

**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**June 2, 2021**  
**6:30 p.m.**

**I. ROLL CALL**

Present: David Christensen, Vice-Chair (ZOOM) Debra Burrows (ZOOM) Lori Anthony (In Person)  
Diane Gray (In Person) Edward Zelmanow (In Person)

Absent: Devin Chamberlain Michael Provencher

Others: Angela Chute David Lowe Dennis Abbott (ZOOM) Gary Lamb (ZOOM)  
Lee Jay Feldman (ZOOM) John Wilkinson Cindy Dumond  
Amy Beth Lucarelli (ZOOM) Clyde Smith Karen Hart Howard Foss  
Andy Morrell –BH2M Jaylan Archer Jim Wersackas Julia Wersackas Jen Archer

Lori stated a quorum was met with members present and the meeting was called to order at 6:30pm.

**II. MINUTES**

**III. PUBLIC HEARINGS**

- Ivory Hills Subdivision – Roberts Ridge Road  
John Wilkinson & Cindy Dumond on behalf of Regina & Ivory Libby

David Christensen made a motion to bring the public hearing for Ivory Hills Subdivision forward, second by Diane Gray. Lori Anthony declared the public hearing open for public comment.

**Amy Beth Lucarelli** – daughter of Richard Brandt spoke regarding a boundary dispute that has dated back to the 40's. They have hired an attorney as well as a land surveyor and Old Port Title working on it. This boundary dispute pertains to Lot 3 to which her family has been paying taxes all along. She understands this is a civil issue but felt she needed to be heard. Amy stated that it hadn't been pursued earlier as they didn't realize there would be a big issue as they have been paying taxes on it all along and it wasn't an issue at the time.

**John Wilkinson** stated they have clear title searches and title insurance to back that up. They've had 2 surveyors involved but does agree that the tax map does differ in comparison to the surveys. His question is if this has been an issue since the 40's why is it just now being brought up and not dealt with sooner.

**Karen Hart** is an abutter on the back side of the project property for 30+ years. What is the impact on Cook Brook and residents below the property regarding the flow and potential increased volume of water? Also wondering what type of houses will be build, will they be conventional, modular, or mobile homes? Can the property be divided again? Does the subdivision change any future uses of her land? Would there be any blasting?

**John Wilkinson** stated that the deeds will restrict mobile homes from being placed on the property, that he assumes they will be stick built or modular but he can't say which as they are only selling off the lots and it will be up to the purchaser on which direction they go. He stated that there will only be 2 additional homes there so he doesn't see any impact on the brook as it's barely flowing now. There could potentially be some blasting but that won't be a clear answer until the site is under construction. John didn't see how the subdivision would affect her land as it's only abutting, there's no developing going on back there.

**Diane Gray** just requested clarification that it was Lot 3 that was in question.

**Edward Zelmanow** stated they needed to move off the issue and continue as this was a civil matter.

**Lori Anthony** inquired as to any further public input, none being heard, closed the public hearing at 6:48pm.

#### **IV. NEW BUSINESS**

- Marijuana Grow Only Facility – 746 Sokokis Trail  
Andy Morrell – BH2M on behalf of James Wersackas

**Andy Morrell** gave a brief overview of the project which consists of an existing residential home, existing 40' x 60' garage, and a new 40' x 90' building, with an existing entrance. The existing driveway will be widened to 20' to accommodate fire apparatus, underground utilities going to the new building, parking stalls to be expanded upon to meet the 200 sq. ft. requirement for the 9 lot parking lot. The application contains explanations regarding the security plans, odor control plans, new subsurface waste water plan.

Board discussion followed regarding odor control plans and what are the standards for control, is it ppm or something like a certain number of complaints from people. Discussion surrounding the security to the facility and what the track record has been for other facilities like this and how will the security be managed. Who / what will occupy the existing residential house? What are the plans for the 2<sup>nd</sup> floor of the garage? Will there be any signs? What will the loading area look like regarding doors and entrances?

**Lee Jay** stated there are no odor control standards for the state nor does the town have any standards. The state highly regulates grow facilities with former police officers involved with their regulations management as well as weights and measures regulations. When it comes to complaints the first point of contact will actually be the Code Enforcement Officer who will work with the owners to address any complaints.

**Jim Wersackas** explained that his daughter and son will reside in the existing residential home on sight, that there is no second floor to the garage. The loading area will be your standard 3ft door but they may retain one garage door but that is not definite yet.

**Lori Anthony** stated the fire engine turn around can't be blocked by a car so space #9 will have to be corrected to reflect no parking. The plan will need a signature block added to it.

Board discussion regarding when they'd like to see revised plans with the consensus being after the public hearing and site walk. These revisions will also include showing the expansion of the driveway width, landscape plan, knox boxes as well as parking spot #9 no parking, expansion of parking spaces to 200 sq.ft.

David Christensen made a motion to find the application complete with the recommendations from Lee Jay's memo and board members this evening. Second by Edward Zelmanow.

**Roll Call Vote:** David Christensen – yes                      Debra Burrows – yes  
Lori Anthony – no                      Diane Gray - yes  
Edward Zelmanow - yes

Vote: 4-1, motion passes to accept the application as complete.

#### **V. OLD BUSINESS**

- Ivory Hills Subdivision – Roberts Ridge Road discussion

Board discussion regarding the boundary dispute but they have an application and plans that meets standards, but if they approve what are their consequences? Could courts make it a legal non-conforming lot and could developer still build? Regarding the final plan for signatures and recording, a small location map would need to be placed on the plan, culvert location for the driveway on Lot 1, abutters across the street, residents on Lots 1 & 3 to have residential sprinklers, driveways built as shown on the plan, and shall comply with all oral and written statements.

**Lee Jay** explained they have a stamped survey, that the property dispute is a civil matter. If the court rules in the Brandt's favor, the court decision stands, we don't get involved. They could still have a legal non-conforming lot of record. Since we have stamped surveys this is an all or nothing bet. The court decision would have to be recorded and tax maps would have to reflect the decision. In the findings of fact a statement can be added "There is a boundary discrepancy on Lot 3 and the other 2 lots are not affected."

**David Christensen** made a motion to approve the subdivision subject to conditions of approval put forth by Lee Jay. Second by Debra Burrows.

**Roll Call Vote:** David Christensen – yes                      Debra Burrows – yes  
Lori Anthony – yes                      Diane Gray – yes  
Edward Zelmanow - yes  
Vote: 5-0, motion passes to approve Ivory Hills Subdivision

## **VI. COMMUNICATION**

## **VII. MISCELLANEOUS**

### ➤ How to improve upon Public Hearings

**Gary Lamb** opened up with what is a public hearing vs. what a public hearing is not. Public Hearing is just that, to receive public comments / concerns. You don't have to answer questions if you don't feel you should and make sure to keep comments / concerns directly related to the issue at hand.

Recognize the citizen, thank them, move on. If the public hearing seems to be going off track, take control of the hearing and offer an appointment with the Town Administrator or Town Planner or both if they request.

**Lee Jay** stated it was a time to sit and listen to public comment, and not a time for dialogue.

**Dennis Abbott** explained it's not a time for debate, take input from the public and stay focused.

Board asked for guidance on time limits on how long someone can speak. Lee Jay stated that call would be made by the Chairperson and could limit to say 3 minutes should the Board choose.

**Gary Lamb** also mentioned to keep an eye on CDC guidelines coming in the near future for upcoming public hearings regarding building occupancy numbers.

**Lee Jay** stated that he will be following it closely as well. 30 days after proclamation goes away regarding state of emergency they have to return to in person meeting, though at this time there is legislature in the works to permanently allow ZOOM participation.

## **VII. ADJOURNMENT**

- Edward Zelmanow made the motion to adjourn. David Christensen second the motion. No discussion.

**Roll Call Vote:** David Christensen – yes                      Debra Burrows – yes  
Edward Zelmanow – yes                      Lori Anthony – yes  
Diane Gray - yes  
Vote: 5-0, motion passes, meeting adjourned at 7:45pm

## **VIII. ITEMS NEEDING SIGNATURE**