

**TOWN OF WATERBORO**

**PLANNING BOARD**

**MEETING MINUTES**

January 2, 2019

6:30 p.m.

**There was no Planning Board meeting held on January 2, 2019.**

Approved Date:

February 6, 2019

Wynne Prescott

Dei B. W. Anthony

John Lunn

Reed Cole

Mark

Sal H.

John D. Yip

**TOWN OF WATERBORO**

**PLANNING BOARD**

**MEETING MINUTES**

**January 16, 2019**

**6:30 p.m.**

**There was no Planning Board meeting held on January 16, 2019.**

Approved Date:

February 6, 2019

Ken R. W. Condit

Wayne Proctor

John Lunn  
Full Council

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# **TOWN OF WATERBORO**

## ***PLANNING BOARD***

### ***MEETING MINUTES***

***February 6, 2019***

**6:30 p.m.**

#### **I. ROLL CALL**

Present: David Christensen, Chair   Judi Carll, Vice-Chair   Lori Anthony, Secretary  
Dwayne Prescott   Lee Nelson   Sam Hayden   John Noel

Absent:

Others: Lee Jay Feldman   Tim Neill   Glenn Charette   Dave Lowe   Tammy Bellman

David Christensen, Chair, called the Planning Board meeting to order at 6:30pm on February 6, 2019.

David stated a quorum has been met with the members present tonight.

#### **II. MINUTES**

- **October 17, 2018** –Judi Carll made the motion for the minutes of October 17, 2018 be approved as presented. Lori Anthony seconded the motion. No discussion. Vote 5 – 0 – 2 (Hayden and Prescott absent) minutes approved.
- **December 5, 2018** - Lori Anthony made the motion to accept as presented the minutes of December 5, 2018. Sam Hayden seconded the motion. No discussion. Vote 6 – 0 -1 (Dwayne Prescott absent) minutes approved.
- **December 19, 2018, January 2, 2019 and January 16, 2019** – John Noel made the motion to acknowledge that no meetings were held on December 19, 2018, January 2, 2019 and January 16, 2019. Dwayne Prescott seconded the motion. No discussion. Vote 7 – 0 non-meeting minutes approved.

#### **III. NEW BUSINESS & PUBLIC HEARINGS**

- **Election of Secretary** – Dwayne Prescott made the motion to move Lori Anthony to the regular Secretary position. Judi Carll seconded the motion. No discussion. Vote 7 – 0 Lori elected Secretary.

#### **IV. OLD BUSINESS**

#### **V. COMMUNICATION**

- **East Waterboro Storage – Maine DEP Site Location of Development Findings of Fact and Order** – the Planning Board reviewed the Findings and had no questions.
- **Workshop & Training Opportunity for Planning Board members** – Members will let Tammy know if they wish to attend.

## VI. MISCELLANEOUS

## VII. ADJOURNMENT

- Judi Carll made the motion to adjourn at 6:36 pm. Lee Nelson seconded the motion. No discussion. Vote 7 - 0 in favor. Meeting Adjourned.

## VIII. ITEMS NEEDING SIGNATURE

- Minutes of October 17, 2018
- Minutes of December 5, 2018
- Minutes of December 19, 2018
- Minutes of January 2, 2019
- Minutes of January 16, 2019

Approved Date: March 6, 2019

Christyne Prescott

Lee B.W. Anthony

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**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**February 20, 2019**  
**6:30p.m.**

**The Planning Board meeting on,  
February 20, 2019, was a workshop continuing the review of the  
Land Subdivision Regulations of the Planning Board;  
starting with Article 6.**

Approved Date: March 6, 2019

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Leo B. W. Anthony

John

Mike

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# TOWN OF WATERBORO

## *PLANNING BOARD*

### *MEETING MINUTES*

*March 6, 2019*

**6:30 p.m.**

#### **I. ROLL CALL**

Present: David Christensen, Chair   Judi Carll, Vice-Chair   Lori Anthony, Secretary  
Dwayne Prescott   Lee Nelson   John Noel

Absent: Sam Hayden

Others: Doug Foglio, Jr.   Suzanne Foglio   Lee Jay Feldman   Tim Neill  
Glenn Charette   Dave Lowe   James Southworth   Tammy Bellman

David Christensen, Chair, called the Planning Board meeting to order at 6:30pm on March 6, 2019.

David moved Old Business to the front of the agenda.

#### **II. OLD BUSINESS**

- **FOMEZ Development, LLC - Stormwater Review and Road Maintenance Agreement** – Lee Jay Feldman – no issues with the Stormwater Management review or the road maintenance agreement – it is pretty standard. Dwayne Prescott made the motion to approve the Stormwater Review and the Road Maintenance Agreement. Lee Nelson seconded the motion. No discussion. Vote 6 – 0 both documents were approved. This completes the approval conditions of the FOMEZ Development, LLC subdivision called Woody Knoll.
- **Minutes of October 17, 2018 amendment to the minutes** – Tammy explained what had taken place with the missed wording on the motion on the approved October 17, 2018 minutes for the Shoreland Zoning Ordinance motion and the motions before them would correct the miss-wording for that particular motion. If approved tammy will hand write the correct wording on the October 17, 2018 minutes. Dwayne Prescott made the motion to amend something previously adopted to ask the Board of Selectmen to include into the Waterboro Zoning Ordinance a clause that says the Shoreland Zoning Ordinance will comply with all setbacks within the Waterboro Zoning Ordinance. Seconded by Lori Anthony. No further discussion. Vote 6 – 0 to change the motion on the October 17, 2018 Planning Board's meeting minutes to read as noted in this motion.
  - Dwayne asked to have a Planning Board member at the Board of Selectmen's meeting when the above request goes before the Board of Selectmen. David suggested that Tammy reach out to the Board of Selectmen and Town Manager to assure that this will be on the nearest meeting date for the agenda item to be placed. Tammy will then confirm back to the Planning Board that it has been scheduled – any Planning Board member will then be able to

attend. Tammy will email Gary Lamb and Sherry Nadeau for the agenda information.

- Tim Neill noted that it was still under legal review. Dwayne responded that the same legal review of three months ago. David interjected that the process has been discussed and is in place to ensure this moves forward.

- **Shoreland Zoning Ordinance – reduce setbacks up-date** – Glenn Charette, CEO up-dated the Planning Board regarding the placement of the clause to be included in the Waterboro Zoning Ordinance. Glenn noted that the Code Office, Town Planner and Planning Board were on the same page with what was attempting to be accomplished with the Waterboro Zoning Ordinance. The attorney believes that the change needs to go into the Shoreland Zoning Ordinance rather than the Zoning Ordinance – emails have been sent requesting the location to place the information in the Shoreland Zoning Ordinance. At this time no response has been received. He will keep the Planning Board up-dated as information is received.

### **III. NEW BUSINESS & PUBLIC HEARINGS**

- **Change of Zone Request Form – revision/up-date** – Tammy explained that the changes that are noted on the Change of Zone Request are required due to the Waterboro Zoning Ordinance changes. As I come across the documents that accompany the Zoning Ordinance use the documents will come before the Board to be amended. Dwayne Prescott made the motion to accept the changes. John Noel seconded the motion. No discussion. Vote 6 – 0 changes accepted.

### **IV. MINUTES**

- **February 6, 2019** – John Noel made the motion to accept as written. Dwayne Prescott seconded the motion. No discussion. Vote 6 – 0 minutes approved.
- **February 20, 2019** – Lori Anthony made the motion to accept the workshop minutes of February 20, 2019. Judi Carll seconded the motion. No discussion. Vote 6 - 0 workshop minutes approved.

### **V. NEW BUSINESS & PUBLIC HEARINGS**

### **VI. COMMUNICATION**

### **VII. MISCELLANEOUS**

- Lee Nelson inquired about the receipt of the Sign Ordinance information. Glenn shared that this will be the next ordinance information that will need to reviewed and brought up to current standards. No action to be taken or reviewed at this time. The Planning Board was asked to review it at their leisure. David added that only one ordinance will be reviewed at a time.

### **VII. ADJOURNMENT**

- Judi Carll made the motion to adjourn (6:48 pm). Dwayne Prescott seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned. A five minute break was taken before the start of the Land Use Regulations of the Planning Board workshop, starting with Article 7.

## VIII. ITEMS NEEDING SIGNATURE

- Minutes of February 6, 2019
- Minutes of February 20, 2019

Approved Date: April 3, 2019

Metairie Prescott

Lois B. W. Anthony

John W. Anthony

Michelle Anthony

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**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**

March 20, 2019

6:30 p.m.

**The Planning Board meeting scheduled for March 20, 2019 was cancelled due to a lack of a quorum.**

Approved Date: April 3, 2019

Norman Prescott

Lee B. W. Anthony

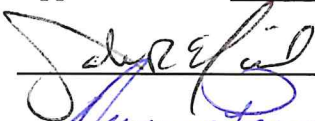
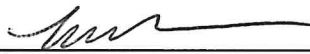
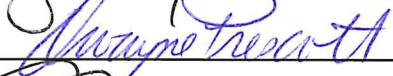
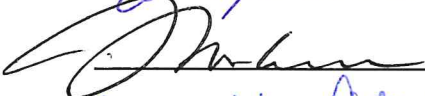
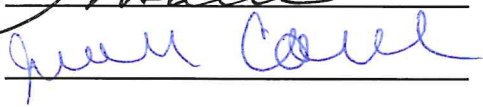
John L.

Michael Core

**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**  
*April 17, 2019*  
*6:30p.m.*

**The Planning Board meeting on,  
April 17, 2019, was a workshop continuing the review of the Land  
Subdivision Regulations of the Planning Board;  
continuing Article 9.**

Approved Date: May 15, 2019

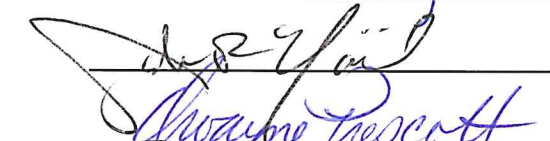
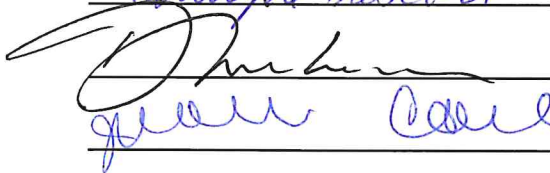
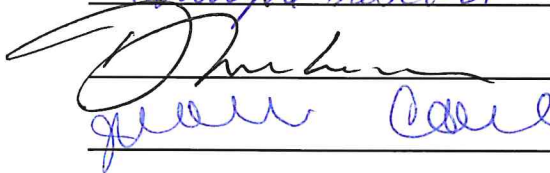
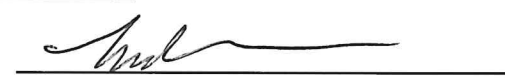
	
	
	
	

**TOWN OF WATERBORO**  
***PLANNING BOARD***  
***MEETING MINUTES***

May 1, 2019  
6:30 p.m.

**The Planning Board meeting scheduled for May 1, 2019 was cancelled due to a lack of a quorum. All agenda items were moved to the May 15, 2019 Planning Board Agenda.**

Approved Date: May 15, 2019

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**TOWN OF WATERBORO**  
***PLANNING BOARD***  
***MEETING MINUTES***  
***May 15, 2019***  
***6:30 p.m.***

**I. ROLL CALL**

Present: David Christensen, Chair    Judi Carll, Vice-Chair    Dwayne Prescott  
          Lee Nelson    John Noel

Absent: Lori Anthony    Sam Hayden

Others: Alexis DuPlessis    Christopher DuPlessis    Lee Jay Feldman    Tim Neill  
          Glenn Charette    James Southworth    Tammy Bellman

David Christensen, Chair, called the Planning Board meeting to order at 6:31pm on May 15, 2019.

David state a quorum has been met with the members present tonight.

David moved New Business to the front of the Agenda.

**II. NEW BUSINESS & PUBLIC HEARINGS**

- **Bizzy Bees Childcare** – Alexis and Chris Du Plessis – Alexis provided additional information and an overview of the childcare that has been proposed at 933 Main Street, Waterboro part of tax map 0-19 lot 023. The safety of the children came into question when the fenced play area and crossing into the play area were discussed. Possible solutions suggested were the use of "Jersey barriers" or large boulders to protect the play area. "Jersey barriers" were preferred. The play area will be within 75 feet of the stream. Nothing in the Shoreland Zoning Ordinance to regulate the fencing for the play area. The trash and oil containers will be moved prior to the childcare opening. Lee Jay noted that the State will be following the fencing and fire safety for the childcare. The CEO and Fire Marshal will do a final inspection together. Per CEO there are no standards for the fence. Lee Jay stated that the questions have all been answered and revised as needed. Alexis discussed the shared parking that her requirements are met and have discussed with the Pizza folks that she will be a drop off and then pick up no lengthy stops. Glenn will be following up on the standards for the childcare through inspections. Dwayne Prescott made the motion to find this application complete. John Noel seconded Vote 5 – 0 application complete. Dwayne Prescott made the motion to not have a public hearing. Lee Nelson seconded. No further discussion. Vote 5 – 0 to not hold a public hearing. Dwayne Prescott made the motion to approve the application with a condition to place jersey barriers from the end of the play area to the building to be defined by the CEO. Judi Carll seconded. No further discussion. Vote 5 – 0 childcare approved with Jersey barrier condition.

### III. MINUTES

- **April 3, 2019** - Tabled to the next meeting.
- **April 17, 2019** - Dwayne Prescott made the motion to approve the April 17 and May 1, 2019 minutes. John Noel seconded. No further discussion. Vote 4 – 0 minutes approved.

### IV. COMMUNICATION

- Glenn Charette, CEO up-date the Planning Board on the Shoreline Zoning Ordinance progress – the Board of Selectmen have approved the changes to the Shoreline Zoning Ordinance and it is headed to the State for their review and approval.

### V. MISCELLANEOUS

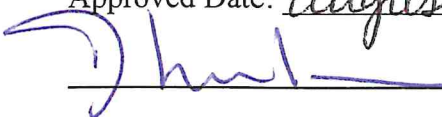
### VII. ADJOURNMENT

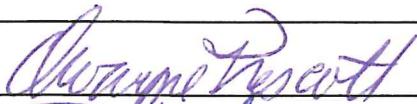
- Judi Carll made the motion to adjourn (6:50 pm). John Noel seconded the motion. No discussion. Vote 5 - 0 in favor. Meeting Adjourned.

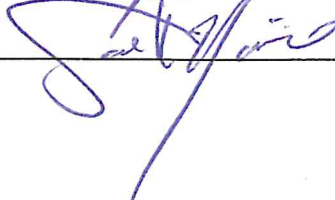
### VIII. ITEMS NEEDING SIGNATURE

- Minutes of April 17, 2019
- Minutes of May 1, 2019

Approved Date: August 22, 2019

  
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**TOWN OF WATERBORO**  
***PLANNING BOARD***

***MEETING MINUTES***

**June 5, 2019**

**6:30 p.m.**

**The Planning Board meeting scheduled for June 5, 2019 was cancelled due to Planning Board members attending the SMPDC Annual meeting.**

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


**TOWN OF WATERBORO**  
***PLANNING BOARD***  
***MEETING MINUTES***  
***June 19, 2019***  
**6:30 p.m.**

**I. ROLL CALL**

Present: David Christensen, Chair    Judi Carll, Vice-Chair    Lori Anthony, Secretary  
          Lee Nelson    John Noel

Absent: Dwayne Prescott    Sam Hayden

Others: Geoff Aleva, Civil Consultants    Linda Fleming    Lee Jay Feldman    Tim Neill  
          Tammy Bellman

Due to there being no videographer, Tammy was asked to step in and start the videotaping for the Planning Board meeting. David Christensen, Chair, then called the Planning Board meeting to order at 6:45pm on June 19, 2019.

David state a quorum has been met with the members present tonight.

**II. MINUTES**

- **April 3, 2019** – Judi Carll made a motion to provisionally approve the April 3, 2019 minutes until Mr. Prescott was present. Lori Anthony seconded. No further discussion. Vote 3 – 0 to provisionally approve (Nelson and Noel abstain as they were not in attendance on April 3)
- **June 5, 2019** – John Noel made the motion to approve the non-meeting minutes of June 5, 2019. Lori Anthony seconded. No discussion. Vote 5 – 0.

**III. NEW BUSINESS & PUBLIC HEARINGS**

- **Election of Officers**
  - **Chairman**
  - **Vice-Chairman**
  - **Secretary**

Lori Anthony made the motion to postpone until the first meeting in July. Lee Nelson seconded. No discussion. Vote 5 – 0 postponed to first meeting in July.

David thanked Judi Carll on behalf of the Planning Board for her many years of service and dedication to the Town Of Waterboro. This would be Judi's last Planning board meeting.

**IV. OLD BUSINESS**

## V. COMMUNICATION

- **Shoreland Zoning Ordinance – to MDEP June 4, 2019 Up-date** – Glenn Charette up-dated the Planning Board on the status of the Shoreland Zoning Ordinance – the changes have been sent and notice of receipt received by Tammy.
- **July 3 Planning Board meeting/meeting cancelled** – A brief discussion on attendance vs non-attendance by Board members for the July 3 meeting took place. Lee Nelson made the motion to postpone the July 3<sup>rd</sup> meeting to July 10<sup>th</sup>. John Noel seconded. No discussion. Vote 5 – 0 The meeting date changed to July 10, 2019.

## VI. MISCELLANEOUS

- **Zoning Ordinance Article 3 Village Zoning District – Informational – Setbacks** – Lee Jay Feldman provided an overview – provide similar setbacks in Village zone; make the smaller lots less non-conforming; and this would be a good first move as a pre-cursor. Can develop with site plans behind the building or on the sides. Apply to all village zones. Would create the image of a village. Would draw more people into these areas a natural progression. Lori Anthony made the motion to move forward and schedule a public hearing. Judi Carll seconded. No discussion. 5 – 0 to schedule a public hearing. The public hearing was set for the first meeting in September.
- **Townline Deli Site Plan Review** – Documents were handed out in preparation for the July 10, 2019 Planning Board meeting.
- **Erik Triance** - will be bringing in the Conditional Use application for the machine shop at 961 Main Street on Thursday, June 20, 2019. The Planning Board was asked to stop by and pick up a copy in preparation for the July 10, 2019 Planning Board meeting.

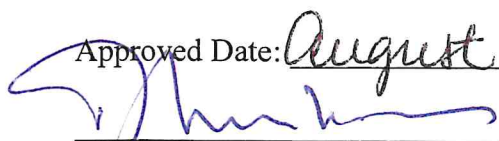
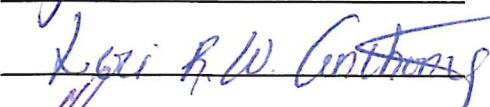

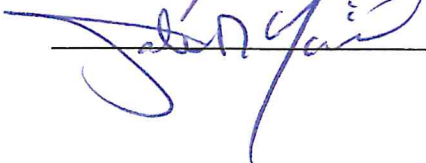
## VII. ADJOURNMENT

- Lori Anthony made the motion to adjourn (7:10 pm). John Noel seconded the motion. No discussion. Vote 5 - 0 in favor. Meeting Adjourned.

## VIII. ITEMS NEEDING SIGNATURE

- Minutes of June 5, 2019

Approved Date: August 22, 2019

  
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**TOWN OF WATERBORO**  
**PLANNING BOARD**

***MEETING MINUTES***

**June 5, 2019**

**6:30 p.m.**

**The Planning Board meeting scheduled for July 3, 2019 was cancelled due the 4<sup>th</sup> of July holiday.**

**A special meeting for July 10, 2019 was then scheduled at the June 19, 2019 meeting.**

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


**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**July 10, 2019**  
**6:30 p.m.**

**I. ROLL CALL**

Present: David Christensen, Chair   Lori Anthony, Vice-Chair   John Noel, Secretary  
Dwayne Prescott   Kala Godard

Absent: Sam Hayden

Others: Lee Jay Feldman   Tim Neill   Erik Triance   Daniel Peck   Karen Peck  
Wes Thames   Joe Marden   Don Sylvestre   Dave Pendleton   Glenn Charette  
James Southworth   Tammy Bellman

David called the Planning Board meeting of July 10, 2019 to order at 6:30pm.

David state a quorum has been met with the members present tonight.

David moved the New Business to the front of the agenda.

**II. NEW BUSINESS & PUBLIC HEARINGS**

- **Custom Milling and Machining – Conditional Use Erik Triance Tax Map 019 Lot 015 – 961 Main Street** – Erik Triance provided the Planning Board with an overview of the proposed site plan for moving a milling and machining company into the old TK Machining building. This building would allow Erik to double the size of his operation. There is no information available on the existing septic design. The supply deliveries will be entering and exiting only no pick up completed items at this location. Shipping will be from the current business location. Lee Jay offered that there were no issues when both Glenn and I reviewed the project. We found no issues so if the Planning Board wanted they could find the application complete and either schedule a public hearing or not schedule one. If you opt to not have a public hearing you are able to take action on the application. Dwayne Prescott brought up the waivers with a discussion to follow – the outcome being there are no hazardous waste, no fire issues, and the dumpster location would not be required as the trash is bagged and taken to the transfer station in a personal truck. This use would be a continuing use of a previous milling and machining operation at this location. Lori Anthony made the motion to accept the application as complete. John Noel seconded the motion. No further discussion. Vote 5 – 0 application complete. Dwayne Prescott made the motion to grant the waivers provided on July 10, 2019. Kala Godard seconded the motion. No further discussion. Vote 5 – 0 waivers approved (12 waivers provided). Lori Anthony made the motion to waive the Public Hearing and Site Walk. Dwayne Prescott seconded the motion. Lori Anthony made the motion to waive the public hearing and the site walk. Dwayne Prescott seconded the motion. No

further discussion. Vote 5 – 0 site walk and public hearing waived. John Noel made the motion to approve the site plan and conditional use. Lori Anthony seconded the motion. No further discussion. Vote 5 – 0 conditional use and site plan approved.

- **New Horizons Management Company, LLC (Townline Deli and Convenience Store) – Site Plan Review Tax Map 005 Lot 048-001 and Tax Map 005 Lot 047C-001 – Site Plan Review** – Joe Marden from Sitelines, provided an overview of the New Horizons Management, LLC redevelopment project at Townline Deli. The Planning Board responded to the PowerPoint presentation with questions. Is the existing building to be demolished and rebuilt. Answer was no; the first floor is to be moved to a different location on the site. There was a question on if septic system would require pumping. It was explained the septic system will be able to be gravity feed system due to the amount of fill needed to develop the site. There were abutter concerns as to the drainage and pooling of water on the northeast corner of the site development. It was explained that historically at one time the lots drained to the wetland, but that over time and development this corner has a pooling issue. With the relocation of the gravel drive to the garage, construction of the under drain filter and connection of the existing culvert crossing to the proposed storm drain system it's believed this will help the runoff issues in this area. It was added that even with a slight increase in the 25 year storm there will be no impact to the wetland. After staff review there were a few items that will be changed on the plans. Additional landscaping will be provided along the east property line where it has been cleared. Areas for plowing snow will be provide in several places, shifting the dumpster pad and septic field as currently shown on the plans. "Snouts" will be put in the catch basins to help prevent floatables and/or oil pollution. Also mentioned was that the DEP requires an emergency spill plan to be put in place. A question was raised on the maneuverability of trucks on the site. Thirty foot drive aisles and a movement plan using the WB65 tractor trailer has been provided showing no problems with maneuverability. A concern for ROW and easement access for the garage lot was brought up. They are still working out the details on if this will be a corridor or blanket ROW and easement. The ROW and easement information will be needed and shown on the plans. Glenn noted that the garage lot will have to be provided 100 feet of road frontage to comply with the zoning in this district. Also the two lots of development will have to be legally combined before the issuance of any permits. Lori Anthony made the motion to accept the application as complete. Kala Godard seconded the motion. No discussion. Vote 5 – 0 application complete. John Noel made the motion for the site walk to be at 5:30pm and the public hearing to be at 6:30pm during the regularly scheduled Planning Board meeting. Lori Anthony seconded the motion. No discussion. Vote 5 – 0 for the time of the site walk and public hearing. The site will have location markers for the public and the planning board to gain reference.

➤ **Election of Officers**

- **Chairman** – Dwayne Prescott made the motion to nominate David Christensen for Chair. Lori Anthony seconded the motion. No further discussion. Vote 5 – 0 David Christensen elected Chair.
- **Vice-Chairman** – Dwayne Prescott nominated Lori Anthony for Vice-Chair. Kala Godard seconded the motion. No further discussion. Vote 5 – 0 Lori Anthony elected Vice-Chair.

- **Secretary** – Lori Anthony nominated John Noel as Secretary. Dwayne Prescott seconded the motion. No further discussion. Vote 5 – 0 John Noel elected Secretary.

### **III. MINUTES**

- **April 3, 2019** – Lori Anthony made the motion to amend the vote of June 19th so as to include Dwayne Prescott's vote. John Noel seconded the motion. No further discussion. Vote 5 – 0 to amend the approve vote of April 3, 2019. Final vote totals: 4 – 0 with (Nelson abstaining)
- **July 3, 2019** – Lori Anthony made the motion to sign off on the July 3, 2019 non-meeting minutes. Kala Godard seconded. No discussion. Vote 5 – 0 non-meeting minutes approved.

### **IV. OLD BUSINESS**

- **Land Subdivision Regulations of the Planning Board/Subdivision Ordinance – Initial Draft review (hand-out only)** – Lee Jay Feldman – please review the documents in prep for the upcoming workshop.

### **V. COMMUNICATION**

- **Shoreland Zoning Ordinance – to MDEP June 4, 2019 Up-date** – Glenn Charette up-dated the Planning Board on the status of the Shoreland Zoning Ordinance – the changes have been sent and notice of receipt received by Tammy.
- **July 3 Planning Board meeting/meeting rescheduled to July 10th** – A brief discussion on attendance vs non-attendance by Board members for the July 3 discussion took place. Lee Nelson made the motion to reschedule the July 3<sup>rd</sup> meeting to July 10<sup>th</sup>. John Noel seconded. No discussion. Vote 5 – 0 The meeting date was changed to July 10, 2019.

### **VI. MISCELLANEOUS**

- Kala Godard made the motion to cancel the July 17, 2019 Planning Board meeting. John Noel seconded the motion. No further discussion. Vote 5 – 0 meeting cancelled.
- The Planning Board agreed to have a workshop to review the Subdivision Ordinance draft on August 21, 2019.
- Glenn Charette shared that MDEP has requested more information that has been provided and hopes to have a better up-date on August 7, 2019.

### **VII. ADJOURNMENT**

- John Noel made the motion to adjourn at 7:25 pm. Kala Godard seconded the motion. No discussion. Vote 5 - 0 in favor. Meeting Adjourned.

### **VIII. ITEMS NEEDING SIGNATURE**

- Minutes of April 3, 2019
- Minutes of July 3, 2019

Approved Date: August 22, 2019

[Signature]

Chaka Faid

Deji B. W. Anthony

Wayne Prescott

John G. [Signature]

**TOWN OF WATERBORO**  
***PLANNING BOARD***  
***MEETING MINUTES***

***August 7, 2019***

**6:30 p.m.**

**SITE WALK:** 5:30pm - 134 Main Street, East Waterboro – New Horizons Management CO, LLC (Townline Deli & Convenience Store) Re-development Project – will be rescheduled due to a thunderstorm in the area of the site walk.

**I. ROLL CALL**

Present: David Christensen, Chair   Lori Anthony, Vice-Chair   John Noel, Secretary  
Dwayne Prescott   Kala Godard   Debra Burrows

Absent:

Others: Lee Jay Feldman   Tim Neill   Wes Thames   Joe Marden   Dave Pendleton  
Mary Young   Audra Warren   Joshua Warren   Alexis DuPlessis  
Christopher DuPlessis   Glenn Charette   James Southworth   Tammy Bellman

David called the Planning Board meeting of August 7, 2019 to order at 6:30pm.

David state a quorum has been met with the members present tonight. Sam Hayden has resigned from the Planning Board. Tammy passed out an email from Sam noting he was a previous Planning Board member but submitted his concerns regarding the Town Line Deli application as a public comment.

Debra Burrows was introduced as the new Planning Board member.

David moved the New Business and Public Hearings to the front of the agenda.

**II. NEW BUSINESS & PUBLIC HEARINGS**

- **PUBLIC HEARING: New Horizons Management Company, LLC (Townline Deli and Convenience Store) – Site Plan Review Tax Map 005 Lot 048-001 and Tax Map 005 Lot 047C-001-** David announced that the Public Hearing would be rescheduled.

**III. OLD BUSINESS**

- **New Horizons Management Company, LLC (Townline Deli and Convenience Store) – Site Plan Review Tax Map 005 Lot 048-001 and Tax Map 005 Lot 047C-001 – Discussion/Approval** – Discussion/Approval postponed until August 21, 2019.
- **Custom Milling and Machining, Inc. – Conditional Use Erik Triance Tax Map 019 Lot 015 – 961 Main Street – Findings of Fact/Conditions of Approval –approval and sign** – Kala Godard made the motion to accept the Findings of Fact for Custom Milling and Machining, Inc. Dwayne Prescott

seconded the motion. No further discussion. Vote 5 – 0 – 1 (Burrows – not a member during the process).

- **Bizzy Bees Child Care – 933 Main Street Tax Map 019 Lot 023 Conditional Use/Site Plan Amendment – Alexis and Christopher DuPlessis** – Alexis provided an overview for the replacement of the jersey barriers with boulders. Pictures of the sizes of the boulders were included with the Planning Board packet information. Lee Jay deferred to Glenn Charette as the discussion is a code related situation. There is no code related size requirement for the boulders. Alexis continued with the boulders would be able to grip the ground better than a jersey barrier should it be struck by a vehicle. Glenn is willing to be on site when the boulders are placed to insure that they are per the agreed size, spacing and composition. It was suggested that the boulders be at least 4 feet long and set so there is no less than a three feet between them and at least 3' high. Safety should not be compromised with the change to the boulders. It was noticed that one of the gates of the play area now opens into the parking lot instead of the grassed area. The gate that was changed is for personnel use only. No children will be using that gate. The State required fire exit gate is the second one exiting into a grassed area at the back of the parking lot. Bizzy Bees has received a passing State inspection but they do not have any requirements for the jersey barriers that is a local issue. Lee Jay suggested that if the Planning Board decided to allow the boulders they could condition the size and placement. The applicant would also like to offer a date night on Saturdays from 6pm until midnight. A copy of the State approval will be provided to the Town. Glenn noted that the new location of the gates is a better location now. Dwayne Prescott made the motion to replace the jersey barriers with 4 -5' boulders with no more than a 3 foot space between them consistent with this type of barrier and subject to the approval of the boulder with the Code Enforcement Officer. John Noel seconded the motion. Further discussion – cannot be in business without a barrier in place. Vote 6 – 0 jersey barrier's amended to boulders. Dwayne Prescott made the motion to amend the approval to include a sixth day open being Monday through Saturday. John Noel seconded the motion. Discussion – it was reiterated that if anything changes with child care use i.e.: increase number of children, increase building size, etc. that they would need to return to the Planning Board. There is a contract in place between the applicant the Planning Board. Vote 6 – 0 days open amended.

#### IV. MINUTES

- **May 15, 2019** – there are members on this meeting minutes that are no longer members of the Planning Board – is there a way to approve the minutes with less than a quorum? Lee Jay will email the town attorney for a proper response. David tabled the minutes for May 15, 2019 until a response is received.
- **June 19, 2019** - there are members on this meeting minutes that are no longer members of the Planning Board – is there a way to approve the minutes with less than a quorum? Lee Jay will email the town attorney for a proper response. David tabled the minutes for June 19, 2019 until a response is received.
- **July 17, 2019** – Lori Anthony made the motion that July 17, 2019 meeting was not held. Dwayne Prescott seconded the motion. No further discussion. Vote 5- 0 -1 (Burrows not a member).

#### V. COMMUNICATION

## VI. MISCELLANEOUS

- **Shoreland Zoning Ordinance – Amendment Up-date** - Glenn shared the State has approved the amendment to the Shoreland Zoning Ordinance. The Planning Board was provided a copy in their packets.
- Lee Jay Feldman suggested that the Planning Board having 3 new members should consider a workshop on boardsmanship, Roberts Rules of Order, etc. to bring everyone up to speed. David suggested that this wait until October once there is a break in the agenda. Glenn suggested that it should be before a meeting and sooner than October. David will take it under advisement.
- **New Horizons Management Company, LLC (Townline Deli and Convenience Store) – Site Plan Review Tax Map 005 Lot 048-001 and Tax Map 005 Lot 047C-001** - The Site walk and Public Hearing are rescheduled for August 21, 2019. Tammy will contact the applicant with the new date.

## VII. ADJOURNMENT

- Debra Burrows made the motion to adjourn at 7:10 pm. Kala Godard seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

## VIII. ITEMS NEEDING SIGNATURE

- Minutes of July 17, 2019
- Findings of Fact for Custom Milling and Machining, Inc. – Conditional Use

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

August 22, 2019

[Signature]

Lee R. Lee Anthony

Wayne Prescott

David Yair

Kala Godard

Debra B

# **TOWN OF WATERBORO**

## **PLANNING BOARD**

### **MEETING MINUTES**

**August 21, 2019**

**6:30 p.m.**

**SITE WALK:** 5:30pm - 134 Main Street, East Waterboro – New Horizons Management Company, LLC (Townline Deli & Convenience Store) Re-development Project – was cancelled due to a thunderstorm in the area of the site walk.

#### **I. ROLL CALL**

Present: David Christensen, Chair   Lori Anthony, Vice-Chair   John Noel, Secretary  
Dwayne Prescott   Kala Godard   Debra Burrows   Edward Zelmanow

Absent:

Others: Lee Jay Feldman   Tim Neill   Wes Thames   Joe Marden   Dave Pendleton  
Mary Young   Audra Warren   Joshua Warren   Don Sylvestre   Glenn Charette  
James Southworth   Tammy Bellman

David called the Planning Board meeting of August 21, 2019 to order at 6:31pm.

David state a quorum has been met with the members present tonight.

Edward Zelmanow was introduced as the newest Planning Board member.

David moved the Public Hearing to the front of the agenda.

#### **II. NEW BUSINESS & PUBLIC HEARINGS**

- **PUBLIC HEARING: New Horizons Management Company, LLC (Townline Deli and Convenience Store) – Site Plan Review Tax Map 005 Lot 048-001 and Tax Map 005 Lot 047C-001-** David opened the public hearing at 6:31pm. Joe Marden of Sitelines, provided a summary of where we are at thus far in the project. The Stormwater Permit-by-Rule has been approved by Maine Department of Environmental Protection (MDEP). The Maine Department of Transportation (MDOT) traffic movement permit is under review. The location is in the village zoning district and currently developed as a convenience store/gas station located on a 2.61 acre parcel. The new convenience store will have 6,380 square feet and the gas station will be increased to 7 filling stations with 13 fueling positions. The existing convenience store will be repurposed as a 1,826 square foot office building to be relocated on site. The utilities will involve reusing the current well if possible; the private septic system will be up-grade as the current one is inadequate; the communications and electric lines will be underground and there will be propane for sale on-site. The traffic will be able to enter from two expanded entrances from Main Street (Route 202) and the parking spaces will be expanded to 41 spaces. The new plans have incorporated septic system grading; added a right-of-way from abutting property to Main Street to make the parcel conforming; the landscaping plan includes 18 Eastern Hemlocks for the east side of the property line; snouts on the catch basins added near the filling station pad; trash receptacle has been relocated; and revised grading to provide additional snow storage areas. Audra Warren came to the podium to voice her concerns:

1. Overflow of the pond – need to ensure not going to run over to their property/not increase of any water flow;
2. Maintenance of the pond who will be responsible? Pictures were handed out with the water overflow as of April, 2019;
3. Snow removal – when the snow melts the debris from the convenience store, gas oil, cigarettes butts will be in the melting snow – who will be responsible for this clean-up? The snow area is very close to the property line and will run onto our property;
4. Requesting that a fence be built behind the building also to prevent noise and light overflow;
5. Dumpster relocation – still on the corner only 200 feet from the back porch – the odor and mess will be evident;
6. Blasting for the new pumps? Holding tanks? We currently have no cracks in our foundation – will this still be the case after you are done blasting?
7. Hours of operation? Noise issue if open later than currently are;
8. Property value decrease? Spoke with a Realtor that said if we are near the gas station our property resale value will go down and the number of potential buyers is cut down;
9. Provide clarity on the type of lighting – will the back building lights be shining into our property and potentially the house?
10. Trees take a long time to grow – what happens between now and the time the trees are grown to do as they are intended? What happens if one dies? I want to ensure the safety and privacy for the family.

Joshua Warren – the lighting the noise and privacy are concerns of mine. Is there any way to increase the height of the fence?

Mary Young – Concerns were sent by email to Tammy on August 5, 2019. Pictures were provided from early November, 2018, showing the water pooling from the existing pond area.

1. Hydro pad – grass underdrain piping system- not able to handle run-off? Understand that a log must be kept but who receives this log? What happens 10-20 years for a replacement – MDEP rule needs to be replaced?
2. GUSF – if it fails property now contains snow/water/gas/oil scheduled maintenance?
3. Lights when vehicles leave the convenience store and landing on my property. . . .
4. Fence – offended by the response – will not be effective with a fence;
5. Hemlocks – should not have to wait for hemlocks to grow;
6. Lighting – pictures provided a daily occurrence with lights shining through the house;
7. Noise pollution – 315am awoke to Fabian Oil delivery to the gas area; customers reeve engines and squeal tires when leaving – very intrusive into my home;
8. Entrance and exit moved closer to my property line;
9. Concern with devaluation of my property, based on Ordinance 1.03 should be looked at during the approval process; this would

- increase robberies, accidents, lighting pollution, run-off and trash;  
decrease tranquility and the quality of life ;
- 10. Potential home buyer would be limited on loaning organization as  
FHA loans will not lend to anyone next to a gas station.

Joe Marden returned to the podium to respond to the questions:

1. The Stormwater currently just comes across 202 and sits; we are proposing to pick up this run-off and incorporate it into the drainage system so it goes around the pond to the back side of the property; this will reduce the standing water; if it failed would be required to fix it based on the town standards; if it did fail it would back-up into the overflow system spill way; in the 50 year storm study it has not been activated;
2. Blasting will be required; pre-blast survey protocol will be required to be followed; accountability;

Wes Thames, Realtor with the project, offered that the protocol would be to initially take pictures; if any damage liability insurance will be used; pre-blast survey distance is about 500 feet.

3. Dumpster – enclosed with a fence and an enclosed receptacle – the rodents and smell are not a concern as the dumpster is emptied weekly. It is a rodent deterrent enclosure with 6’ high slats and a plastic cover on the dumpster;
4. Snow storage – Joe noted the snow areas on the site map for all to see location. Cannot push into the pond area; guardrail used to break the snow when pushing it;
5. Hours of Operation – not changing – the pumps will be 24 hours operation; the convenience store stay as is but want the option for a potential increase in open times going forward, but noting in the plans now;
6. Hemlocks – if they die per the approved landscape plan would then need to replace; hemlocks have a low screen and in wet soils grow faster;
7. Decrease in property value – close to impossible to prove that it devalues a property; there is a good separation system in the proposed plan;
8. Major hub – filling station;
9. Lighting – lighting plan submitted – not light for 24 hours they would be off when the store and office building are closed;
10. Noise from a gas delivery – there is a possibility as they pass through; not parked with headlights on – no lights would go into the home;
11. Receiving door – the trucks would back up to the door and unload during normal business hours;
12. Stormwater maintenance log and if fails it would have to be repaired;
13. Fencing and tree buffers – with the septic, pond and snow removal areas there is no to move the fence to – moving it to an up land site would not be practical;
14. Trees long time to grow and develop – alternate options would be for more mature trees to be planted – 6’ to 8’ in height;
15. Run-off contamination of overflows – snow melts at a slow rate; request clean-up of debris; 3 catch basins that don’t get into the system – easier to clean up out of the system; 5 gallons spill required to be reported; the proposed plan will decrease the run-off;

16. Maintain SRCC plan- on-site and utilize best practices – can condition the approval; it would take a substantial spill to overload the snouts;
17. The average depth of the storage structures: most 2'; filling rim bottom 4' and snouts 3'; maintain an annual plan to clean out;
18. Contamination to the abutter side – the pavement should go to the catch basin;

The Planning Board inquired about the following:

1. Edward asked if a traffic study had to be done and what were the results. Also is there a possibility turn lanes may be needed. Lee Jay responded MDOT had given applicant direction in a scoping meeting. The trees on the west would need to be trimmed and there was a possibility a turn lane would be required.
2. Edward was concerned with the tractor trailers parking along Route 202. Joe stated that this was not intended to be a "truck stop" and that this was an (law) enforcement issue.
3. Edward didn't see any lights on architectural rendering of the building. Joe noted they are shown on the lighting plan. There will be 2 on each side, 8 feet high for lighting the walk ways.
4. Edward wanted to know what the canopy was going to look like. Signage, lighting, etc. Wes said it's design has not been decided yet. But it would be a typical fuel canopy with a back lit band.
5. Dwayne would like to incorporate a DEP permit condition of approval with the DOT conditional approval.
6. Tim suggested developer could, as done in the past, be required to provide the abutters an allowance to construct a fence on their property after they have had a chance to see how the site development affects them and place it where they feel it would be the most beneficial.

Audra – it is a shame that no site walk will be done to see just how close the dumpster and snow removal will be.

Joe provided a drone view of the property. The store will remain open even during the construction process, some trees will be cut and a grading easement will be done.

Audra – only 7 trees then my backyard - literally very few trees left.

1. 18 trees on one side would be a stretch to obtain a barrier – are there areas that can be concentrated with trees; on either side of the office structure; add five trees to turn the corner from the grade line to go westerly – it would not interfere with the underdrain or snow plowing; create more of a wall with the trees
2. Well point distance to structures – would the blasting wipe out the water source – request a more detailed plan – geological groundwater study? 3<sup>rd</sup> party evaluation – peer review – a strain on the aquifer;

Wes – showed the Planning Board where the aquifer border is on Plan L1; this property sits on an island that is not part of the aquifer.

3. Fire Truck access? The Fire Chief, Deputy Fire Chief and Fire Marshall have all reviewed the plan and submitted a letter with the first plan review. The building does not meet State standards to require to be sprinkled.
4. Monitoring wells are on the tank bed and have a protective leak guard;
5. Dwayne would like to have a site walk before any decision is determined;

6. Lee Jay made the following conditions for the Board to consider before any decision is made:
  - A. No building permit shall be issued for the development project until all state permits have been approved and submitted to the Code Enforcement Officer (CEO) on the project.
  - B. Maintenance logs for the stormwater pond and catch basins shall be submitted to the town's CEO for review and placed in the project file and provide a yearly spring clean-up program once the snow has melted in order to pick up winter trash from around the premises.
  - C. Any trees placed on site that do not last two years must be replaced.
  - D. Notification shall be made to the abutters on a daily basis prior to blasting occurring during construction of the site.
  - E. All hemlocks proposed on the easterly boundary of the property as well as the remaining trees proposed around the dumpster location shall be 6-8 foot minimum at the time of planting.
  - F. No lit signage shall be placed on the canopy over the fuel station.

Mary noted that Dearborn's does notify abutters – she has received phone calls. And the fact that they have removed almost an acre of trees has interrupted her life.

7. Dwayne is concerned that it could go to 24 hours – would like to be a condition – can come back if wants any hour changes; David made reference to the fact that it is not a new it is an existing business and the Board should not condition as a new business;

David scheduled a Site Walk for August 22, 2019 at 530pm at the New Horizons Company, LLC property location, with a Special Planning Board meeting to follow.

Joe clarified what was need for the new site plan – revised tree locations and five additional 6–8' trees for buffering.

Kala reminded the applicant that a fence would deter the headlights.

Dwayne asked how many hours they would be open. Wes responded with store not 24 hours gas yes 24 hours. The operation is not requesting it – it is hard to arbitrarily restricting hours of operation. David not agree with limiting. Glenn Charette read section 10.03 of the zoning ordinance:

#### Section 10.03 Findings and Decisions

All decisions of the Planning Board must be predicated on testimony received by the Board at hearings, planning data which it has gathered and which is available to the public, other facts, data, or information which are a matter of public record and information obtained from the applicant. When taking any final action the Board must issue a statement of its findings and conclusions which sets forth the reasons for and the rationale underlying the particular Board action. Board actions which are generally favorable to an applicant must specifically indicate that all of the requirements of state statute and this ordinance have been met. Board actions which are unfavorable to an applicant must specifically indicate how and in what way the applicant failed to comply with the requirements of state statute or this ordinance. When conditions are attached to any Board approval the factors establishing the need for and justifying the condition as framed must be indicated. A copy of all final board actions (decisions) shall be mailed, e-mailed or made available in the town hall to the party who requested the Board actions, the Code Enforcement Officer, and the Board of Selectmen within ten (10) working days. A copy which will provide notice to the public shall also be placed on file and be available for inspection in the Town Clerk's office.

Dwayne – it can be justified.

John – cleaning up the pooling water; abutter property will have less water run-off.  
Joe – conditioning the operational hours is to restrictive; the concrete pad meets states requirements – will need justification for the snouts.  
Dwayne – nothing moves forward until state approval received.  
Lee Jay – no permits required from town for tree removal or blasting.  
Dwayne – I want the geotechnical study.

Edward Zelmanow tabled the project until Thursday, August 22, 2019 at 630pm.  
Dwayne Prescott seconded the motion. No further discussion. Vote 7 – 0 tabled.

John Noel made the motion to close the public hearing at 825pm. Kala Godard seconded the motion. No further discussion. Vote 7 – 0 public hearing closed.

### **III. OLD BUSINESS**

- **New Horizons Management Company, LLC (Townline Deli and Convenience Store) – Site Plan Review Tax Map 005 Lot 048-001 and Tax Map 005 Lot 047C-001 – Discussion/Approval** – Discussion/Approval postponed until August 22, 2019.
- **Bizzy Bees Child Care – 933 Main Street Tax Map 019 Lot 023 Conditional Use/Site Plan Amendment – Alexis and Christopher DuPlessis** – moved to August 22, 2019’s Planning Board special meeting.

### **IV. MINUTES**

- **May 15, 2019** - will be moved to August 22, 2019 meeting
- **June 19, 2019** - will be moved to August 22, 2019 meeting
- **July 10, 2019** - will be moved to August 22, 2019 meeting
- **August 7, 2019**- will be moved to August 22, 2019 meeting

### **V. COMMUNICATION**

### **VI. MISCELLANEOUS**

### **VII. ADJOURNMENT**

- Edward Zelmanow made the motion to adjourn at 8:30pm. Kala Godard seconded the motion. No discussion. Vote 7 - 0 in favor. Meeting Adjourned.

### **VIII. ITEMS NEEDING SIGNATURE**

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

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**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**September 4, 2019**  
**6:30 p.m.**

**I. ROLL CALL**

Present: David Christensen, Chair    Lori Anthony, Vice-Chair    John Noel, Secretary  
Edward Zelmanow

Absent: Dwayne Prescott    Kala Godard    Debra Burrows

Others: Lee Jay Feldman    Tim Neill    Glenn Charette    James Southworth  
Angela Theriault    Tammy Bellman

David called the Planning Board meeting of September 4, 2019 to order at 6:31pm.

David stated a quorum has been met with the members present tonight.

Angela Theriault was introduced as the new Administrative Assistant taking on Tammy's responsibilities for the Planning Board.

David announced that he would not be here on September 18, 2019 and that Lori will be chairing the meeting.

David moved the Old Business to the front of the agenda.

**II. OLD BUSINESS**

- **New Horizons Management Company, LLC (Townline Deli and Convenience Store) – Site Plan Review Tax Map 005 Lot 048-001 and Tax Map 005 Lot 047C-001-** Findings of Fact Approval/Signatures – David postponed it until September 18, 2019.

**III. NEW BUSINESS & PUBLIC HEARINGS**

**IV. MINUTES**

- **August 21, 2019** – After a brief discussion on the minor changes that Edward Zelmanow recommended, David Christensen requested a review of the video and changes be made based on that review He polled the all board members to accept as corrected. All Planning Board members agreed.
- **August 22, 2019** – After a brief discussion on the minor changes that Lori Anthony recommended, David Christensen polled the remaining board members to accept as corrected. All Planning Board members agreed.

## **V. COMMUNICATION**

- **Highway Entrance Ordinance Amended August 27, 2019** – Tim Neill provided a summary of the change that was made and approved by the Board of Selectmen on August 27, 2019. The culverts will now be paid for and installed by the property owner and or their contractor instead of by the Department of Public Works. Tim suggested that going forward any subdivisions have a note placed on the plans with this change.
- **Shoreland Zoning Ordinance – Amendment Up-date** - Glenn shared the State has approved the amendment to the Shoreland Zoning Ordinance allowing the Code Enforcement Officer to apply a formula for the setbacks on waterfront property to assist those property owners with the pre-zoning lots to assist them on being able to meet the setbacks. The Planning Board was provided a copy in their packet to be placed in their ordinance books.

## **VI. MISCELLANEOUS**

- Glenn asked for Planning Board consensus on the narrative on the minutes as presented by Tammy. They agreed they would like them to remain in the same bulleted format with as little narrative as possible.
- Lee Jay Feldman announced that there will be a workshop presented by Natalie Burns and SMPDC on October 30, 2019 at 6pm at the Sanford City Council Chambers on law cases and how they may be affecting the Planning Boards going forward, the new marijuana laws and additional information. There will also be a segment on Robert's Rules and Boardman's ship. An email will be coming out soon.

## **VII. ADJOURNMENT**

- Edward Zelmanow made the motion to adjourn at 6:43 pm. Lori Anthony seconded the motion. No discussion. Vote 4 - 0 in favor. Meeting Adjourned.

## **VIII. ITEMS NEEDING SIGNATURE**

- Minutes of August 21, 2019
- Minutes of August 22, 2019

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

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**TOWN OF WATERBORO**  
***PLANNING BOARD***

***MEETING MINUTES***

***September 18, 2019***

**6:30 p.m.**

**The Planning Board Meeting scheduled for September 18, 2019 was cancelled. The next Planning Board meeting is October 2, 2019.**

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


**TOWN OF WATERBORO**  
***PLANNING BOARD***  
***MEETING MINUTES***  
***October 2, 2019***  
**6:30 p.m.**

**I. ROLL CALL**

Present: David Christensen, Chair    Lori Anthony, Vice-Chair    Dwayne Prescott  
             Edward Zelmanow    Kala Godard    Debra Burrows

Absent: John Noel

Others: Lee Jay Feldman    Tim Neill    David Pendleton  
             Angela Theriault

David called the Planning Board meeting of October 2, 2019 to order at 6:31pm.

David stated a quorum has been met with the members present tonight.

**II. OLD BUSINESS**

- **New Horizons Management Company, LLC (Townline Deli and Convenience Store) – Site Plan Review Tax Map 005 Lot 048-001 and Tax Map 005 Lot 047C-001-** Findings of Facts having no additions or revisions a motion was made to approve by Dwayne Prescott, Kala Godard second the motion, all in favor for approval of signing with a 6-0 vote.

**III. NEW BUSINESS & PUBLIC HEARINGS**

**IV. MINUTES**

- **September 4, 2019** – Minutes approved as written.
- **September 18, 2019** – Minutes approved as written as the meeting was cancelled and no minutes taken.

**V. COMMUNICATION**

- Lee Jay Feldman reminded the board that there will be a workshop presented by Natalie Burns and SMPDC on October 30, 2019 at 6pm at the Sanford City Council Chambers on law cases and how they may be affecting the Planning Boards going forward, the new marijuana laws and additional information. There will also be a segment on Robert's Rules and Boardman's ship. Show of hands at this time of Lori Anthony, Debra Burrows and Kala Godard and David Christensen plan on attending.

## **VI. MISCELLANEOUS**

## **VII. ADJOURNMENT**

- Kala Godard made the motion to adjourn at 6:40 pm. Debra Burrows seconded the motion. No discussion. Vote 6 - 0 in favor. Meeting Adjourned.

## **VIII. ITEMS NEEDING SIGNATURE**

- Minutes of September 4, 2019
- Minutes of September 18, 2019
- New Horizons Management Company, LLC (Townline Deli and Convenience Store) FOF

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

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**TOWN OF WATERBORO**  
***PLANNING BOARD***  
***MEETING MINUTES***  
***October 23, 2019***  
**6:30 p.m.**

**I. ROLL CALL**

Present: David Christensen, Chair   Lori Anthony, Vice-Chair   Dwayne Prescott  
Edward Zelmanow   Debra Burrows

Absent: John Noel   Kala Godard

Others: Lee Jay Feldman   Tim Neill   Angela Theriault

David called the Planning Board meeting of October 23, 2019 to order at 6:30pm.

David stated a quorum has been met with the members present tonight.

**II. OLD BUSINESS**

**III. NEW BUSINESS & PUBLIC HEARINGS**

**IV. MINUTES**

- **October 2, 2019** – Minutes approved as written.
- **October 16, 2019** – Minutes approved. The meeting was rescheduled for October 23rd, therefore no minutes taken.

**V. COMMUNICATION**

- Informational packets provided to the board members, street definitions and waiver definitions for members to use during the workshop.

**VI. MISCELLANEOUS**

**VII. ADJOURNMENT**

- Dwayne Prescott made the motion to adjourn at 6:35 pm. Ed Zelmanow seconded the motion.

Tim asked if they needed to vote to approve the minutes.

Dave advised that it has been confirmed that a simple acceptance without objection is allowed. It was confirmed due to the change in the board and issues with board members who were present for one set of minutes but no longer on the board so they couldn't vote on the minutes. Natalie did confirm for them that only an acceptance or correction process is necessary.

Lori advised it's also stated that way in Roberts Rules as well.

- Dave they had a motion to adjourn from Dwayne and seconded by Ed.
- Vote: To adjourn meeting at 6:35  
5 Agree 0 Disagree

### **VIII. ITEMS NEEDING SIGNATURE**

- Minutes of October 2, 2019
- Minutes of October 16, 2019

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

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**TOWN OF WATERBORO**  
***PLANNING BOARD***

***MEETING MINUTES***

***November 6, 2019***

**6:30 p.m.**

**The Planning Board Meeting scheduled for November 6, 2019 was cancelled, therefore there were no minutes taken.**

**The next Planning Board meeting is November 20, 2019.**

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

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**TOWN OF WATERBORO**  
***PLANNING BOARD***  
***MEETING MINUTES***  
***December 4, 2019***  
**6:30 p.m.**

**I. ROLL CALL**

Present: David Christensen, Chair   Lori Anthony, Vice-Chair   Dwayne Prescott  
Debra Burrows   John Noel   Kala Godard

Absent: Edward Zelmanow

Others: Lee Jay Feldman   Tim Neill   Angela Theriault   Glenn Charette   Dave Lowe

David called the Planning Board meeting of December 4, 2019 to order at 6:30pm.

David stated a quorum has been met with all members present tonight.

**II. OLD BUSINESS**

David stated that the next step for the Subdivision Ordinance is to now present it to the Board of Selectmen. We have had thorough discussion with no public comment that we are aware of, and we as a board unanimously passed the language last week. Dwayne questioned such a vote was taken at the last meeting but such a vote was confirmed.

David stated he would like to hear a motion that we find the Subdivision Ordinance complete and ready to pass on to the Board of Selectmen for their action.

Motion was made by Debra Burrows to find the Subdivision Ordinance complete and to pass it on to Selectmen for their action. Motion was seconded by Kala Godard.

Discussion ensued concerning Section 10.1 performance guarantees but no changes were made.

Discussion then ensued concerning Section 9.4.2 Cutting and Planting restrictions but no changes were made.

Discussion ensued with comments and concerns from Dwayne regarding town attorney Natalie Burn's opinion regarding Charter Sections 304 and 402 and performance guarantees. Dave stated we have a legal opinion and I don't think I'm in the business or the board is in the business of second guessing a legal opinion and if we can rely or it not. Dwayne is welcome to pass his concerns on to Selectmen. I'll be there as well so we can let the Board of Selectmen decide what action they want to take.

Lee Jay stated he was the one that communicated with Natalie. If you look at section 402 the duties of the Town Administrator, the Town Administrator shall be Town Clerk, Tax Collector, Town Treasurer, and Administrator of General Assistance. So the administrator is given all those responsibilities and as treasurer they would be the one to handle all the bonding that comes into the town.

Dwayne P.— I want to point out that up until this point this language passed, if you read what's in place right now, to release hundreds of thousands of dollars from this town it has to pass the majority vote of 2 boards, the Planning Board and the Board of Selectmen and we are now

removing that and we are giving this whole business to the same person who is in charge, pass or fail, he's in charge of code enforcement, he's in charge of public works and also at the other end in charge of retaining or releasing hundreds of thousands of dollars with no oversight.

Tim Neill was recognized and stated that Gary's budget and the towns budget last year was 15 million dollars and we're talking about entrusting someone with one or two hundred thousand dollars. The town administrator oversees a 15 million dollar budget.

Dwayne P. – But the 15 million dollars budget goes through the Board of Selectmen and all money moves with a majority vote not just one person.

Lee Jay – This performance guarantee money is not town money though

Dwayne P. – My point is, Tim's making a point about the amount of money floating around, but that's the Board of Selectmen's responsibility. Nothing moves without final authority of majority vote of the Board of Selectmen. This clause takes the Board of Selectmen out, takes the Planning Board out.

Lee Jay – We'll, we'll just make sure those comments get passed on to the selectmen.

David C. – Is there any other commentary that we need? I'd like to have a motion that we declare the ordinance complete from our perspective and that we are passing it along for the Board of Selectmen to schedule for their agenda and for their action. Do I hear a motion to that affect?

Kala G. – I make a motion that we declare this ordinance complete and pass it along to Selectmen for further action. Debra Burrows seconded the motion and the motion passed with 6 Agree and 0 Disagree.

David C. - We have the minutes of the previous meeting, November 20<sup>th</sup>, is there any objection to those minutes as they're written?

Kala G. – I just need my name corrected, there are 2 D's again

David C. – Godard needs to be G-o-d-a-r-d. Ok any other corrections or additions with them stand?

Dave asked if there any other business to be brought before the board? Glenn suggested the next meeting scheduled for December 18<sup>th</sup> be cancelled for lack of business. Discussion ensued and Dave will wait until one week before the meeting in case any agenda items come up in the interim.

Dwayne P - motioned to approve the minutes. Kala seconded the motion, the motion passed 6 yes and 0 Disagree.

### **III. NEW BUSINESS & PUBLIC HEARINGS**

Public Hearing regarding proposed Subdivision Ordinance – David stated that with no one here to comment regarding the Subdivision Ordinance he stated without objection I'm going to declare the public hearing closed. With no objections from the board members the public hearing was closed.

### **IV. MINUTES**

➤ **November 20, 2019** – Minutes approved with correction of Kala Godard's last name.

**V. COMMUNICATION**

**VI. MISCELLANEOUS**

**VII. ADJOURNMENT**


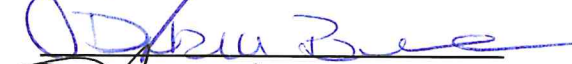

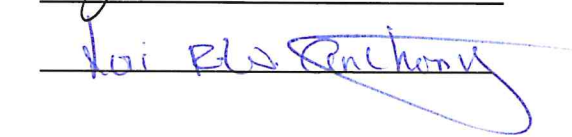
Dwayne made motion to adjourn, Kala second the motion.

- Vote: To adjourn meeting at 6:30PM  
6 Agree 0 Disagree

**VIII. ITEMS NEEDING SIGNATURE**

- Minutes of November 20, 2019

Approved Date: February 5, 2020



**TOWN OF WATERBORO**  
**PLANNING BOARD**  
**MEETING MINUTES**  
**December 18, 2019**  
**6:30 p.m.**

**The Planning Board Meeting scheduled for December 18, 2019 was cancelled, therefore there were no minutes taken.**

**The next Planning Board meeting is January 2, 2020.**

Approved Date: February 5, 2020

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