

# TOWN OF WATERBORO

## *PLANNING BOARD*

### *MEETING MINUTES*

*June 29, 2022*

**6:30 p.m.**

**Site Walk: Clarks Bridge Road Crossing all Planning Board members present. Todd Abbott, “Joe”, Dana Libby, Mark Patterson, Steven Bourque, and Dean Williams also present.**

## **I. ROLL CALL**

Present: Lori Anthony    Rebekah Higgins    Diane Gray    Clyde Smith    James Farias    Stacie Walker

Absent:

Others: Michael Gilpatrick    Dean Williams    Jason Champion    Todd Abbott    Danny Bouzianis  
John Wilson    Lee Wilson    David Wallace    Mark Patterson    Steven Bourque    Dana Libby  
Aaron Hunter    Dwayne Woodsome    Dave Lowe    Angela Chute

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

## **II. MINUTES**

### **III. PUBLIC HEARINGS**

- 0 Sokokis Trail, Marijuana Grow – Robert Shubert  
This project was placed on this agenda in scheduling error and is scheduled for Public Hearing on July 6, 2022. Motion made to move to July 6, 2022 agenda and remove from this public hearing schedule by Clyde Smith, second by Rebekah Higgins.  
**Vote: 6-0, motion passes**
  
- Clarks Bridge Crossing – Dana Libby, Corner Post Surveying  
Representing Mark Patterson for an 11 lot subdivision on Sokokis Trail and Clarks Bridge Road. All driveways meet site distance requirements and the driveways on Sokokis Trail have received their DOT entrance permits. Sokokis Trail will have 3 driveways for 5 houses with 4 houses sharing 2 driveways.

Public Comment opened at 6:32pm.

Todd Abbott, N. Waterboro – Waterboro Land Trust Committee member and was also a member of the Comprehensive Plan Committee. Why was this not a cul-de-sac or contain a drive through road from Route 5 to Clarks Bridge Road. Request they look back at the Comprehensive Plan, we’ve had a marina built that was not approved in the plan, there’s a subdivision on Deering Ridge Road with 5 driveways. He understands it’s tough to tell someone what to do with their land but how many more houses do you need to put on a road? Rural character his highly valued in Waterboro and we already have a lot of traffic and now adding more.

Mark Patterson stated they’ve looked at everything and looking to sell the lots for \$45k-\$50k per lot. Now the requirement of cross culverts will change everything. The cost of a road increases cost approximately \$100.00 per foot in the last 6 months and they have to keep the cost of the lots down. They’re looking to build homes that people will purchase based on road frontage. With the project they’ve started at the Waterboro Safe Storage they’ve already hit ledge and had to adjust accordingly.

Dana Libby stated they've actually lost a lot due to wet areas in the parcel, originally the subdivision was supposed to be 12 lots and is now down to 11 lots.

Dean Williams clarified that the towns Comprehensive Plan was not accepted / recognized by the State of Maine.

Todd Abbott came back and stated so what he was hearing from the contractor is they are not willing to do an interior road. The subdivision has open space which is supposed to have access by all in the subdivision. Lots 6 & 7 have no access to that open space. Sokokis Trail has shared driveways, can lots 1-3 on Clarks Bridge Road also have shared driveway?

Dana Libby explained there will be no HOA, there is an easement for Lot 7 but none for Lot 6 at this time. Shared driveways can be done but become a nuisance to homeowners and the State DOT required reduced curb cuts but the Town of Waterboro does not require.

No further public comment, public hearing closed at 6:50pm.

➤ 40 Sokokis Trail, Waterboro Crossing – Delphi Holding LLC

Aaron Hunter of Sebago Technics gave an overview of the project consisting of 1 proposed retail building, 1 proposed office space building, and 8 self-storage buildings. Staff site walk following the last meeting changed the 1<sup>st</sup> entrance to an enter only, moved parking spaces back to allow for greater turning radius, widened the driving isles, pedestrian walkways added, and signage for no exit. Following that site walk and plan adjustments they received approval from the fire department allowing the project to move forward based on the updated plans.

Public Comment Opened.

Don Wilson, 52 Sokokis Trail - Relieved to see the tree buffer in place that is to remain. Will there be any fence for additional privacy? Speaking to rural character, will there be shops with lights that will remain lit 24/7?

Danny Bouzianis stated the lights shut down approximately 30-60 minutes post-closing to allow employees to safely get to cars etc.

Aaron Hunter further expanded on the lighting that the lighting will be consistent with the lights that are currently there.

Jason Champion asked if they have heard back from DOT regarding a proposed entrance only for Fire Department access.

Aaron Hunter stated they did not pursue that after making the changes to the plans and that it would add cost to the project and gated needs.

No additional public comment, public hearing closed at 7:00pm.

➤ Mobile Vending Ordinance Amendment opened at 7:00pm

Dean Williams stated the existing ordinance required that the food trucks be moved from the site daily. The ordinance amendment allows the vendor to stay on site and not be removed daily provided the site & location has been approved by the Code Enforcement Officer. If a vendor wanted to have 2 or more food trucks on a site they will be required to come back to the Planning Board for approval. The definition of Food Truck will also be included in the Zoning Ordinance.

Dwayne Woodsome stated that the cost of moving units has become more costly and the potential for food loss is greater due to temperature change during a move.

David Wallace stated other towns are allowing multiple trucks per sites and it's coming this way.

No further public comment, public hearing closed at 7:06pm.

#### IV. OLD BUSINESS

➤ 0 Sokokis Trail, Marijuana Grow

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**Vote: 6-0, motion passes**

➤ Clarks Bridge Crossing – Dana Libby, Corner Post Surveying

Jason Champion, Waterboro Director of Public Works requested that cross culverts be changed and that the driveway entrance aprons be paved for the 1<sup>st</sup> 12 feet.

Dean Williams recommended that Jason's requests be included in approval.

Mark Patterson asked when the road was rebuilt. Dwayne Woodsome stated that it was rebuilt in the '80's then repaved from the hill to Route 5 in the '90's as that is a State ROW. Mark went on to inquire if paving the entrances was in the ordinance or is it a recommendation? Dean stated that in the ordinance it is worded as "Based on recommendations of Director of Public Works." Mark expressed concern regarding the price per culvert and paving including flaggers. House prices are a concern so the added cost of culverts and paving that will be torn up during snow plowing is concerning. Driveways are already 150' to 200' due to nitrate plumes.

Lori Anthony inquired as to what DOT requires at their driveway cuts. Dana Libby stated they require paved apron then stated it's actually not required. Mark Patterson stated that they avoid shared driveways at all costs.

Rebekah Higgins stated she agrees with the cross culverts but expressed great concern regarding the cemetery and the Mill Pond. She also agrees with the Comprehensive Plan and we should look at that, this is not the vision for North Waterboro.

Diane Gray asked Jason Champion to elaborate on the request for paving the driveway aprons. Jason explained it allows the edge of the road to be preserved and alleviate cracking. Mark Patterson expressed that they utilize bank run gravel and crushed rock. Stacie Walker asked if we have had issues with washouts and runoff since the reconstruction or is it solid. Jason stated he wouldn't say it's solid but the ditches are doing their job, the current culverts are rusted and collapsing. Mark Patterson stated the houses have drip edges that slow the water down and allows the water to better drain.

Dwayne Woodsome stated the culvert in front of the cemetery was installed in '63 and the others went in roughly '83 or '84 so they're going on 40 & 55 years old. Mark Patterson stated that when they replace cross culverts there's a road cut then you have seams. He'd like to explore slip culverts vs. culvert replacement. Lori Anthony asked if they would be doing an invert at the ends of driveway culverts. Dana Libby stated they'd rather not do an invert as they have to do grade work. Mark Patterson provided further stating that they

would be pulling driveway applications for each driveway entrance and Jason stated he would be inspecting culvert placement and driveway construction.

Diane Gray also expressed concern regarding the cemetery and unmarked grave sites and asking what they can do to help protect those sites. Jason stated those are private property, we have no jurisdiction and nothing we can do. Dana Libby stated the only solution would be rip rap but as Jason stated it's private property.

Dean Williams stated that the driveways are not in compliance at this time, the ordinance requires 24' drivable surface. Dana Libby stated they would be revising plans to reflect that requirement.

Lori Anthony asked the Board their feelings about the culvert replacement, Dana Libby reminded they still have another step to go being the Final Plan, and Mark Patterson said you can condition us to work with the Director of Public Works, with Jason Champion stating he prefers the condition of culvert replacement. Dean Williams clarified the 24'x15' is drivable surface and the 12' pavement request is for the apron only. Mark Patterson said the revised plans would have the removal of the culvert at lot 3 as there isn't one there, Lot 6 will have an easement to the open area, and show the driveway changes 24' of drivable surface for the first 15' of the driveway.

Motion made by Clyde Smith to approve the Preliminary Plan, second by James Farias.

**Vote: 6-0, motion passes, Preliminary Plan of Clarks Bridge Crossing approved.**

➤ 40 Sokokis Trail, Waterboro Crossing – Delphi Holding LLC

Danny Bouzianis stated CMP may not need the transformer to be on a pole but if we do it will be on the final construction drawings. Right now it is too close for plows. Clyde Smith asked if there was a concern of arc flash and Danny stated there is a safety concern.

Lori Anthony stated on the photo metrics plan you can't read the #'s and asked about the distance of 0 candle power. Aaron Hunter stated there would be nothing over the property lines, lights would be pack lights on the building and light poles with LED cut-offs. Stacie Walker asked if the storage units will be 24/7 and if so will there be lights on and off? Danny stated it probably won't be 24/7 but if it is then there would be motion sensor lighting.

A waiver has been requested for the 10' green belt buffer which included the location of the dumpster and is only a 25' section to accommodate turning radius. The waiver is only for that 25' section.

Lori Anthony questioned the outdoor storage of RV's and boats and the potential for oil and gas leakage on slopes. Aaron Hunter explained it would be picked up through catch basins and filtration and will go through DEP permitting. The only thing going off site would be the drainage from the slopes. Lori stated the septic leach beds, building 2 shows a larger system and says restaurant and building 1 shows a smaller system. Aaron stated the systems are over designed in case of a change of use including a restaurant, the system is already in place. Lori reaffirmed a restaurant would require PB approval but the septic system wouldn't need replacement and stated they may need to condition regarding change of use.

Jason Champion asked about the buffer along the front of the building between the parking and sidewalk and if it would be the same as the existing building. Aaron stated they would be carrying the same buffer along the front.

When asked about the buildings being sprinkled it was noted that the buildings are not required due to size.

Lori Anthony asked Dean Williams that if change of use if they come back to the Planning Board and he stated they could condition it that way. Angela Chute explained that if it is an allowed primary use within the zoning district then the change could be handled at the Code Enforcement level but if the change is a conditional use it would have to come back to Planning Board and that the Code Enforcement Officer would require that. She stated if there's a substantial trip change then that will be a concern.

No further Board discussion.

Diane Gray made a motion to approve the application, second by Clyde Smith.

**Vote: 6-0, motion passed, application approved.**

Lori Anthony stated they would also need to approve the 10' green belt buffer waiver and requested a motion to approve the waiver. Clyde Smith made a motion to approve the waiver, second by James Farias.

**Vote: 6-0, motion passed, waiver granted.**

- Mobile Vending Ordinance Amendment  
No Board discussion.

Lori Anthony made a motion to approve the Mobile Vending Ordinance Amendment and return it to the Selectmen, second by Rebekah Higgins.

**Vote: 6-0, motion passed, amendment approved and returned to Board of Selectmen.**

## **V. NEW BUSINESS**

- Review of memo to Board of Selectmen regarding request for amendment to Marijuana Ordinance. Memo read, stating no amendments made, no corrections or edits.

Rebekah Higgins made a motion to submit memo to the Board of Selectmen, second by Clyde Smith.

**Vote: 6-0, motion passed, memo forwarded to Board of Selectmen**

## **VI. COMMUNICATION**

- LD2003 Presentation Materials

## **VII. MISCELLANEOUS**

## **VII. ADJOURNMENT**

- Diane Gray made the motion to adjourn. Rebekah Higgins second the motion. No discussion.

**Vote: 5-0, motion passes, meeting adjourned**

## **VIII. ITEMS NEEDING SIGNATURE**