

**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**February 21, 2024**  
**6:00 p.m.**

**I. ROLL CALL:**

Present: Rebekah Higgins, *Chair*, Rick Madruga, James Farias, Diane Gray

Absent: Stacie Walker, *Vice Chair*

Others: Angela Chute, Mike Gilpatrick, Mikala Jordan, David Lowe, Dennis Abbott, Jay Braunscheidel, Stephen Everett

Rebekah Higgins, *Chair*, called the meeting to order at 6:00 p.m.

**II. MINUTES**

January 17, 2024 – motion made by Diane Gray to accept as written, seconded by James Farias.

**Vote: 4-0, motion passed, minutes accepted as written**

February 7, 2024 – motion made by Diane Gray to accept as written, seconded by Rick Madruga.

**Vote: 4-0, motion passed, minutes approved as written.**

**III. PUBLIC HEARING**

No public hearings scheduled

**IV. OLD BUSINESS**

**628 Main Street, Waterboro – Conditional Use Application**  
**Michael Gilpatrick**

Just a little background data from Michael Gilpatrick regarding shed permits in 2023. In 2023 there were 23 shed permits with 3 particular manufacturers noted, Shed Happens, Hill View Mini Barn, and Old Hickory, not for habitable space. There have also been several stick built by homeowners. The Hill View Mini Barn was the number one manufacturer with the model “Hillview High Wall Cottage” with the word Cottage. An implied usage is not fair. Waterboro Library was a Hillview Mini Barn as an accessory storage building. Clarification of the usage located at 628 Main Street was the usage for the goats. Rick Madruga questioned, it’s not the shed that is the violation it’s the actual goats and Diane Gray understanding the “implied” use is “mini barn.” Michael stated that the applicant is already working on a nutrient plan.

**Jay Braunscheidel - Bernard Height Abandonment**

Jay is a Forester and also a minor employee for Climate Forest LLC and is here to answer any questions regarding the request to abandon Bernard Heights. Board expressed concerns for 2 existing homeowners and how the abandonment will affect them. Michael Gilpatrick stated this won’t affect them, they will be viewed as stand alone lots. There are no HOA documents, no road bond was ever put in place, just deed restrictions in place. The 2 lots would be legal lots of record and not held to any cisterns etc. There was no need to notify the property owners and the entire procedure came from MMA Manual Appendix 9. The abandonment would

eliminate 9 lots and would go back into tree growth. They would essentially be swapping tree growth with Waterboro Woodyards. The Board stated they were more concerned with protecting the 2 properties with homes already on them. Jay clarified it's the tree growths that overlap not the actual properties.

Rebekah Higgins requested a motion to recommend to the Select Board the Abandonment of Bernard Heights Subdivision. Rick Madruga made the motion, seconded by Diane Gray.

**Vote: 4-0, motion passed to recommend to Select Board the abandonment of Bernard Heights Subdivision.**

## V. NEW BUSINESS

### ➤ Stephen Everett – Zoning Change Request

Stephen is a land surveyor who is encountering more and more clients requesting potential zone change, and contract zones. As seen in his memo, he mentions Chadbourne Ridge Road, Middle Road, and West Road. The graphic provided is the focus but he's also here to start conversation of eliminating the FA Zone (Farm & Agriculture Zone). Looking to visit the zone change for future development and LD2003 and the housing crisis. Right now this particular client is looking to develop an area on Chadbourne Ridge Road. Stephen stated he's unsure of the whole process to change a small portion but maybe they need to look at the whole FA zone instead of just this portion of it.

Board discussion regarding why FA exists and setback requirements. Currently FA zone requires 50' side and rear setbacks and 100' front setback. At the time of zoning a lot of Waterboro was being farmed and a lot is still forested. Even if the zone did change it would be up to the landowner if they wanted to divide the property up. The most recent zone change was the expansion of the Village Zone.

Mikala Jordan stated it's a multi-step process. First it impacts multiple property owners, 2<sup>nd</sup> does it line up with the Comprehensive Plan and future uses and/or goals, and third would be to hold public hearings.

Continued Board discussion regarding the pros and cons with one being pointed out that most people build or live where they do because of zoning. Mikala pointed out the uses are different too, where AR has 19 permitted uses, 21 conditional uses where FA is far more restrictive. Some areas can sustain a higher density, but the uses and purpose should align with the Comprehensive Plan. West Road and Middle Road are primary routes, Orchard Road and Strout Lane were County Roads. The lot in current question is 10 acres but it doesn't make sense just for that property. What does this mean for development? Board felt there is definitely research to do and convene a workshop for March 20, 2024.

### ➤ Michael Gilpatrick - Floodplain Management Ordinance

The model is driven by the past 6 years of work done by FEMA. The current flood maps are out dated with the Coastal Region seeing the biggest change. Waterboro has kept up pretty good. Accessory structures (garages) are allowed in certain flood areas without being above flood level but must have engineered openings. There is a special flood permit, one time fees have been applied as recommended by FEMA. The new maps will become active July 1, 2024. If we fail to comply the town will be removed from the National Flood Insurance. The Select Board is looking for a recommendation from the Planning Board for adoption of the updated policy as provided by the State of Maine.

Motion by Diane Gray to recommend to move back to the Board of Selectmen for adoption, seconded by Rick Madruga.

**Vote: 4-0, motion passed, Floodplain Management Ordinance moved back to Board of Selectmen.**

## **VI. COMMUNICATION**

None

## **VII. MISCELLANEOUS**

- RSU 57 Site Plan Review documents are here for review and will be coming for their first meeting on March 6, 2024. Staff review has been completed, copy of current engineered septic report, and recommended screening from the baseball field have been added since the staff review.
- Viktor Garnik-LADA has submitted for a Conditional Use Permit. This location has been in violation for several years, with the original proposal only allowing 9 cars onsite. The applicant states he needs several cars for auto body and has submitted his business plan, plot plan with proposed layout of his cars. Mr. Garnik will also be coming on March 6, 2024.

## **VIII. ADJOURNMENT**

Motion by Rick Madruga; seconded by James Farias. No discussion.

**4-0 Vote; Motion passes**