

SELECTMEN'S MEETING MINUTES

February 21, 2000

PUBLIC HEARING

PRESENT: Brenda Charland, Millard Genthner, Willis Lord, Patti Berry, Pam Witman, Sue Dunlap, Todd Morey, Doug Foglio Sr., Natalie Burns, Eric Herrle, Alfred & Edie Hutchinson, Beth & Mark Cyr, Diane Herrle, Bob Fay, Dwayne Woodsome, Mike McAlevey, Jone Gale, Debby Downs, Fred Fay, Tim & Joanne Neill, Dean & Denise Waterhouse, Roland Denby, Paul Kussman, Mike Roullard, Nancy McMakin, Gary Redeo.

Todd Morey presented the Planning Boards proposal which calls for removing the extraction ordinance from Conditional Use and placing it within Site Plan Review. Explained the difference between a Conditional Use and Site Plan Review Permits.

Citizens Initiative proposal was presented by Eric Herrle. Explained goals, objectives, development, key features, setbacks, hours of operation, performance guarantees, sunset provisions, hydrogeological studies and that they had surveyed neighboring towns.

Questioned moving from Conditional Use to Site Plan Review. Doug explained the differences. Conditional Use is a permitted use by definition in the zoning ordinance. Questioned pre-existing operations. Mark Cyr questioned if they are reducing setback from 500' to as little as 200' and can be reduced by 50% if approved by the Planning Board and abutters. Can be reduced but would require written permission from the abutters.

Don Scouler questioned if they can now come 50% closer than they currently are. Doug explained that the proposed ordinance calls for the setbacks to go back to what they were until the mid 90's when they were changed in error. Todd stated that these setbacks exceed the state standards in some cases by double.

Mark Cyr questioned the hours of operation and hours of processing. Explained that they can not process from 7 p.m. to 6 a.m. Monday through Friday or after 2 p.m. on Saturday until 6 a.m. on Monday. There are also seven holidays where they can not operate at all. The citizens proposal limits hours of operation from 6:30 a.m. to 6:30 p.m. Monday through Friday and 8 a.m. to 2 p.m. on Saturday with no Sunday hours. Willis Lord questioned if the citizens proposal allowed for operations on holidays. Eric stated that if the holiday fell on a weekday they would be allowed to operate.

Willis Lord questioned the reason for the performance bond. Eric explained that this is for reclamation only. Doug explained that the Planning Board has the right to request bonds but felt it would limit to only a very few who would be able to come up with a performance bond eliminating small contractors from being able to extract gravel. Requiring a performance bond is an unfair burden to place on a small contractor.

Jon Gale questioned if it was any worse for someone not to be able to extract any or for someone to have 30 acres abandoned and unreclaimed. Diane Herrle questioned if small operators could remove a small amount without a permit. Doug stated that currently you can remove 500 yards per year with no permit.

Sue Dunlap stated that just because a particular ordinance is on the books in other towns doesn't mean it works or that its right for Waterboro. Todd stated that he would prefer to work with people and not have such strict standards. The town does not want to over-regulate. Diane Herrle questioned how many performance bonds have been levied in the last ten years. Doug stated that only one pit has been approved while he's been on the board and that was Genest and no performance bond was levied. Diane Herrle then questioned why part of the ordinance is on the warrant and part on referendum. Doug stated that it is because the citizens petition required going on the ballot so the Planning Board had to do so. Typically all zoning is handled on the warrant. If the referendum passes the zoning must be amended and a vote to accept will be on the townhouse floor.

Paul Kussman questioned the legality of the citizens initiative proposal. Eric stated that it is completely legal and that the most stringent would apply. Paul questioned that if moving from Conditional Use to Site Plan Review what effect it will have on Sec. 4.03. Todd stated that they have the right to impose conditions. It allows for more latitude to make sure they conform. Paul stated that they are giving extraordinary power to our Planning Board. Natalie Burns stated that this is how its set up in every town per state law. Conditional uses are done sometimes by the Planning Board and sometimes by the Zoning Board of Appeals. Planning Boards are required under state law to administer.

Dwayne Woodsome questioned if the citizens initiative passes and it is not going to work with the towns ordinance, what does the Planning Board do until the next town meeting? Questioned if the citizens proposal does require a hydrogeological study. Eric stated that it does not and that with regard to his first question, the most stringent would apply. Dwayne then stated that the towns ordinance does require a hydrogeological study. The citizens proposal only has four definitions, what about any others? Eric stated that if not defined then would go to the state for definitions. Dwayne felt it would cost a tremendous amount of money to run back and forth to the attorney for determinations. Questioned if there were any changes made since the petition was signed and Eric stated absolutely not.

Diane Herrle questioned why the Planning Board doesn't protect the little homeowner and just the little gravel pit owner.

In closing Eric stated that they did the best they could. The Site Plan adaptation and theirs are just the same. Doug stated in closing that they have not levied performance bonds. Have required an irrevocable letter of credit many times.

ADJOURNMENT

Meeting adjourned at 9:45 p.m.