



TOWN of WATERBORO

OFFICE OF CODE ENFORCEMENT & BUILDING INSPECTIONS

24 Townhouse Rd., East Waterboro, ME 04030

207-247-6166 Ext. 120

ceo@waterboro-me.gov

October 26, 2016

Tammy Bellman
Administrative Assistant to the Zoning Board of Appeals

Regarding: an Administrative Appeal application

Applicant: Aaron Additon
Appeal is against the Planning Board

The application for administrative appeal has been found complete and may be scheduled for hearing.

Town of Waterboro
ZONING BOARD OF APPEALS

The Town of Waterboro Zoning Board of Appeals will hold a Public Hearing on Thursday, December 1, 2016, at 7:00 p.m. (with a snow date of December 8, 2016) at the Town Hall Annex.

The purpose of this hearing is to review an administrative appeal of the Planning Board. The applicant is seeking an administrative appeal for a cluster subdivision denial by the Town of Waterboro Planning Board. The property is located at 341 Old Alfred Road, East Waterboro, Tax Map 4, Lot 35.

The application can be viewed at the Code Enforcement Office during regular business hours.

Shawn Shoemaker, Chair



TOWN of WATERBORO

OFFICE OF CODE ENFORCEMENT & BUILDING INSPECTIONS

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November 9, 2016

ZONING BOARD of APPEALS

Town of Waterboro
24 Townhouse Road
East Waterboro, Maine 04030

Regarding: Aaron Additon
11 Carnoustie Drive
Falmouth, Maine 04105

Subject property: Old Alfred Rd.
Map 4 Lot 35

Administrative Appeal of the Planning Board, whereas, the appellant argues that the Planning Board's decision was in error and has affected him directly.

The ZBA has the authority to reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance. The ZBA may not receive or consider any evidence which was not presented to the Planning Board.

Respectfully submitted,

Glenn Charette, CEO, BI, LPI

TOWN OF WATERBORO, MAINE
ZONING BOARD OF APPEALS

APPLICATION FOR ADMINISTRATIVE APPEAL

Name of Appellant Aaron Additon / AMA Real Estate LLC

Mailing Address 11 Carnoustie Dr.

City or Town Falmouth State ME Zip Code 04105

Telephone 207-653-5448

Name of Owner Aaron Additon AMA Real Estate LLC

Property Located on Tax Map 4 Lot 35 Zone General Purpose

Applicable Sections of Zoning Ordinance:
8.03 - Cluster Development Sections 5, 6, 7

Name of Agent (if applicable) _____

The undersigned requests that the Zoning Board of Appeals grant relief from the decision, or lack of decision, of the Code Enforcement Officer or Planning Board in regard to an application for a permit or use approval. The undersigned believes that (check one):

- an error was made in the denial or granting of the permit or use.
- the denial or granting of the permit was based on misinterpretation of the ordinance.
- there has been a failure to approve or deny the permit within a reasonable period of time.
- other (please specify): _____

Please include the following information:

1. Attach a statement explaining in detail the facts concerning this appeal. Please be as specific as possible so that the Zoning Board of Appeals can give full consideration to the case.
2. Attach a copy of the deed, purchase and sale agreement, contract, or other documentation that gives you adequate right, title or interest in the subject property to bring this appeal.

3. Attach a copy of a sketch plan of the property showing lot dimensions and shape, existing structures, setbacks, and natural features on the lot, and indicate the locations or proposed locations of structures.
4. Attach a copy of other relevant papers concerning the appeal (applications, CEO and/or Planning Board decisions, etc).
5. Attach photos of the area (optional).

I certify that the information contained in this application and any supplement(s) hereto are true and correct, and that any attachment(s) hereto are true copies of the same.

Date 10/19/16 Appellant [Signature]

Notice to appellant: Please file this form with the Code Enforcement Office, together with a fee of \$330.00. You will be notified of the date of the hearing on your appeal.

pd 10/20/2016
\$330.00/tb



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Administrative Appeal

Planning Board Decision- The Blueberry Fields Subdivision was denied solely based on not meeting the minimum total square footage of 80,000 per lot. The Blueberry Fields subdivision is looking to subdivide one parcel, Map 4 lot 35 of 234,991 square feet into three parcels. The Blueberry Fields subdivision is short the needed 240,000 total square feet needed to subdivide into 3 parcels. The difference is 1,669 square feet per lot, or a 2.08% shortage. Roughly the size of a two car garage.

Proposal of Property- The proposal I am making, is take an existing parcel of 5.41 acres with a single family dwelling on it, and subdivide that parcel into three parcels, so that the two newly divided parcels can have a single family residence built on them. Increasing the tax revenue, as well as improving the underutilized land. I will put in the deed that the lots cannot be subdivided further after the approval of this subdivision. This will even take in effect the fact that if the Waterboro Water District decides to bring public water to that area, which will cut the building footprint in half to 40,000 square feet in order to develop, based on current zoning requirements. It is a great underutilized piece of land, and I do not want to increase the density of the property beyond the 3 lots being proposed. I am using Cluster Development in order to preserve the high bush blueberries, apple trees, as well as pear trees on the property that reside towards the back line. There is a wet area towards the back of the property line that would be preserved because of the cluster development and the current zoning requirements for a cluster development.

Rebuttal of Decision- The current zoning ordinance section 8.03 isn't being interpreted properly, based on the reading of the ordinance.

Section 8.03 Cluster Development - *The clustering of residential housing units is permitted by this ordinance. Clustered housing developments are a conditional use in all zoning districts (see Sections 3.04-3.08)--as such they are subject to all of the requirements and approval procedures of Article 4 except that the time provisions of Section 4.01 are extended to sixty (60) days. The clustering of housing units may be undertaken on any size parcel of land which is owned or under the control of a single developer. The overall density of housing permitted in a particular district and at a minimum cluster developments must comply with the substantive provisions of Article 5, 6, and 7 and the height limitations imposed in each district. However, all layout, dimensional, and area requirements imposed by this ordinance or the town's subdivision regulations may be altered without restriction.*

The operative words are: *area requirements imposed by this ordinance or the towns subdivision regulations may be altered without restriction.* The board chose to disregard this statement, and focus solely on the definition of a "cluster development." The change is infinitesimally small between actual lot size and needed lot size. The difference is 2%. Blueberry Fields subdivision meets all other requirements based on the Land Subdivision Regulations of the Planning Board. Per section 3.03 the Minimum Road Frontage is 150'. The three proposed lot road frontages are 170.1', 198.1', 204.' Each lot meets or exceeds the minimum front setback of 75', as well as they exceed the minimum side and rear setback of 35.'

Proposal to Zoning Board- I ask the Zoning Board of Appeals to grant the Administrative Appeal and allow the Blueberry Fields Subdivision. It meets all setback requirements, except it is 2% less than the needed square footage total needed for a 3 parcel subdivision. I ask the Board, to reverse the planning's board denial, based on the misinterpretation of section 8.03. *all layout, dimensional, and area*

requirements imposed by this ordinance or the town's subdivision regulations **may be altered without restriction**. "Without restriction" gives the board the leeway to make this decision, so that the planning process is streamlined. I was approved in the first meeting/month, tabled in the second/month, because they hadn't read the section 8.03, and then denied the third/month, because they said they couldn't make zoning variances. This is why I am making an appeal to the planning board's denial decision, for in favor of a variance to allow 3 parcels at Blueberry Fields, 341 Old Alfred Road Waterboro.

The following are also being incorporated into the deeds for the subdivision:

Section 5.03 Parking Area Requirements- Except in the case of single and two-family dwellings, a single parking space, exclusive of the space needed within a parking area for driveway, turnaround and traffic circulation purposes shall be at least two hundred (200) sq. ft. A parking area must be of sufficient size and shape to permit vehicle turn around to preclude the need for any vehicle to back out on to any roadway. All parking areas must be graded and surfaced so as to be properly drained and dust free. Parking areas serving more than ten (10) vehicles must have the individual spaces and aisles marked. **The deed will include a minimum of two spaces per single family house, and at least two hundred square feet for a turn around.**

The following are not applicable and stating why at the end of the requirement:

Section 6.01 General Requirements for signs- All signs which are located, erected, moved, reconstructed, extended, enlarged or structurally altered after the effective date of this ordinance must be in compliance with the provisions of this ordinance though some signs are exempted from otherwise applicable permit requirements and accompanying regulations. **This isn't applicable, because I will not be erecting any subdivision name signs on the property.**

Section 7.01 Development on Shorelands- The purposes of this Section is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in Shoreland areas. This Section has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.). **This isn't applicable because Tax Map 4 Lot 35 is not in a shoreland district.**

I have included the Finds of Fact/Notice of Decision that was received with the denial. Please review the criteria and the number of requirements that have and are met both by the Subdivision criteria and the Zoning Ordinance criteria.

Respectfully submitted,



Aaron Additon
Property Owner



BK17246 PGS 44 - 46
 INSTR # 2016020363
 RECEIVED YORK SS

06/02/2016 11:10:53 AM
 DEBRA ANDERSON
 REGISTER OF DEEDS

**QUITCLAIM DEED
 Without Covenant**

KNOW ALL BY THESE PRESENTS that it, **Biddeford Savings Bank**, Plaintiff, pursuant to a civil action to foreclose a mortgage under 14 M.R.S.A. Section 6321 et seq., brought in the York County Superior Court, Civil Docket No. ALFSC-RE-2015-76, against Roberta E. Morse, a/k/a Roberta Morse, Defendant, and in execution of a Judgment of Foreclosure and Order of Sale entered on December 9, 2015, in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by **AMA REAL ESTATE, LLC**, existing under the laws of the United States of America, whose mailing address is 11 Carnoustie Drive, Falmouth, ME 04105, the receipt and sufficiency of which it does hereby acknowledge, does hereby **REMISE, RELEASE, BARGAIN, SELL, CONVEY, AND FOREVER QUITCLAIM** unto the said **AMA REAL ESTATE, LLC**, its successors and assigns forever, the following described premises:

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

Being the same premises conveyed by Mortgage Deed originally in favor of Biddeford Savings Bank, which mortgage is dated October 9, 2009, and is recorded in the York County Registry of Deeds in Book 15748, Page 125, which mortgage has been foreclosed by civil action in the York County Superior Court, this sale and transfer being pursuant to said Court's Judgment of Foreclosure and Order of Sale entered on December 9, 2015, and pursuant to the Notice of Public Foreclosure Sale published in the Journal Tribune on March 16, 2016, March 23, 2016, and March 30, 2016. Said sale was not less than thirty (30) days, nor more than forty-five (45) days, from said first date of publication, being scheduled on April 19, 2016, at 11:00 a.m., at which time the Grantee was the successful high bidder.

Maine R.E. Transfer Tax Paid

3pg → Bay Area Title
 1711 Congress St.
 Portland, ME, 04102
 (20) m

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said **AMA REAL ESTATE, LLC**, its successors and assigns forever.

IN WITNESS WHEREOF, it, the said Biddeford Savings Bank, has caused these presents to be signed and its corporate seal to be affixed by Jay St. John its (title) EVP hereunto duly authorized this 3rd day of May, 2016.

SEAL

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF**

[Signature]

Biddeford Savings Bank

Jay St. John
by its (title) EVP
print name JAY ST. JOHN

STATE OF Maine
COUNTY OF York

May 3, 2016

Then personally appeared the above-named Jay St. John, the (title) EVP of the said Biddeford Savings Bank and acknowledged the foregoing instrument to be his/her free act and deed, in his/her said capacity, and the free act and deed of the said Biddeford Savings Bank, before me,

SEAL

[Signature]
Notary Public
print name Jaclyn T.M. Gagne
Maine Notary Public
My Commission Expires January 26, 2023

1

SCHEDULE A

THAT CERTAIN PIECE OR PARCEL OF LAND, AND THE BUILDINGS AND IMPROVEMENTS THEREON, KNOWN AS 341 Old Alfred Road

IN THE TOWN OF Waterboro

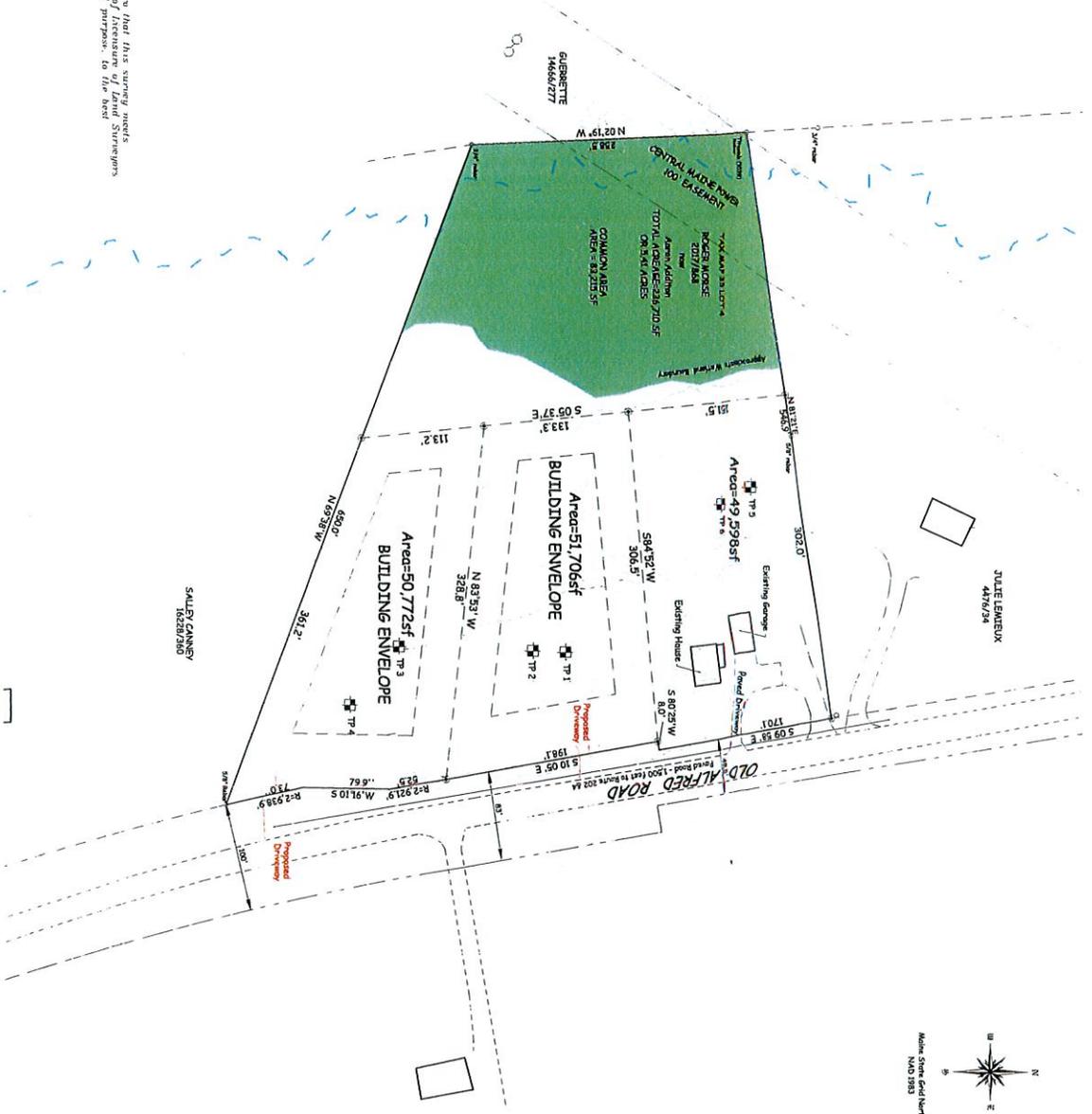
COUNTY OF York

AND STATE OF ME

AND BEING MORE PARTICULARLY DESCRIBED IN A DEED RECORDED IN

BOOK 2017, PAGE 868 OF THE
(ILS Completes) (ILS Completes)
York County Land Records
(Town or County Registry Land Records-ILS Completes)

- LEGEND
- 1. New Survey Area (Green)
 - 2. Old Survey Area (Yellow)
 - 3. Old Survey Area (Blue)
 - 4. Old Survey Area (Red)
 - 5. Old Survey Area (Purple)
 - 6. Old Survey Area (Black)



0 25 50 100 150
Graphic Scale 1"=50'

CERTIFICATION
I hereby certify to the Town of Waterville that this survey meets the minimum standards of the Board of Assessors of the State of Maine, for its expressed purpose, to the best of my knowledge and belief.



RON GUNN REGISTERED SURVEYOR

GENERAL NOTES:
1. RECORD OWNER OF THE PROPERTY IS ECO REAL ESTATE LLC, A PLACE OF BUSINESS LOCATED PORTLAND, MAINE, 112 PO BOX 4808
2. THE SUBJECT PROPERTY IS LOCATED WITHIN THE GENERAL SURVEY OF THE TOWN OF WATERVILLE
3. BUSINESS CONDUCTED ON THE RESURVEYED PROPERTY WILL NOT AFFECT TAXABLE VALUES ON OLD ALFRED ROAD.
4. TOPOGRAPHIC INFORMATION OBTAINED BY STATE OF MAINE OFFICE OF GIS.
5. WETLANDS OBTAINED FROM AERIAL PHOTOGRAPHY INTERPRETATION.
6. DRIVEWAY PERMITS REQUIRED BY THE TOWN OF WATERVILLE.

PLAN REFERENCES:

1. STANDARD BOUNDARY SURVEY AND DIVISION OF LAND FOR ROCKER RECORDED IN PLAN BK. 208, PAGE 46.
2. PLAIN SURVEY, A SURVEY OF LAND FOR SALES AND DIVISION OF LANDS PREPARED BY NICHOLE BOLAND BURNBERRY AND LAND SURVEYORS, DATED NOV. 7, 1993 RECORDED IN PLAN BK. 127, PAGE 20.

APPROVAL, DATED THIS DAY OF 2011 BY THE PLANNING BOARD OF THE TOWN OF WATERVILLE

COMMISSIONER

OWNER AND DEVELOPER:
ECO Real Estate, LLC
1000 Main Street
Portland, Maine 04112

SURVEYOR:
Stephen W. Everett PLS
73 Pleasant Sun Rd.
East Waterville, ME 04260

SITE EVALUATOR:
Alexander A. Thompson LSE # 391
1000 Main Street
Portland, ME 04112

Blueberry Fields Cluster Housing
341 Old Alfred Road
Waterville, Maine
for
Aaron Addison
ECO Real Estate, LLC, P.O. Box 4808, Portland, ME 04112
Prepared by Stephen W. Everett PLS - East Waterville, Maine
August 9, 2016
Scale 1" = 50'

**Town of Waterboro Planning Board
Findings of Fact and Notice of Decision
For Subdivision Application for a 3-lot subdivision**

Mailed Via Certified Return Receipt dated and numbered 7015 0640 0003 6198 2727

To: Aaron Additon a/k/a AMA Real Estate, LLC
11 Carnoustie Drive
Falmouth, Maine 04105

Date: September 21, 2016

Mailing: PO Box 4806
Portland, Maine 04112

Dear Mr. Additon,

This is to inform you that the Waterboro Planning Board has acted on your application for a 3-lot subdivision located at 341 Old Alfred Road, Waterboro, Maine 04087. The subdivision is located on Tax Map 4, Lot 35.

Findings of Fact:

1. The name of the applicant is Aaron Additon a/k/a/ AMA Real Estate, LLC;
2. Mailing address PO Box 4806, Portland, Maine 04112;
3. Authorized Agent: Stephen Everett, PLS
4. Authorized Agent address: 73 Pheasant Run Road, East Waterboro, Maine 04030;
5. The property is further denoted as Assessor's Tax Map 4 Lot 35;
6. The subdivision is within the GP (General Purpose) zoning district;
7. The applicant has demonstrated a legal interest in the property by being the current property owner by deed dated June 2, 2016 Book 17246 and Page 44;
8. Applicant met with the Planning Board on July 6, 2016, July 20, 2016, August 17, 2016, and September 21, 2016, as noted in the minutes of those meetings;
9. Site Walk on July 20, 2016;
10. Public Hearing held on August 17, 2016 at 7pm;
11. The applicant provided proof that the abutters were notified of the initial request before the Planning Board on the subdivision application;
12. No adverse response was received after the notifications of the abutters;
13. Section 5.1.2 pre-application (SKETCH) fee of \$1,175 was paid by check #1173 this was the fees for Town of Waterboro Land Subdivision Regulations of the Planning Board and Planning Board Cluster Development;
14. Submitted by the applicant were the following: survey drawn to scale not over 200 feet to the inch; proposed layout of the lots;
15. The following were not provided as the subdivision is on an existing street - Old Alfred Road: proposed layout of the street; proposed layout of drainage ditches and proposed reserved land;
16. The following are noted to have none on the property: existing land outcroppings; historical preserves; and trees of unusual size or interest;
17. Section 6.1.7 Applicant shall notify all property owners within 200 feet of the perimeter of the proposed development within 7 days after submitting preliminary plan as per requirement of this section;
18. **Section 6.2.1 Preliminary Plan:** The following were provided and/or marked as non-applicable on the submitted plans for the three lot subdivision as required:
 1. Name, title, town, date, scale, North arrow;
 2. Name address of owner, subdivider, soil scientist, designer, engineer and surveyor;
 3. Number of acres, location of property lines, existing easements, buildings, watercourses, etc;
 4. Names of subdivisions, abutting property owners, including directly across the street, streams or rights of way;
 5. Provisions of zoning ordinance applicable to the area being divided and any zoning district boundary lines affecting

- the subdivision;
6. Location and size of proposed or existing sewers, water mains, culverts or drains, swampy areas, brooks, springs and natural drainage ditches;
 7. Locations, names and present widths of existing and proposed streets, easements, building lines, parks and other open spaces;
 8. Width and location of any streets or other public ways shown on the official map and comprehensive plan within the area to be subdivided and width, location, size, grades and profiles of all public ways proposed;
 9. Contour lines at such intervals as the board may require;
 10. Log of on site soils investigations by a registered soil scientist for 2 test pits per lot separated by a minimum of 50 feet, location of which to be clearly delineated on preliminary and final plans, also the sewage disposal system recommended for each lot;
 11. Deed description and plan of perimeter survey of tract being divided, by a certified land surveyor and tied to permanent reference points, reference to a lot number or numbers as shown on tax maps, book and page for the tract being divided;
 12. Connection with existing public or private community water supply; not applicable
 13. Connection with existing public or private community sanitary sewerage system; not applicable
 14. Provisions for collecting and discharging storm drainage in the form of a drainage plan; not applicable
 15. Preliminary designs for any bridges including size and location;
 16. Proposed lot lines with approximate dimensions, lot numbers, approximate lot acreage and suggested location of buildings;
 17. Location of temporary boundary markers conspicuous enough for the board to readily locate in the field, (the basic layout);
 18. Show all parcels of land to be dedicated to public or community use with a statement of conditions of dedication; not applicable
 19. Proposed use of any part of the original tract which is not to be included in the subdivision;
 20. Location of all natural features or site elements to be preserved;
 21. Soil erosion and sediment control plan endorsed by York County Soil and Water Conservation District or the Maine Soil and Water Conservation District;
 22. Statement relative to the schedule of construction;
 23. Statement relative to amenities, services and future responsibility thereof;
 24. Provisions for centralized mail delivery;
 25. Location map showing geographical location of the subdivision within the town;
 26. Report prepared by a geologist registered in the State of Maine, to evaluate the impact the development will have on ground water. See regulations for full requirements of hydrogeological survey;
19. **Final Plan requirements 7.1:**
1. 7.1.3 Provide evidence that proposed method of water supply meets State of Maine Dept. Health & Human Services requirements and if applicable DEP. There will be wells for each lot of the sub-division per Maine Department of Health and Human Services requirements;
 2. 7.1.5 Performance Bond has been provided to the satisfaction of the town. There was no performance bond requested by the planning board.
- Section 7.2.1 submission requirements:**
1. All the information presented on Preliminary plan transferred to final. Yes - Per the survey provided for the August 17, 2016 meeting;
 2. Name, registration number and seal of land surveyor, architect, engineer, and soil scientist involved. All provided as applicable;
 3. Street names and lines, pedestrian ways, lots, easements and areas to be reserved or dedicated to public or community use. Already a named road and common area marked on the survey;
 4. Sufficient data acceptable to the board to readily determine the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established. Yes they are tied to reference surveys;
 5. The length of all straight lines, the deflection of angles of all curves, tangent distances and tangent bearings for each street. Noted on survey;
 6. By proper designation, all public and/ or community open space for which offers of cessionaire made by the subdivider and those spaces to which title is reserved by him. There is no public or community open space within the subdivided parcel. The common space is limited to the use of the occupants;
 7. Lots and blocks in the subdivision numbered according to local practice. Assessor has already assigned lot numbers in anticipation of approval;
 8. Permanent reference monuments shown thus "X" constructed in accordance with specifications prescribed herein and

location noted and referenced on final plan. Property corners shown on plan will be set upon final approval;

9. Written approval from E911 coordinator of street names. 50 foot interval marks provided on the road for the purpose of issuing E911 numbers. The sub-division is on an established road;

20. General Requirements

Section 8.1 proposed public sites and open spaces

1. Board may require the developer to provide up to ten percent or not less than 10,000 square feet of his total area for recreation. Such area shall be in one parcel and reasonably accessible from all lots within the subdivision. The common area is 83,213 square feet in size and accessible from all three lots;
2. Land reserved for park or recreation shall be of a character suitable for the use intended. No area reserved specifically for park or recreation within the common area;
3. If the subdivision has any kind of water body for 200 feet or more the Board may require a reasonable area with shore frontage be reserved as open space;
4. The Board may require the developer to provide space for future municipal use, in accordance with the comprehensive plan, on a reimbursable basis with a five year option after which the space may be sold for other development. Due to this being a cluster subdivision there will be no further division or sale of the common space;

Section 8.2 non-buildable land

1. The Board shall not approve for building sites portion of the subdivision that are commonly recognized as wetlands which must be filled or drained or land created by diverting brooks streams or rivers or is obtained by filling or draining any portion of any water body. No building envelope in any of the wetlands
2. Wherever located in whole or in part within 100 feet of any brook, stream, river, pond, or lake, no dwellings or part of any sewage disposal system or roads shall be installed or constructed within 100 feet of the normal high water line. No building envelope protrudes into a wetland from a brook, stream river, pond or lake;

Section 8.3.1 Minimum lot sizes shall conform to local, county and state regulations the most restrictive taking precedence. This is to be a cluster subdivision;

Section 8.4 Drainage easements; where a subdivision is traversed by a natural water course, drainage way, channel or stream, there shall be provided a stormwater drainage right of way conforming with the lines of such water course not less than thirty feet wide. Not applicable as no drainage easement required as the land slopes away from the road;

Section 8.5 Utilities. The size, type and location of public utilities such as street lights, electric, telephone and gas lines, fire hydrants, etc. shall be approved by the Board. This subdivision is on an existing street – street lights, electric, telephone and gas lines were approved at a prior meeting long ago as needed for Old Alfred Road developed;

Section 8.6 required improvements and inspection

1. Required improvements include: monuments, street signs, streets, sidewalks, water supply lines, sewage lines, storm drainage culverts. Monuments will be provided per Subdivision Ordinance. Culverts provided as needed per the Highway entrance ordinance;
- 2-4 see regulations – refers to inspection requirements of improvements. To be provided by the CEO;
5. Subdivider shall be required to maintain all streets, culverts and drainage ditches and provide for snow removal and sanding on streets until acceptance of improvements by legislative body. Old Alfred Road is a current town road;

Section 8.7 Fire protection For every five houses, the developer shall provide one acceptable form of fire protection. Not applicable – three lots three houses;

Section 8.8 Green belts

1. If subdivision abuts Routes 5 or 202 and all state-aid roads, a strip of land not less than (25) feet and not more than (100) feet in width running along said highway may be required to be set aside as a green belt. Must be shown on preliminary and final plans. Does not abut Rt. 5 or 202;
2. If subdivision abuts a town road, a strip of land not less than (25) or greater than (50) feet adjacent to said road may be required to be set aside as a green belt and be shown on prelim. And final plan. Not requested by the Planning Board;

Section 8.9 Access streets Where there is an existing or proposed arterial street abutting or in the subdivision, the Board may require marginal access streets. Not applicable – no additional streets involved;

Section 9 Design Standards

Section 9.1 Monuments

1. Permanent monuments shall be set at all corners and angle points and at corners of each lot; also at all street intersections and points of curvature. The monuments will be place once the subdivision has been approved;
2. Monuments shall be stone, metal or concrete located in the ground at final grade and indicated on final plan. The monuments will be place once the subdivision has been approved. The monuments will be located on the survey as shown;

Section 9.2 Street signs

1. Streets which join or align with abutting or neighboring properties shall bear the same name. New street names shall not duplicate nor bear resemblance of existing street names and shall be subject to approval by the E911

- coordinator. Not applicable – existing town road;
- 2. Street signs shall be furnished and installed by the subdivider. The type size and location shall be approved by the Board. Not applicable – current town road;

Section 9.3 Streets

1. Proposed streets shall conform to comprehensive plan prior to submission of preliminary plan. Not applicable no new street added;
2. Dead end streets may require the reservation of a (50) foot wide easement in the line of the street or in any practical direction to provide for continuation of utilities or access of pedestrian traffic to the next street. Not applicable – current town accepted road;
3. Construction of streets, sidewalks, bridges, culverts and drainage systems shall conform to applicable standards. **see Street Design Standards Ordinance.** Not applicable – street already in existence;
4. Grades of all streets shall conform in general to the terrain and shall not be less than ½ of 1 percent nor more than 10 percent in residential areas, but in no case more than 3 percent within 50 feet of any intersection. Not applicable – street already in existence;
5. Intersections of streets shall be at angles as close to 90 degrees as possible and in no case shall 2 streets intersect at an angle smaller than 60 degrees. Not applicable – street already in existence;
6. Where one street intersects another at 60-90 degrees the former street should be curved approaching the intersection. Not applicable – street already in existence;
7. A dead end or cul de sac shall not exceed 600 feet in length and shall have a turnaround at the closed end in which the radius of the traveled way shall not be less than 75 feet. Not applicable – street already in existence;
8. Streets shall be provided with an adequate drainage facility having year round effectiveness. Not applicable – street already in existence;
9. Reserved right of way for all residential streets shall not be less than 50 feet in width and the paved surface shall not be less than 24 feet; the centerline of the pavement and right of way shall coincide. Not applicable – street already in existence;
10. Side slopes of filled roads shall not be steeper than 1 vertical foot for every 3 horizontal feet. (1 to 3 or 33 and 1/3 percent). They shall be smoothly graded, loamed and seeded to prevent erosion. Not applicable – street already in existence;

Section 9.4 Cutting and Removal of Natural Vegetation

1. Trees, natural undergrowth, topsoil and gravel or other soils shall remain in their natural state at the time of the pre-application inspections by the board. No cutting or removal of trees and/or vegetation has taken place;
2. Cutting is restricted according to this section and required deed restrictions are perpetual. Applies to slopes of 10% or greater. This will be address when the property owner applies for their driveway permit from the Director of Public Works;

Section 9.5 Storm Water Management Design Standards

Storm water management plan designed by a registered professional engineer. Not required – the property owner when the driveway permit is requested by the Director of Public Works;

Sent to Southern Maine Regional for final plan submittal requirements – Lee Jay Feldman reviewed;

Peer Review as determined by the planning board. Was not requested by the Planning Board;

Peer review invoiced to applicant. Not applicable - no Peer Review requested;

All fees owed to the town paid, (peer review, filing fees... etc.) Paid and received by Tamara Bellman;

Title 30A MRSA 4404 State Requirements

1. Will not cause water or air pollution;
2. There is sufficient water supply to support development;
3. Will not cause unreasonable burden on municipal water supply;
4. Will not cause undue soil erosion;
5. Will not cause unreasonable highway or public road congestion;
6. Will provide for adequate sewage disposal and will not cause a burden on municipal services;
7. Will not cause a burden on municipal waste disposal;
8. Will not have an adverse effect on scenic view or natural beauty of the area;
9. Conforms with local ordinances and regulations;
10. The subdivider has financial capability and capacity to meet the standards of this section;
11. Will not adversely effect the quality of the water or the shoreline within the watershed of any shoreland zoned property;
12. Will not adversely effect the quality or quantity of ground water;
13. If any of the building lots are within the 100 year flood plain a note must be added to the plan that states any construction will be a minimum of 1 foot above the 100 year flood elevation;
14. All freshwater wetlands within the subdivision have been identified;

15. Any river, stream or brook within the subdivision has been identified;
16. Will provide for adequate storm water management;
17. Spaghetti lots prohibited within the shoreland zone;
18. The long term effects will not unreasonably increase the phosphorous content of a great pond;
19. For any proposed subdivision that crosses town boundaries will not cause unreasonable congestion or unsafe conditions to the use of existing public ways in an adjoining municipality;
20. Tax/tree growth information from town Assessor on subject property.

The applicant agrees with all statements regarding Title 30A MRSA 4404 State Requirements.

21. Town of Waterboro Land Subdivision Regulations of the Planning Board gives the Planning Board the authority to act upon the request.

Conclusions

Based on the above information and referenced sections of the Town of Waterboro Land Subdivision Regulations of the Planning Board, the Board voted to deny the application for a 3-lot line subdivision located on Old Alfred Road, Tax Map 4 Lot 35.

Notice of Decision

This is your Subdivision denial.

The Waterboro Planning Board voted on September 21, 2016, to deny the Blueberry Fields 3-lot subdivision based on the motion noted below:

- Kurt Clason made the motion for Blueberry Fields to be denied due to lack of square footage. Judi Carll seconded. No further discussion. Vote 6 Yea – 1 No (Nelson in favor) Denied due to lack of square footage. (Based on the Town of Waterboro Zoning Ordinance the minimum lot size for the General Purpose Zone without town water is 80,000 square feet per parcel. The total surveyed square footage for Map 4 Lot 35 is 234,991 square feet. The three parcel subdivision requires a minimum total square footage of 240,000 square feet.)

Appeals Procedure:

The following sections taken from the Town of Waterboro Zoning Ordinance explaining the appeals procedure.

Section 11.04 of the Waterboro Zoning Ordinance states: "Before judicial review may be sought pursuant to the provisions of Section 13.08, any decision, final action or failure to act of the Planning Board, including decisions which are to be made jointly by the Planning Board and Selectmen (see Section 2.05), must be appealed within thirty (30) days to the Zoning Board of Appeals of the Town of Waterboro by the applicant or an aggrieved party. The Zoning Board of Appeals may affirm the Planning Board, remand the issue with instructions which it had taken, or the Zoning Board of Appeals may modify Planning Board actions for reasons which must be set forth.

Section 13.08 of the Waterboro Zoning Ordinance states: Judicial Review – In addition to the judicial review from Zoning Board of Appeals decisions provided in section 10.08 any person aggrieved by any provision of this ordinance, interpretation of this ordinance, act or failure to act of the Code Enforcement Officer, Planning Board, or Selectmen undertaken in the course of administering pursuant to the Maine Rules of Civil Procedure (MRSA title 14 as amended). Such action must be brought within thirty (30) days after the enactment of this ordinance, the enactment of amendments to this ordinance or any final interpretation of provisions of this ordinance, order, action, or refusal to act of elected or appointed municipal officials or employees.

However, no action may be brought under this provision until appeal procedures before the Zoning Board of Appeals provided by this ordinance have been exhausted by the aggrieved person. (see Article 10).

Section 10.08 of the Waterboro Zoning Ordinance states: Judicial Review – A request and hearing for reconsideration may be made to the Zoning Board of Appeals within thirty (30) days from any final order, relief, or denial by an aggrieved party in accordance with 30A MRSA 2691 and 4353 and Maine Civil Procedure, Rule 80B.

An appeal may be taken within forty-five (45) days after a Zoning Board of Appeals decision is rendered by an aggrieved party to Superior Court from any final order, relief, or denial in accordance with 30-A MRSA 4353 and with Maine Rules of Civil Procedure, Rule 80B.

Very Truly,



Lee Nelson
Vice-Chair

State of Maine
County of York

Date October 4, 2016

Personally appeared the above-named Lee Nelson and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Signature

Printed Name Tamara S Bellman

Commission expires 4/13/2019

***This 3-Lot subdivision "Blueberry Fields" must be filed by the Applicant at the York County Registry of Deeds.
Failure to record this document voids the modification.**

cc: Code Enforcement Officer
Board of Selectmen
Planning Board Members

**TOWN OF WATERBORO
PLACEMENT ON
PLANNING BOARD AGENDA**

Date received: 6/27/16

APPLICATION TO BE PLACED ON PLANNING BOARD AGENDA July 6th

I, Aaron Additon

Address: 341 Old Alfred Rd
Waterboro ME

Tax Map# 4 Lot # 35

Zone _____

Telephone # 207-653-5498

HEREBY MAKE APPLICATION TO BE PLACED ON THE AGENDA OF THE WATERBORO PLANNING BOARD:

Nature of business to be presented before the board:

3 Lot subdivision

Is the project in the Shoreland Zone? _____ yes no

Estimate of time necessary for presentation: 30 min _____ 45 min _____

Name (s) of person (s) who will be appearing before the Planning Board:

Please file this form with the Code Enforcement Officer, at which time a non-refundable fee* must be paid. You will be notified of the date and time you are to appear. **You shall notify all abutters of your property of the date, time and purpose of your meeting and allow them 10 days prior to the meeting date to submit any concerns they may have in writing to the Planning Board.** Attach the following information:

- Building permit application
- Diagram of the lot and project in relation to said lot
- Any other information to better review your application

paid to tb

WATERBORO PLANNING BOARD *FEES

_____ Placement on agenda (informational)	\$50.00
_____ Conditional use / set back reduction (includes relocation in Shoreland Zone)	\$100.00
_____ Special Structures (Height modification)	\$50.00 (see Article 4)
<input checked="" type="checkbox"/> Cluster development <u>3 lots</u>	\$100.00 + \$25.00 for each development review residential, commercial or industrial unit in the development (see section 8.03)
_____ Planned Unit	\$100.00 + \$25.00 for each development review residential, commercial or industrial unit in the development (see section 8.02)
_____ Temporary Use Review	\$50.00 (see section 2.07)

TOWN OF WATERBORO SUBDIVISION APPLICATION

Subdivision Name Blue Berry Fields Date of Application 6/27/16
Application Fee _____ Fee Received _____

APPLICANT INFORMATION

1. Name of Property Owner: Aaron Addison
Address: 11 Carnoustie Dr
Falmouth ME 04105

2. Name of Applicant: Aaron Addison
Address: 11 Carnoustie Dr
Falmouth ME 04105
Telephone 207-653-5498

3. If applicant is a corporation, check if licensed in Maine: Yes No
and attach a copy of State's Registration.

4. Name of Applicant's Authorized Agent: _____
Address: _____
Telephone: _____

5. Land Surveyor, Engineer, Architect or others preparing plan
Name: Stephen Everett
Address: _____
Telephone: 207-650-5216 Registration # _____

6. Contact person/address to send all correspondence regarding this application
Aaron Addison
11 Carnoustie Dr
Falmouth ME 04105
653-5498

7. What legal interest does the applicant have in the property to be developed
(ownership, option, purchase and sales contract, etc.)? Owner
Attach Evidence of interest: _____

8. What interest does the applicant have in any abutting property? None

LAND INFORMATION

9. Location of Property (from County Registry of Deeds) (from Tax Maps) Road 341 Old ALFRED Rd Waterboro Book _____ Page _____ Map 4 Lot 35

10. Current zoning of property: _____

11. Is any portion of the property within 250 feet of the high water mark of a pond, river or wetland? _____ Yes No

12. Acreage to be developed 5.41 Acres

13. Indicate the nature of any restrictive covenants to be placed in the deeds:

N/A

14. Has this land been part of a prior approved subdivision? _____ Yes No Or other divisions within the past five years? _____ Yes No

15. Identify existing use(s) of land. (farmland, wood lot, etc.)

16. Does the parcel include any waterbodies? _____ Yes No

17. Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency:

_____ Yes No

18. List below the names and mailing addresses of abutting property owners and owners across the road.

Name	Address
<u>Please see attached</u>	_____
_____	_____
_____	_____
_____	_____

Abutting property owners continued:

GENERAL INFORMATION

19. Proposed name of development: Blueberry Fields

20. Number of lots or units: 3

21. Anticipated date for construction: August 2016

22. Anticipated date of completion: December 2016

23. Does this development require extension of public infrastructure?
 Yes No
 roads storm drainage other
 sidewalks water lines fire protection equipment

24. Estimated cost for infrastructure improvements \$ 240,000

25. Identify method of water supply to the proposed development?
 individual wells
 central well with distribution lines connection to public water system
 other, please state alternative

26. Identify method of sewage disposal to the proposed development?
 individual septic tanks
 central on site disposal with distribution lines
 other, please state alternative

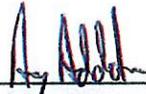
27. Identify method of fire protection for the proposed development?
 hydrants connected to the public water system
 dry hydrants located on an existing pond, water body or firepond
 other, please state alternative _____

28. Does the applicant propose to dedicate to the public any streets, recreation or common lands?
If any, street(s) Yes No Estimated Length _____
recreation area(s) Yes No Estimated Acreage _____
common land(s) Yes No Estimated Acreage _____

29. Does the applicant intend to request waivers of any of the subdivision submission requirements? NO

If yes, list them and state reasons for the request.

To the best of my knowledge, all the above state information submitted in this application is true and correct.


(signature of applicant)

6/27/16
(date)

Received Date: 7/19/16
Receiver Initials tb

WAIVER REQUEST FORM

Town of Waterboro, Maine

If there is more than one waiver requested, each waiver request is to be individually listed and described, as each waiver is considered individually by the Town of Waterboro Planning Board. Each petition for waiver shall be submitted in writing by the applicant with the application (site plan or subdivision) for review. The request shall fully state the reasons for which the waiver is requested and any/all facts supporting the request. Additionally, each waiver that may be granted by the Planning Board, shall be listed on the approved site or subdivision plan.

Name of Site/Subdivision Plan: BLUEBERRY FIELDS
Site/Subdivision Location: 341 OLD ALFRED RD. WATERBORO
Map #: 4 Lot#: 35 Zoning: _____
Owner(s) ECD REN ESTATE LLC
Address of Owners: P.O. Box 48006
Phone #: 653 5498 Email: ADON@ECD REAL ESTATE.COM
Land Surveyor: STEPHEN W. FURRETT
Phone #: 650-5216 Email: STEPHEN W. FURRETT@GMAIL
Engineer: _____
Phone #: _____ Email: _____

I STEPHEN FURRETT seek the following described waiver to the Town of Waterboro: (Be specific and reference sections of Site Plan, Zoning or Subdivision Ordinances)

SUBDIVISION ORDINANCE 6.2.1

#26 HYDRO GEOLOGIC IMPACT STUDY - NOT NECESSARY DUE TO THE SIZE OF THE PROJECT & THE SLOPE RUNNING PERPENDICULAR TO BOUNDARY LINES.

[Signature] 7/19/16
Signature of Owner/Applicant Date of submittal

Review Date by Planning Board: July 20, 2016

Planning Board Decision: July 20, 2016
Approved, Approved with Modifications, Denied (with reasons)

June 29, 2016

Aaron Addington
ECO Real Estate LLC
PO Box 4806
Portland, ME 04112

RE: Soil Evaluation for Subsurface Wastewater Disposal Systems
341 Old Alfred Road, Waterboro, Maine

Dear Mr. Addington:

On June 15th and June 29th 2016, six test pits were dug and assessed on the subject site of the proposed development of 2 lots located on the west side of Old Alfred Road in Waterboro by Alexander Finamore, LSE #391. Each test pit was located by Steve Everett, PLS #1232. Two test pits were dug per lot approximately 50 feet apart, per Town of Waterboro ordinance, in lots 2 and 3. Lot 1 has an existing residence with an existing septic system, but two test pits were dug outside of the developed area to confirm that a replacement system could be installed. All of the test pits contained fine sandy loams and loamy fine sands. Test pit 5 was found to have evidence of a seasonal water table at 24". All other test pits had no evidence of water table, restrictive layer, or bedrock within the top 24 to 28 inches. Therefore all three lots have suitable soils to support a 'First Time System' according to the Maine Subsurface Waste Water Disposal Rules. Please find the soil profile descriptions and a map showing the location of the test pits attached.

If you have any questions, please feel free to email me at: alfinamore@yahoo.com or call 207-650-4313.

Sincerely,



Alexander A. Finamore, LSE #391

SOIL PROFILE/CLASSIFICATION INFORMATION

Detailed Description of Subsurface Conditions at Project Sites

Project Name: **341 Old Alfred Road** Applicant Name: **Aaron Additon** Project Location (municipality): **Waterboro**

SOIL DESCRIPTION AND CLASSIFICATION

Exploration Symbol: **TP-5** Test Pit Boring

*Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
1				
2	Sandy Loam	Friable	Dark Brown	None
3				Observed
4				
5				
6				
7				
8				
9				
10	Fine Loamy Sandy Loam		Yellowish Brown	
11	W Rounded Stones			
12				
13				
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19				
20				
21				
22	Fine Loamy Sand		Grayish Brown	Common, Medium, & Distinct
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Limit of Excavation = 28"

hydic non-hydic Slope % 10 Limiting factor 24" ground water restrictive layer bedrock

Soil Series / phase name: _____ Drainage Class _____ Hydrologic Group _____

Soil Classification: 4 Profile MWD Drainage Class C Design Class

SOIL DESCRIPTION AND CLASSIFICATION

Exploration Symbol: **TP-6** Test Pit Boring

*Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
1				
2	Sandy Loam	Friable	Dark Brown	None
3				Observed
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Limit of Excavation = 28"

hydic non-hydic Slope % 10 Limiting factor >28" ground water restrictive layer bedrock

Soil Series / phase name: _____ Drainage Class _____ Hydrologic Group _____

Soil Classification: 4 Profile MWD Drainage Class C Design Class

SOIL DESCRIPTION AND CLASSIFICATION

Exploration Symbol: Test Pit Boring

*Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
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hydic non-hydic Slope % 5 Limiting factor _____ ground water restrictive layer bedrock

Soil Series / phase name: _____ Drainage Class _____ Hydrologic Group _____

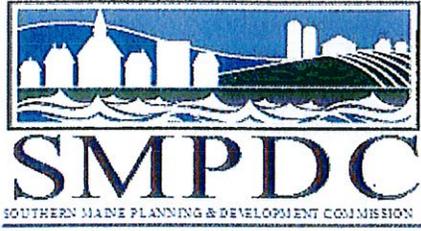
Soil Classification: _____ Profile _____ Drainage Class _____ Design Class _____

SOIL DESCRIPTION AND CLASSIFICATION

Exploration Symbol: Test Pit Boring

*Depth of Organic Horizon Above Mineral Soil

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Texture	Consistency	Color	Mottling
0				
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To: Town of Waterboro, Planning Board
From: Lee Jay Feldman, Director of Planning
Date: 7/19/2016
Re: **Additon Subdivision**

I. Proposal

The applicant is proposing to subdivide 5.41 acres in to a three lot subdivision along old Alfred Road. The main parcel currently has a house located on the property to the far northerly portion of the property.

The property is located in the General Purpose zone which requires 150 feet of frontage and a maximum density of 80,000 square feet of lot size per lot when not on town water. This site does not have town water so the applicant is proposing a Cluster plan due to the lack of lot size to accommodate 3 lots in a traditional subdivision style. If the site were located on town water, a traditional subdivision would work fine.

In proposing this cluster style the applicant is proposing to provide 83,215 square feet of back land as common area to the subdivision.

In order to review this application at the Preliminary level, the board must first find the application complete, grant waivers if any are requested and set the date for the public hearing which could occur as part of the preliminary review.

II. Submission

In my estimation, the plan is lacking a lot of information in order for the board to find the application complete and schedule the preliminary review and public hearing.

The plan shows test pits for the two lots proposed as part of the subdivision but I have not seen the TP logs to determine if the site can handle new septic systems.

The following is a complete list of missing items and no waivers requested

- #2 No information on the Soil Scientist
- #8 No information of Old Alfred Road Street pavement widths or Right of Way widths in this location
- #12 & 13 no waivers requested for tie in to existing Public water or sewer supplies
- #21 No soil erosion control waivers since no construction will be occurring
- #22 No waivers requested for construction schedule since no construction will occur
- #23 No waiver indicating that no new amenities, services and who the future responsibility will be to
- No location map shown on the plan.

While all of these things might seem small, It is important to document that waivers were requested and granted so that no one can question these matters once the application has been approved.

III. Recommendation:

Once these waivers have been requested and granted by the Planning Board I would have no problem with this being approved as proposed.

TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
July 6, 2016
7:00 p.m.

I. ROLL CALL

Present: Kurt Clason Dwayne Prescott Lee Nelson Judy Wirth

Absent: Katy Mann Judi Carll Steve Letellier

Others: Ron Roberge Tim Neill Julie Lemieux Phil Lemieux Ross Dindio
Stephen Everett Lee Jay Feldman Glenn Charette David Lowe
Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:03pm on July 6, 2016.

Kurt stated a quorum has been met with the members present.

Kurt moved the Election of Officers to the bottom of the agenda.

I. MINUTES OF PREVIOUS MEETINGS

- **June 1, 2016** – Tabled by Kurt Clason.
- **June 15, 2016** – Kurt Clason made the motion to accept the minutes of June 15, 2016. Judy Wirth seconded. No discussion. Vote 3-0-1(Prescott – Absent).

II. NEW BUSINESS & PUBLIC HEARINGS

- **Election of FY 2017 Planning Board Officers** – Tabled until next Planning Board meeting.
- **Aaron Additon – SKETCH Plan Review – “Blueberry Fields”** Represented by Stephen Everett. Steve gave an overview to include the following: 6,000 square feet short for three conventional lots in the AR Zone, less than 1,000 feet from Route 202, 2 additional test pits were completed to ensure good ground for the systems. Lee Jay – this is the SKETCH Review for a minor subdivision. Kurt – do a site walk, reviewed cluster – aggregate house lot and common area vs conventional lot. Judy – 3 wells 3 septic’s? Steve – emergent wetland – stream higher value; grass – wet meadow. Kurt – nitrates? Steve – nitrate plume back toward the wetland; 3 ½ foot water refusal depth. Kurt – now is the time to move forward. Lee – schedule the site walk. Kurt – Site walk scheduled for the Planning Board meeting on July 20, 2016 at 6pm at the Blueberry Fields location on Old Alfred Road. Steve please mark/flag the frontages and building envelopes.

III. OLD BUSINESS

- **Ron Roberge – Relocation in Shoreland** – Ron provided a review of the project. Have been working with Glenn on the package for the Planning Board. Replacing existing camp; Northeast Civil Solutions did flood plain zone determinations; 100 foot setback is on the plan; 15% current lot coverage; hoping for a year round residence; looked at the contours – look to move 3+/- feet – if more will destabilize the trees on the upper level; maintain the 25 foot setback. Kurt – with the new addition still 25' setback? Ron – slid it back to keep it in line. Kurt read Glenn's letter. Ron – move forward – demolish and rebuild; 2x6 16' on center; headers 2x4 some not meet code aluminum wire and copper wire. Kurt – Site Walk for next Planning Board meeting July 20, 2016 at 630pm at 65 Dean Drive, East Waterboro.
- **Glenn Charette – Final vote Shoreland Zoning Ordinance draft and Shoreland Zoning Map draft** – Glenn - You have before you the legal reviewed Shoreland Zoning Ordinance and Shoreland Zoning Map both in draft form. Per legal there are minor corrections in blue as noted: page 2 the effective date; page 4 permitting reference; page 18 and 19 both numbering sequence and language; page 19 also, no moorings in Shoreland Zoning Ordinance – per municipal lawyer. Kurt – explain the concern with commercial docks – one-time take pics do conditional use – no further he said/she said. Glenn – page 43 spelling; page 45 do not permit a culvert; page 49 “note” removed; page 51 Zoning Board of Appeals wording clarification; page 58 mooring not be a part of the ordinance and the definition should be removed; a mooring ordinance would need to be created to regulate moorings. Would like to keep it in the definitions because it tells the owner what color to make it. Kurt – only other way would be to add MRSA 23 to definition. The Planning Board agreed. Glenn - When Lee Jay and I go through the Zoning Ordinance might need to create a mooring ordinance. Glenn – the green page starts the additional Zoning Ordinance amendments that would need to take place to remove the Shoreland Ordinance from the Zoning Ordinance. Kurt – wheelchair ramps are going to be ok within the shoreland. Glenn recommends that the Planning Board approve the final draft of the Shoreland Zoning Ordinance; approves the amendments of the Waterboro Zoning Ordinance that refer to the Shoreland Zoning Ordinance; and approve the draft of the Shoreland map. Lee Jay need to delete Article 7 Section 7.01 from the Zoning Ordinance. Glenn recommends that Article 7 Section 7.01 in its entirety be deleted from the Zoning Ordinance. Kurt Clason made the motion that the Planning Board approve the final draft of the Shoreland Zoning Ordinance with amendments that reference the Shoreland Zoning Ordinance in the Town of Waterboro Zoning Ordinance; draft Shoreland Zoning Map and strike Article 7 Section 7.01 in its entirety from the Town of Waterboro Zoning Ordinance. Seconded by Judy Wirth. Dwayne asked if the public will have another opportunity to voice their concerns. Glenn – yes – at at least one Public Hearing by the Board of Selectmen. No further discussion. Vote 4 – 0 approved. Per Lee Jay this motion also sends the draft Shoreland Zoning Ordinance and draft Shoreland Zoning Map on to the Board of Selectmen for their processing as a standalone ordinance.

IV. COMMUNICATION

- **Lee Jay Feldman** – beginning new fiscal year a lot of work to be done on the Zoning Ordinance working on this behind the scenes to realign the wording and clean up language then working on more substantive things within the Zoning Ordinance.
- **Glenn Charette** – Talk to you about what is coming up from the Legislature. The International Residential Code (IRC); International Existing Building Code (IEBC); and International Building Code (IBC) – the commercial code; will be going to the 2015 version of the IBC, IRC, IEBC effective about October, 2016. The 2009 energy code will probably remain unchanged, adopt 2015 but enforce 2009 – the Legislature will delete this portion as 2015 is much more strict. Once the State adopts the 2015 Building Codes, Waterboro will be required to enforce the State Codes.

V. MISCELLANEOUS

VI. ADJOURNMENT

- Judy Wirth made the motion to adjourn at 7:41pm. Kurt Clason seconded the motion. No discussion. Vote 4 - 0 in favor.

Approved Date: _____

_____	_____
_____	_____
_____	_____
_____	_____

TOWN OF WATERBORO

PLANNING BOARD

MEETING MINUTES

July 20, 2016

7:00 p.m.

Site Walk – 6pm – Aaron Additon – Old Alfred Road, East Waterboro – “Blueberry Fields”
3-lot subdivision

Roll Call:

Planning Board members present: Katy Mann Lee Nelson Judi Carll Dwayne Prescott

Others: Aaron Additon Stephen Everett Tim Neill Lee Jay Feldman Tammy Bellman

Site Walk Findings: Katy Mann opened the site walk at 6:01pm at Old Alfred Road Subdivision location. Steve Everett gave an overview of the physical parcel divisions. The 75 foot setbacks were noted by the Planning Board. The Planning Board walked the perimeter of lots two and three. They were interested in the wetland noted on the plan. The property naturally slopes away from the road side of the property. The wetland is designated as common area on the plan. The entrances marked on the current plan may need to be moved to allow for easier fill and access to the properties. Katy closed the site walk at 6:25pm.

Site Walk – 6:30pm – Ron Roberge – 65 Dean Drive, East Waterboro – Relocation in Shoreland Zone

Roll Call:

Planning Board members present: Katy Mann Lee Nelson Judi Carll Dwayne Prescott

Others: Ron Roberge Tim Neill Glenn Charette Lee Jay Feldman Tammy Bellman

Site Walk Findings: Katy Mann opened the site walk at 6:41pm at 65 Dean Drive. Ron Roberge gave an overview of the history thus far. Looking to demolish the camp and rebuild 3 feet back from the current location. If the building goes further back the tree line, elevated property and structures behind the existing camp will be impacted creating an erosion control problem running into the lake. Three feet would be the greatest extent as possible to move it back before it would create a more significant problem. Katy closed the site walk at 6:50pm.

Regular Meeting

I. ROLL CALL

Present: Katy Mann Judi Carll Dwayne Prescott Lee Nelson

Absent: Kurt Clason Judy Wirth Steve Letellier

Others: Tim Neill Ron Roberge Stephen Everett Aaron Additon Thomas Blesso
Scott Bernier Patricia Bernier Lee Jay Feldman Glenn Charette
David Lowe Tammy Bellman

Katy Mann called the Planning Board meeting to order at 7:12pm on July 20, 2016.

Katy reviewed the agenda and site walks.

Katy Mann made the motion to move Old Business to the front of the agenda. Dwayne Prescott seconded. No discussion. Vote 4 – 0 approved.

I. OLD BUSINESS

- **Aaron Additon – “Blueberry Fields” – Review for pre-application completeness** – Steve Everett came to the podium and provided an overview of the project thus far. The only other change would be to move the most southerly driveway toward 202, near the end of the parcel for a better location. Lee Jay – the process tonight for the Planning Board would be to find the application complete provide the checklist with non-applicable notations Lee Jay noted going forward these will need to be waived in a more formal way, find the application complete; and the applicant has provided a soils test with good soils noted. The Planning Board reviewed the subdivision checklist. Katy Mann made the motion to find the application complete. Dwayne Prescott seconded the motion. No discussion. Vote 4 – 0 approved. Lee Nelson made the motion to waive all the items marked on the subdivision checklist as non-applicable. Dwayne Prescott seconded. No discussion. Vote 4 – 0 approved. Steve – all of the waivers are completed with this action. Lee Jay – yes. Katy scheduled the Public Hearing for August 17, 2016 at 7pm.
- **Ron Roberge – Relocation in Shoreland** – Ron provided a review of the project thus far. Have been working with Glenn on the package for the Planning Board. Remove existing camp; replace with a foundation and building; and move it back to the furthest extent possible, 3 feet. Glenn Charette – the relocation is allowed by ordinance. The Planning Board will need to approve the relocation and require it to be to the furthest extent possible from the water. Ron will then need to provide a new site plan with the above information. He is required to have a survey done to prove the conditions of the approval. Dwayne Prescott made the motion to relocate the structure. Judi Carll seconded. No discussion. Vote 4 – 0. Dwayne Prescott made the motion to move back 3 feet to the greatest extent possible due to topography and vegetation. Judi Carll seconded. No discussion. Vote 4 – 0.

II. MINUTES OF PREVIOUS MEETINGS

- **June 1, 2016** – Judi Carll made the motion to accept as submitted. Dwayne Prescott seconded. No discussion. Vote 4 – 0 approved.

II. NEW BUSINESS & PUBLIC HEARINGS

- **Election of FY 2017 Planning Board Officers** – Katy Mann tabled until next Planning Board meeting.
- **Thomas Blesso – SKETCH Plan Review for “Sweet Fern Acres” 7-lot subdivision** – Steve Everett represented Thomas Blesso. Steve gave an overview – this piece of property is an old gravel pit. Tom purchased it with a

structure on lot 1. The property is as flat as a pancake – only vegetation are sweet ferns. Designed an extension of 560' to Sky Lane ending in a cul-de-sac with 6 lots and the road. Forested wetlands; Pigeon Brook – a non-flowing brook when surveyed. Steve explained how the owner of lot 2 would be able to fill part of the wetland per State Ordinance – not fill more than 10% of 1 acre. Lee Jay – please confirm the building envelope to be outside the wetlands. Glenn agreed. Steve and Tom – Sky Lane will remain private. Tom – it will be up to the town if they want to change the status. Steve – ok to remove the driveway entrances from the survey? Dwayne – have the owners provide a Highway Entrance Permit as they will need to be in compliance if the town accepts Sky Lane. Judi – 5 lots need fire protection by ordinance. Glenn – could make access to the shallow pond. Steve – option of sprinklers. Tom introduced himself. Lee Jay – part of the application for the preliminary; the Bernier's had questions. Site distances for egress and ingress need to have their questions answered on the plans. Glenn – would like to see the following: id Sky Lane; building envelope id; building envelope out of 2; assign e911 numbers on final; property pins by ordinance have to be placed; frontage identified on the plans; and sight distance. Lee Jay – for future developments make clear to other property owners the primary use of the property so future buyers will understand. Steve – The shallow pond is identified as a vernal pool – unnatural due to the gravel pit use. It is a frog pond – gravel pit not identified by the State. Glenn – please bring the definition of the vernal pool for the next meeting. Katy scheduled the Site Walk for Wednesday, August 3, 2016 at 6pm at Sky Lane, North Waterboro. Steve – the preliminary will be on August 3? Katy – yes. Katy scheduled the Public Hearing for August 17, 2016 after the Blueberry Fields Public Hearing.

III. COMMUNICATION

IV. MISCELLANEOUS

V. ADJOURNMENT

- Judi Carll made the motion to adjourn at 8:05pm. Dwayne Prescott seconded the motion. No discussion. Vote 4 - 0 in favor.

Approved Date: _____

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_____	_____
_____	_____
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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
August 17, 2016
7:00 p.m.

Regular Meeting

I. ROLL CALL

Present: Kurt Clason Katy Mann Judi Carll Dwayne Prescott Judy Wirth

Absent: Lee Nelson Steve Letellier

Others: Tim Neill Stephen Everett Aaron Additon Thomas Blesso Patricia Bernier
Roger Lauzier Lee Jay Feldman Glenn Charette David Lowe
Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:00pm on August 17, 2016.

Kurt reviewed the agenda.

II. MINUTES OF PREVIOUS MEETINGS

- **July 6, 2016** - not enough members present from the July 6 meeting - tabled until next meeting.
- **August 3, 2016** - Katy Mann made the motion to accept the August 3 minutes. Judi Carll seconded. No discussion. Vote 4 – 0 - 1 (Clason).

III. NEW BUSINESS & PUBLIC HEARINGS

- **Election of FY 2017 Planning Board Officers** – Kurt Clason postponed until next Planning Board meeting.
- **Public Hearing – Aaron Additon – “Blueberry Fields” 3-lot subdivision, Old Alfred Road** Kurt Clason opened the Public Hearing up at 7:07pm. Steve Everett came to the podium representing Aaron Additon. Steve explained the changes on the survey for “Blueberry Fields”. No public comment. Kurt closed the Public Hearing at 7:08pm.
- **Public Hearing – Thomas Blesso – “Sweet Fern Acres” 7-lot subdivision, Sky Lane** Katy Mann made the motion to take “Sweet Fern Acres” off the table. Dwayne Prescott seconded. No discussion. Vote 4-0-1(Clason). Kurt Clason opened the Public Hearing at 7:10pm. Steve Everett came to the podium representing Thomas Blesso. Steve explained the changes that were requested and noted on the latest project survey: note 7, sight distances are 525 and 553 feet at the intersection of Sky Lane and Silas Brown Road. Kurt opened the Public Hearing up to questions from the audience:

Patricia Bernier – At the last meeting what was the decision on the primary residence needs to come before the garage? Does the primary residence need to come first? Dwayne went over the prior meeting information. Patricia – this sounds more like a storage unit or just a garage – I see no value coming to the community and residents. Want to make sure that bringing activity that is of a value to the community and its residents. If putting in road and houses then that is a good activity to the area and a positive impact on the area.

Glenn Charette – When Mr. Blesso came with his proposal I based my decision on Section 2.07 of the Zoning Ordinance. And, told Mr. Blesso that the garages were allowable. I asked for Natalie’s determination and she disagreed with me along with the Town Administrator. I can’t buck Natalie’s opinion. As it stands now can’t do only residential garage as a primary use. There are four garages without a residence in the AR district that have been permitted by four CEOs with no Planning Board review. The Ordinance does not say what the order of the buildings need or must be for the buildings to be constructed. I don’t agree with Natalie’s opinion, it is just an opinion. If you read Section 2.07; Glenn read 2.07: **Section 2.07 Use Restrictions** - In each zoning district the only uses permitted are those specified as primary uses or conditional uses and those natural and usual accessory uses and structures which enable or facilitate necessary repair, storage, parking, gardening, recreational activity, the non-commercial keeping of animals, and similar undertakings incidental to a primary or conditional use.” In addition, all conditional uses in any zoning district and their accessory uses and structures are subject to Planning Board review and approval (See Article 4). There are a pile of things that could be in the AR Zone including junkyards. You are able to have contracting equipment but not a personal garage used for storage. I don’t think they would restrict the use of the property because you can store excavators on your property in the AR Zone. Kurt closed the Public Hearing for Sweet Fern Acres at 7:17pm.

IV. OLD BUSINESS

➤ **Aaron Additon – “Blueberry Fields” 3-lot subdivision Final**

Preliminary/Approval – Kurt Clason abstained – not familiar enough.

Dwayne Prescott – I make the motion to approve Blueberry Fields as a 3-lot subdivision. Judi Carll – I have something to say first. You do not have 80,000 square feet per definition of a cluster development – you can’t increase the overall density of the land. You don’t have enough land so you are increasing the density. GP Zone density minimum square footage not serviced by water per 3.14. Have been under the impression that not increase the density but give break on builder for not meeting other requirements. Steve – not very well explained. Judi – what I just read is very clear. Steve – what we are short is the size of a good sized house. Kurt – this been addressed before at a previous meeting. Judi – did more research – found that there are conflicting things. Chapter 14 definitions and 3.10.02 – Judi read Subsection 3.10.02 Conditional Uses and Structures

2. Clustered single through multi-family residences at no greater density than one family unit for each 40,000 sq. ft. in the total parcel being developed where public water supply is available. If public water is not available the maximum density shall be 80,000 square feet per family unit.

Under this I can't support. Kurt – we have a motion – Dwayne – I remove my motion. Glenn came to the podium – Section 8.03 is vague – the interpretation has to be in favor of the applicant not the Town. Glenn read **Section 8.03**

Cluster Development - . . . However, all layout, dimensional, and area requirements imposed by this ordinance or the town's subdivision regulations may be altered without restriction. Glenn – for interpretation the Planning Board can alter the subdivision requirements based on section 8.03 - all decisions are weighted in the favor of the applicant not the Town. Dwayne clarified three lots short by 3,200 square feet. Kurt the overall acreage is short – can't give up conservation area. Dwayne – when were the sections amended – for most current? Kurt and Glenn same date. Kurt – we need to make a decision. You can see we are at a negative thought process coming out of the board, we have three options: 1. A motion to approve or deny; 2. Send back and see if something different you want to do; or 3. Change the number of lots or acquire 3,200 square feet. If we deny, you can go to the ZBA to appeal. They are able to overturn our decision. Steve – speaking with the applicant. May I approach – can we table this and let this sink in. What Glenn read opens the discretion of the board – the board would be allowed to make the decision. We are close very close. Would we be able to continue to the next meeting. Dwayne Prescott made the motion to continue this to the next meeting. Katy Mann seconded. Discussion – Dwayne does the fact that none of the abutters did not make an appearance make a decision on the outcome. Lee Jay – no. Vote 5 – 0, continued.

- **Thomas Blesso – “Sweet Fern Acres” Preliminary/Final Approval** – Steve Everett represented Thomas Blesso. Kurt this is Preliminary – Steve – correct. Kurt – I read through Tom's responses. Any questions from the Board? Dwayne – two different decisions. As a subdivision can subdivide and the other is the use of the property. Should we pass the subdivision and then determine the use. Or is the conditional use in question. Lee Jay no application for the conditional use. As long as the subdivision meets the requirements the land can be divided. However, it has been made aware that the applicant wants to put uses on the property that are not allowed. The board can put conditions on the approval for a primary use for when the building permit is issued based on lot by lot. Dwayne – noticed under conditional use clarified between accessory structure anything from #12 latitude by Planning Board same like and kind. Lee Jay I would differ with you. Similar in character. Judi – come up with definition of residential garage and add to zoning regulations. Dwayne – if you look at the comp plan this meets the comp plan – brings in property tax at full 100% property value profit without taxing the school system and town. Lee Jay – this is not a business. Dwayne – falls completely within the Comp Plan! Judy Wirth – assured us that the water level run-off would not be going toward Pigeon Brook. Katy – we are only looking at the subdivision right now – correct? Kurt – yes. That is the only application before us. Kurt – if we adjust like Lee Jay said – if approved then it would be part of the plan. Lee Jay - To be recorded in the registry. Steve – how would you like me to state the note? Lee Jay will come up with the wording for the final note. Kurt – you will work with Steve to come up with the wording. Lee Jay – I will work with the board. The other thing the applicant should be aware of and the board also – this is the first one with an infrastructure and will need to follow the standard – the applicant come forward with a dollar or letter of credit while the road is being constructed. Kurt – Lee Jay is correct – need to have a third party standard before it becomes a public road. Steve – may I huddle with my client? Kurt – yes. Steve returned to the

podium. So for the approval – if the road may become or the current owner has the ability couldn't you insist that it be brought to the current standards or leave as a private drive for the six lots? Dwayne – it is not appropriate to leave the maybe in. you need to put a note on the plan to say it will remain a private road with no intention to make it public. Steve - if I change the note the new owner can come to the town if they bring it up to the current standard. Lee Jay – please be aware of 12.04 Performance Guarantee has “shall's” not “mays”. Judy – what about a general note on the road association? Kurt – you can enter the note about a road association on the plans. Lee Jay explained/read 12.04 to the audience and the Planning Board. Dwayne – the Performance Guarantee is a guarantee to the town that the work will be performed. Kurt – we will work on the wording and communicate it to you. Steve – isn't the structural height the CEO's responsibility? Dwayne – if it is listed in the Zoning Ordinance and not said this where it gets “squirrely.” Kurt – so it is back to the applicant – your letter addresses residences. Steve – I will put something on the plan. Kurt – we have done dozens with lots for sale. Dwayne – my position is to not condition the entire plan – do one at a time to come before the Planning Board. Lets get the subdivision completed first then go forward with the conditional uses and clarify the road issue. Kurt – the reason to do now is the cost perspective – if done now then would not need to hire an engineer to inspect and guarantee that the road is at the current standard of that date. Steve – the road may not go public so the money would be wasted. Kurt – yes. Kurt Clason made the motion that Sweet Fern Acres has completed preliminary and ready to go to Final on September 7, 016. Judi Carll seconded. No discussion. Vote 5 – 0.

V. COMMUNICATION

- **Glenn Charette – Up-date on Shoreland Ordinance** - The Board of Selectmen held their Public Hearing on the Shoreland Ordinance. Many attended but not nearly as many as for the Planning Board Public Hearing. The argument was still there on the docks. The Board gave the public 30 days to provide written comment on the ordinance. They will take a boat tour on Saturday. The Board would like to schedule a workshop with the Planning Board. I encouraged them to get it completed by the end of the year. Tim Neill commented that it was nice to see the Planning Board dealing with complicated issues.

VI. MISCELLANEOUS

- **Lee Jay Feldman** - you have in front of you the proposed realignment Table of Contents for the Zoning Ordinance. It flows better with this alignment. The Site Plan Review has been moved in its entirety into the Zoning Ordinance. Specialty use standards are grouped together; propose to move from Article 7 to Article 4. You are able to see where to current location is and where it will be moved to. You do not have to make a decision this evening – I wanted you to see the progress thus far. It will not go to the Board of Selectmen until after the entire Zoning Ordinance is done. Judy – Design Standards have not been scheduled by the Board of Selectmen.
- **Glenn Charette** – I have been with the Town now for a year and a half - it bothers me that in one situation I am told to walk away from the ordinance and Where the ordinance is vague I am told this is the way it should be. It is up to me to interpret the ordinance, not the town attorney, not the administrator not

the Planning Board. She gives me her opinion. The Planning Board's duty is to pressure the Board of Selectmen to find the money to fix the ordinance. I take things to Lee Jay and sometimes we agree and sometimes we don't. It is my interpretation. With the prior applicant situation, I still stick to my opinion that it should be allowed. Sometimes I make the applicant happy sometimes I don't and sometimes I am wrong. I am not going to make any further comment as the applicant is not here. I take my job very seriously. Kurt – So glad we have two experts to give us counsel. The Board does not mean to say we disagree or don't value your opinion – the Planning Board strongly values your opinion and interpretation. For a long time we worked in a vacuum. Don't want to make you feel that way. Glenn – I commend you on what you are doing. You have two very difficult situations that you need to have to make a decision on. Judy – how would one pressure the Board of Selectmen? Glenn- Create a pack – have the residents pressure to get the work done, send out letters, emails. Lee Jay – agreed with Glenn, situations all time. Kurt – we will provide a line budget for the next year. Tammy – need to be ready for the first of the year as the Budget Committee starts meetings shortly thereafter. Lee Jay – it will be good when re-written. Active EDC wants the business side but also wants to protect the citizenry. Dwayne – can you get us a preliminary project proposal? Lee Jay – yes. Glenn - Mr. Lamb is behind both Lee Jay and myself and knows the issues we face.

VII. ADJOURNMENT

- Judi Carll made the motion to adjourn at 8:20 pm. Judy Wirth seconded the motion. No discussion. Vote 5 - 0 in favor.

Approved Date: _____

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TOWN OF WATERBORO
PLANNING BOARD
MEETING MINUTES
September 21, 2016
7:00 p.m.

Regular Meeting

I. ROLL CALL

Present: Kurt Clason Lee Nelson Judi Carll Dwayne Prescott Judy Wirth
Steve Letellier Ted Doyle

Absent:

Others: Tim Neill Stephen Everett Aaron Additon Thomas Blesso Nicole Boucher
Diane Madruga Tim Folley Scott Bernier Patricia Bernier
Lee Jay Feldman Glenn Charette David Lowe Tammy Bellman

Kurt Clason called the Planning Board meeting to order at 7:00pm on September 21, 2016.

Kurt stated a quorum has been met with the members present. Ted Doyle was introduced as the newest Planning Board member and welcomed by the other Board members.

Kurt reviewed the agenda. Then placed the Minutes and election of officers on hold to later in the meeting.

II. MINUTES OF PREVIOUS MEETINGS

- **July 6, 2016** - Kurt Clason made the motion to accept the Minutes of July 6, 2016. Dwayne Prescott seconded. No discussion. Vote 4-0-3 (Nelson, Wirth, Letellier)
- **August 17, 2016** – Judi Carll made the motion approve the August 17, 2016 minutes. Judy Wirth seconded. No further discussion. Vote 4-0-3 (Nelson, Letellier, Doyle)
- **September 7, 2016** – Kurt Clason made the motion to accept the minutes of the non-meeting on September 7, 2016. Steve Letellier seconded. No further discussion. Vote 7 – 0 accepted.

III. NEW BUSINESS & PUBLIC HEARINGS

- **Election of FY 2017 Planning Board Officers** – Dwayne Prescott made the motion to nominate Kurt Clason as Chair. Judy Wirth seconded. No discussion. Vote 6-0-1 (Clason). Dwayne Prescott made the motion to nominate Lee Nelson as Vice-Chair. Judi Carll seconded. Vote 6-0-1 (Nelson).
- **Tim Folley – Social Significance Daycare – 305 Main Street Map 5 Lot 53** – Tim Folley gave an overview of the daycare project. Glenn has been out to review the site location. Need to make the bathrooms ADA compliant. Located in the General Purpose Zone and is a conditional use for that zone. Judi Carll – School? Tim – special-ed preschool. Judi – daycare not school! Tim Neill – extremely high need for

a special-education daycare. Dwayne Prescott – what is the difference between a daycare and a school? Tim – the licensing. Dwayne – listing as daycare? Tim – yes. There will be no more than 12 in the immersion classroom only 6 will have special needs. Judy Wirth – more caring and less school environment. Steve Letellier safety issues? Kurt – falls under code. Dwayne Prescott made the motion to approve this application. Judy Wirth seconded. No further discussion. Vote 7 – 0 in favor of approval of Social Significance Daycare. Kurt reminded the applicants that will need to work with Code before opening.

IV. OLD BUSINESS

➤ **Aaron Additon – “Blueberry Fields” 3-lot subdivision Final**

Approval/Discussion – Steve Everett approached the podium representing Aaron Additon. Steve provided the Board with an overview thus far. Kurt – does not meet square footage requirements. Steve – moving forward with the plan as 8.03 allows the Board to condition the requirements. Judi – Section 3, Article 14 – can’t use to increase density, then 8.03 reads - The clustering of residential housing units is permitted by this ordinance. Clustered housing developments are a conditional use in all zoning districts (see Sections 3.04-3.08)--as such they are subject to all of the requirements and approval procedures of Article 4 except that the time provisions of Section 4.01 are extended to sixty (60) days. The clustering of housing units may be undertaken on any size parcel of land which is owned or under the control of a single developer. The overall density of housing permitted in a particular district and at a minimum cluster developments must comply with the substantive provisions of Article 5, 6, and 7 and the height limitations imposed in each district. Steve – read the last sentence of 8.03. Judi – it refers to the dimensional requirements. Refers to fact to put buildings closer together. As example – C&K Apartments, Applewood, and Middle Road all clustered. Steve – it says area requirements. “However, all layout, dimensional, and area requirements imposed by this ordinance or the town's subdivision regulations may be altered without restriction.” Area requirements. Judi – look at PUDs almost the same sentence the ordinance does not allow for increased density. The wording is ambiguous, Town won. Steve the statement gives leeway to the applicant. Kurt open for remaining Board to make comments. Judy – have ordinance to be followed; Ted – confident to make decision; Kurt – 2.08 allowed to make changes on setback – prohibited to do variance; Ted – go to ZBA because of the vagueness – go in favor of the applicant; Dwayne – alter without restrictions 2.08 sends them to the ZBA; Aaron – read 2.08 can’t do variance so go to ZBA but even if the area required is less than 2 percent? Dwayne – it goes back to 8.03. Lee Jay – legal status – he read Article 13 Cluster development definition. Last sentence may not increase overall density. Judi – it does not matter how much; it is short. Lee Jay offered one other way to go – table and go to ZBA for clarification. Or 2. Make determination and 1. seek a variance or 2. an administrative appeal. Dwayne – there is a third option – 2 lots. Glenn encouraged the Board to make a decision this evening. Kurt Clason made the motion for Blueberry Fields to be denied due to lack of square footage. Judi Carll seconded. No further discussion. Vote 6 Yea – 1 No (Nelson in favor) Denied due to lack of square footage.

➤ **Thomas Blesso – “Sweet Fern Acres” Preliminary/Final Approval –**

Lee Jay Feldman – before we start – it was left at the last meeting that I would provide a condition wording. The Planning board is reviewing this application from a technical subdivision. So the wording will not be required. Steve Everett approached the podium representing Thomas Blesso. Steve provided the Planning Board with an overview of the subdivision to this point. Kurt – the conditional use is off the table and we are looking at a 7-lot subdivision. Lee Jay – a building permit can be appealed within 30 days of issue. Kurt – final review of “Sweet Fern Acres.” Any questions from the Board? Judy – 7 huge lots; Judi – fire protection? Glenn – applicant needs to indicate fire suppression on the final design that will be signed. Lee Jay – it can be built in under Code. Steve – fire protection kicks in with the 6th lot. Judi – 5 or more need fire suppression. Steve – did not require cistern until 6th structure put in – it has happened before. We will put something with fire protection. Glenn – it needs to be fire department approved. Lee Jay – if non-residential can they be sprinkled? Glenn – yes. The first structure has to have fire suppression. Dwayne Prescott made the motion to approve the subdivision application with the condition that a fire suppression plan is noted. Lee Nelson seconded. Discussion – fire department acknowledges the fire suppression plan. Vote 7 – 0 approved 7-lot subdivision.

V. COMMUNICATION

VI. MISCELLANEOUS

- **Lee Jay Feldman** – I am looking to get your agreement on the reshuffling of the Zoning ordinance – the realigning only – no ordinance work. Need just a head nod. Also, want to also give you the heads-up on a Boardsmanship workshop on October 20, 2016 in Sanford, please let tammy know if you would like to attend. The Town will pay for the workshop if you decide dot go.
- **Judy Wirth** – Design Standards have been sent to the Board of Selectmen – when will it make it to their agenda? Tim Neill will ask at the next meeting and Lee Jay will ask Gary on Thursday.
- **Tim Neill** is the official Planning Board liaison.
- **Tammy** is to add signing of documents to the agenda.

VII. ADJOURNMENT

- Judi Carll made the motion to adjourn at 7:56 pm. Dwayne Prescott seconded the motion. No discussion. Vote 7 - 0 in favor.

Approved Date: _____
