast – I own next to lots 12 and 14; hold 28 boats and moorings; cement block with boat doing 360 degree swing; noise factor – have called the Sherriff; party boats and drinking and swearing; people on the docks all night long drinking and partying; not against the expansion; seen many near misses; harbor master?; game wardens – tickets and violations; it is too much for the lake.

David Benton, Sr. – not a soils engineer but have questions on leach bed plans – calling for 15” sandy loam for the boarder that will leach into the area soils – don't believe this to be thick enough for the terrain; Lee Jay – the Town had a third party engineers review the plans, also; Dave – size of leach bed elevations higher than the drainage ponds; don't think enough – should

be thicker material and heavier than just sandy loam; concerns on the wetlands/stream being affected; 3 sediment ponds that goes down and crosses to a stream and loops back to Little Ossipee Lake; concerned with McLucas Road as construction road – should only be used as emergency access; personal thoughts – docks need more study; sand bars could be a problem; need a harbor master. Dwayne – is there an alternative? Dave – increase the buffer; dumps into the wetland all the time – which does not dry up; needs to be a big concern for everyone. Judi – do you think water testing will work? Dave – turned to Jim and asked about testing. Lee Jay – in my recommendations.

Mary Ellen Bozza – feel misunderstood; only add 8 slips – replace moorings understand that no further to be added; news to me that partying on the docks; hardly ever go out on lake ; this past summer only saw the Sheriff two times; spoke with abutters - Gordon Littlefield said no noise heard, Paul Wiggins – no noise, Judi – less noise; the Game Wardens are very good when they come out – a good rapport with them also.

Robert Prendergast – feel directed at me – that many boats tied up to permanent docks; friends all around cove – have to close the windows in evening due to noise; goes on ‘til 11 or 12 o’clock; moorings-drop- can say they don’t want – 25 boats – rent to campsite but no boating – don’t mean to say bad neighbors – wife said they are not concerned.

Gerard Bergeron – been camping at Little Ossipee Lake Campground for the past 18 years; don’t see anyone sitting on boat; campground shuts down at 11pm; have not seen what is being said before.

Dwayne Prescott closed the Public Hearing at 7:23pm.

Dwayne opened the regular Planning Board meeting at 7:23pm.

III. MINUTES OF PREVIOUS MEETINGS

- **Minutes of December 20, 2017** – Judi Carll made the motion to accept the minutes of December 20, 2017. David Christensen seconded the motion. Vote 5 – 0, minutes approved.
- **Minutes of January 3, 2018** – David Christensen made the motion to accept the notice of non-meeting. No discussion. Vote 5 – 0, non-meeting notice approved.

IV. OLD BUSINESS

- **Discussion/Decision Little Ossipee Lake Campground Expansion – Conditional Use – Tax Map 7 Lot 052** – Dwayne – any discussion on the expansion project? Judi – garbage smells? Mary Ellen – the dumpster is on the McLucas Road side and he is on the Route 5/Sokokis Trail side. David C. – 1. Expansion is doubling use on the cross-walk - there is a congestion issue at the cross-walk; 2. Idea of dockage – central on the cove – wild west scenario – whoever gets there first gets the use of their docks; should come to terms with the others; check with Forestry, Game Wardens, etc. to see what can do – not sure if we can do this part; Planning Board mission to make sure abutters can use also; 3. Sand bar – erosion issue; 4. Route 5 side of the beach – erosion issue; need
 1. posi-measures to decrease the erosion; buoys at entrance of the cove and safety signs – swimmers in the water – jet skis, boats – could be a bad scenario. Judi – disagree with David C. – the boats do not go as fast as they go by my camp. David C. – surf-able

wakes – to increase traffic – how will you manage it? Need to own some of the responsibility. Judy – the comment I really heard – why should one property owner dominate the whole cove? – is there a way to lessen the impact? Dave Bozza – with the exception of three. Mary Ellen – out of the 80 current sites only 20-25% actually use the lake. Judy – ones that do cause congestion. Dave Bozza – putting pool in as there is no seating area on the beach at the lake – the pool will have the comfortable seating area. Dwayne – how can you control the moorings? Dave Bozza – we can control – no moorings if we say no moorings – they are then asked to leave. David C. – no intention to allow or use or put in any moorings – you are taking accountability? Dave Bozza – YES! We can control them. Dwayne – have docks and 5 moorings; add 50 sites and only increase with 11 slips? Judi – I know where the moorings are – will the docks go out that far? Dave Bozza – 96’ for moorings only 90’ for the docks. Mary Ellen – boats from the lake come to the cove and go round and round in the cove. Judi – Sunnyside Cottages 7 docks with 14 boats. Dave Bozza – 32 and 2 for Lakeside. Judi – hard time with this – we have no regulations to address this – what do we have – no teeth to regulate – only have safety – need more concrete info/reason for is or is not safe. Dwayne – to Lee Jay - can the Town use a condition to approve? Lee Jay – Dave Bozza said no moorings – so becomes an enforcement issue – struggled with Shoreland Zoning regarding docks – only way to regulate is folks around the lake – property owners have to have a harbor master – if limit length or number of docks – difficult issue – closest to come to conditions – Mr. Bozza has said will not do. Glenn – state regulates docks and moorings, Permit by Rule needed for a dock; MDEP can request a 3rd party inspector. Jim – less than 7 months then temporary. Glenn – Town is my jurisdiction. MDEP criteria – then Mr. Bozza will hire the 3rd party. Lee – I fish on the lake – simply put the lake is overcrowded! Judi – my camp is on the widest part of the lake – kids can’t swim as the wakes are over their heads. Dwayne – can the swim area be flipped? Judi – put no wake zone signs. Who regulates the signs? Glenn – the State does. Dwayne – recommendations from the Board? David Christensen made the motion to accept the conditional use with the following conditions of approval:

1. The Plans be revised prior to the start of construction to include a typical grass swale detail;
2. The plan set is revised prior to the start of construction to address the need for a berm between the perimeter grass swales and the campground collection swales;
3. The French drain inverts be revised prior to the start of construction to note where and how they will outlet;
4. The riprap plunge pool for the grassed underdrain UPD-1 be extended to the south to collect runoff from the swale as noted as elevation 346.0 by extending the riprap 10-15 feet which will accomplish this. This needs to be revised prior to the start of construction;
5. SD-6 pipe rip rap be extended to merge with the Bio retention swale at elevation 336.0. The plan shall be revised prior to the start of construction;
6. Fiber Rolls be added to the top of the slope to help slow the water coming off the area of lots 3 - 20. A detail shall be added to the plan set as well as the proposed location of the rolls prior to the start of construction;
7. The final site plan shall include the notes relating to the 3rd party inspection from

- the DEP order as well as the DEP order number;
8. The applicant shall provide a unit numbering system and street naming system for the e-911 system. This shall be coordinated with the Code Office and the Fire Department;
 9. The driveway access to the home on McLucas road be utilized for emergency access to the proposed pool and bath house or the internal access to the pool and bath house be redesigned to accommodate emergency vehicles;
 10. Provide a written narrative for the maintenance of the wooded buffers around the perimeter of the Campground;
 11. Prior to the start of construction there shall be pre-construction meeting(s) with the applicant's construction team, town staff and third party inspector in order for all parties to be on the same page during the construction process;
 12. Yearly maintenance logs for the bio retention filters shall be provided to the CEO for the files;
 13. Yearly testing to be done in August or September in Little Ossipee Lake at the outlet to the "cove" adjacent to Routes 202/5 in order to monitor water quality and the test results be provided to the CEO for record keeping;
 14. Additional Shade trees be added to the site between lots 3-20 at the top of the banking to provide shade for stormwater cooling and stabilization from stormwater due to the steep berm located between there and the base of the berm and bio retention cells;
 15. The applicant forego the installation of the proposed dock system until such time that the Maine DOT, Town of Waterboro staff and applicant can meet and agree on an appropriate crosswalk system to accommodate access over Route 5/Sokokis Trail (Gary will contact MDOT and advise that Mr. Bozza will be paying for the equipment.);
 16. The applicant shall only use McLucas Road for the construction process. After the applicant has videotaped the entire road length from Ossipee Hill Road to the emergency entrance of the campground on McLucas Road and any infrastructure that could be affected by the construction activity and establish a bond for the road in conformance with Article 12 section 12.4 of the zoning ordinance;
 17. The applicant shall provide a "Knox" box at the emergency access on McLucas Road; and
 18. The applicant will submit separate waivers for the trash receptacles being more than 500' from all camping sites and the bathhouse being more than 500' from all camping sites.
 19. When the campers register they will also provide the registration number of the boat that they will be using.

Judy Wirth seconded the motion. Further discussions: not use McLucas Road during construction, alleviate Route 5/Sokokis Trail; camera pre and post review, Mr. Bozza will replace and/or fix if anything takes place on McLucas Road; Dave Benton – Bond; Dwayne – please come up with a price. No further discussions. Vote 5 – 0 motion carries expansion approved with conditions.

The Board will take a five minute break.

Dwayne Prescott called the regular Planning Board meeting to order at 7:53pm.

IV. Old Business (con't)

- **Review of Planning Board meeting time change** – Dwayne asked the Planning Board members their thoughts on changing the start time of the Planning Board meetings. David – permanent change in time. Judi – do not agree. Lee – yes agree to change. Judy – yes agree to change. David Christensen made the motion to change the meeting time of the Planning Board to permanently at 6:30pm. Lee Nelson seconded. No discussion. Vote 5 – 0 approved permanent time change.
- **By-Law up-date** – Tammy will amend the Planning Board Bylaws for the next meeting.

V. COMMUNICATION

VI. MISCELLANEOUS

VII. ADJOURNMENT

- Judi Carll motion to adjourn at 8:22 pm. David Christensen seconded the motion. No discussion. Vote 5 - 0 in favor. Meeting Adjourned.

VIII. ITEMS NEEDING SIGNATURE

- **Minutes of December 20, 2017**
- **Minutes of January 3, 2018**

Approved Date:

February 21, 2018

[Signature]

[Signature]

Dwayne Prescott

Justin Alwert

