

**TOWN OF WATERBORO  
PLANNING BOARD**

WATERBORO, MAINE

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REGULAR MEETING      WATERBORO PLANNING BOARD      JANUARY 9, 1991

Meeting called to order by Chairman, John Roberts at 7:27 P.M.

**I      ROLL CALL:** Present were Roland Denby, Judi Carll, Kerry Perkins, Cindy Allen, and Chairman, John Roberts.

**II      MINUTES OF PREVIOUS MEETINGS:** Roland Denby moved to accept 12/12/90 minutes as printed. Kerri Perkins seconded the motion. Vote was 3-0 in favor.

**CENTRAL MAINE POWER HEIGHT MODIFICATION & CONDITIONAL USE REQUEST**

Public Hearing was held at 7:00 p.m. with the Board members and CMP representatives present. The DEP permit application is expected to be submitted within a month.

Roland Denby moved to grant CMP a Height limit of 90 ft. to allow for various pole installation. Judi Carll seconded the motion. Vote was 4-0 in favor.

Roland Denby moved to grant Conditional Use Permits to CMP under Sections, 3.04.03, A. #4 - 3.05.03, #4 - 3.06.03, #3 - 3.08.03, #6 - 3.07.03 #3 and Section 4.02 upon DEP approval and wetland protection to allow for installation of utility poles. Cindi Allen seconded the motion. Vote was 4-0 in favor.

Judi Carll moved to grant a Conditional Use Permit under Sections 3.03, 4.02 and 3.06.03, #3 for the construction of a new unmanned substation. Roland Denby seconded the motion. Vote was 4-0 in favor.

**III      COMMUNICATION AND BILLS:**

1. Letter from Emery Engineering Associates
2. Letter from Lesley Leighton Re: Proposed Trailer Park
3. Letter to Middle Branch Eng. Re: Woodland Heights
4. STI Re: Woodland Heights
5. Letter to Dwayne Re: Central Maine Power
6. DEP Permit for Northeastern General Contractors
7. Letters from Smith & Elliott Re: Letter of Credit/Security Bond for Alder Acres/Straw Mill Meadow
8. Review from Emery & Garrett Groundwater, Inc. Re: June Day Apartments
9. MAP Newsletter
10. Letters from Ec & Comm Dev Re: Receipt of Comp Plan from surrounding towns
11. Notice of Intent to File SRCC
12. Notice of Public Hearing/CMP
13. Notice of Public Hearing ZBA
14. Notice from Dianne Holden
15. MAP Workshop

**IV REPORT OF OFFICERS: Treasurer's Report**

General Balance \$3,491.92

Subdivision Fees 1,800.00

Legal 6,689.71

Cindi Allen moved to accept the treasurer's report. Roland Denby seconded the motion. Vote was 4-0 in favor.

**OLD BUSINESS:**

1. CMP (acted on at the beginning of the meeting)

2. THORNTON

Dwayne Morin noted to the Board members the letter from Mr. Thornton's Engineer regarding the project. It appears to be on hold for a while.

3. LEIGHTON

Letter requesting an extension of time to wait for the review of the Hydro study from Peter Garrett.

Roland Denby moved to grant an extension to March 13, 1991 meeting.

Kerri Perkins seconded the motion. Vote was 4-0 in favor. Dwayne to send notification to Mr. Leighton.

4. SELLERS

Dwayne noted that Mr. Sellers has not complied with the Planning Boards deadline. Kerri Perkins moved to send a letter to the CEO noting that a violation notice noting fines and possible revocation of the subdivision.

5. & 6. ZONING

The Zoning Board of Appeals and the Finance Committee will be requesting a change to the Zoning Ordinance regarding the fee schedule for requesting an appeal. It is currently \$50. and they would like to change this to \$100. Dwayne Morin felt this would be ready for the next meeting.

Dwayne also noted to the board members that the State has set February 13th as the date to review the Comprehensive Plan with the Comprehensive Planning Committee. This will probably change but is currently scheduled for this date.

**V APPOINTMENTS:**

8:00 P.M. LANCE ROY

8:15 P.M. ROBERT TALBOT

8:30 P.M. JULIE WATKINS

8:45 P.M. MR. VERENEAU

**LANCE ROY                    MAP 45                    LOT 1617                    ZONE R**

Lance reviewed the complicated shape and topography of the lot. Saco River Corridor Commission Permit reviewed.

Roland Denby moved that Lance Roy be allowed to place structure no closer than 35 ft. from Lot #1616, no closer than 41 ft. frontyard setback from Diamond Drive, and no closer than 28 ft. from the greenbelt under Section 2.08, 3.03, and 4.02. Kerri Perkins seconded the motion. Vote was 4-0 in favor.

**ROBERT TALBOT                    MAP #21                    LOT #1                    ZONE VILLAGE**

Mr. Talbot is proposing an addition of a garage to existing structure on the corner of West Road and Route 202 in South Waterboro Village. He is requesting placement of a motorcycle parts sales business with an inspection station. No repairs just inspection and sales. Possibly sale of motorcycles. This is a grandfathered lot with a grandfathered structure. The structure has been used as a dwelling and would now be used as a business only. Width of West Road discussed and believed to be 3 rods in width at this point.

Roland Denby moved to approve Mr. Talbot's request under Section 3.04.02, B. #13, to have a motorcycle parts, bikes, and inspection station, the addition to go no closer to the West Road than existing building, entrances and exits to be 50 ft. from intersection as per Section 5.04. Kerri Perkins seconded the motion. Vote was 4-0 in favor.

Mr. Talbot noting that his parking would be at the rear and his entrance would be from 202 and his exit would be onto the West Road. He expected the exit onto West Road would be 50 to 60 feet from the intersection.

**JULIE WATKINS                    MAP 10                    LOT 49-4                    ZONE AR**

Ms. Watkins has a form for placement of a road sign that requires municipal approval. She has a home occupation of secretarial services. Dwayne explained that the AR zone does not allow for a home occupation but feels it was inadvertently left out when zoning was created. All other zones allow home occupations.

Judi Carll moved to approve a Conditional Use for a home occupation to Julie Watkins. Cindi Allen seconded the motion. Vote was 4-0 in favor.

**MR. VERENEAU                    MAP 33                    LOT 35                    ZONE AR**

Mr. Vereneau is requesting placement of a garage on his lot at Lake Ossipee. This is a grandfathered lot. Mr. Vereneau's representatives expressed his wishes to construct a free standing garage, he would not be able to meet required setbacks.

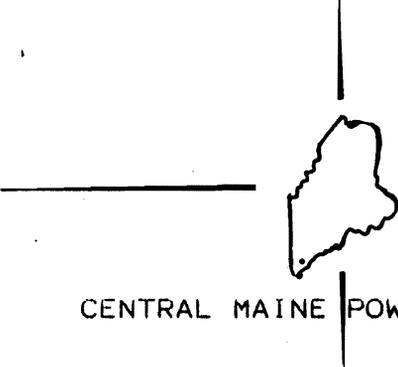
A plot plan had not been presented and the board could not act until one with accurate measurements was provided noting the location of existing structures to the lot lines and the proposed location of the garage. If garage is attached the setback requirements would be different. Copy of minutes sent to Derrick Thibodeault, RR 2 Box 227, Limerick, Me. 04048

Meeting Adjourned at 9:20 P.M.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

*John B. B.*  
*Roland E. Denby*  
*Judith G. G.*  
*Kerry Perkins*  
*Opthia Allen*



TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

PUBLIC HEARING  
CENTRAL MAINE POWER HEIGHT MODIFICATION & CONDITIONAL USE REQUEST

January 9, 1991  
7:00 P.M.

Present were five people representing Central Maine Power, Mary Smith, Larry Perkins, Dave Thornton, Bruce King and Tim Vrabel.

Present from the Planning Board were Kerry Perkins, Cindi Allen, Roland Denby, Judi Carll and Chairman, John Roberts.

The hearing was called to order at 7:15 P.M. Since all present had been previously informed at a previous planning board meeting the chairman, John Roberts asked for questions. Dwayne Morin, Town Planner brought up the request of Glenn Bean Sr. regarding the different location of one set of poles. Mary Smith explained that to do this would mean new engineering costs, new surveys at a great deal of expense to do this and a deed for this area has already been issued and was not a problem at that time.

Another area of concern voiced to the town offices was that of health risk of magnetic field. Noted that a tape of an interview of Today Show had been viewed and it appears at this time that information gathered is inconclusive. However, the suggestion was to reroute, upgrade or use underground cable. It was noted that the upgrading and rerouting is to be done.

No further questions the hearing was closed by the chairman at 7:21 P.M.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

**REGULAR MEETING WATERBORO PLANNING BOARD JANUARY 24, 1991**

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:50  
P.M.

**I ROLLCALL:** Present were Judi Carll, Roland Denby, Kerry Perkins, Cindi Allen and John Roberts, arriving later was Jon Gale.

**II MINUTES OF PREVIOUS MEETING:** Judi Carll moved to accept January 9, 1991 minutes as read. Roland Denby seconded the motion. Vote was 3-0 in favor.

**III COMMUNICATIONS AND BILLS:**

1. Communication from Emery & Garrett Groundwater  
Re: Blear Park II
2. Communication from Millard Genthner, Chairman ZBA  
Re: Zoning Changes
3. Letters sent to local clubs Re: Comp Plan
4. Communication from Emery & Garrett Groundwater  
Re: New Arbor Estates
5. Minutes & Notice of Decision from ZBA
6. Letter to DECD Re: Index from Comp Plan
7. Notice of Public Hearing from SRCC
8. Letters to Road Review Committee, Road  
Commissioner and Peter Dalfonso Re: Tonight's  
meeting
9. Letter to CMP Re: Conditional Use Permits
10. Letter from Post Office Re: Woodland Heights

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

**WORKSHOP TO BRING THE BOARD UP TO DATE ON THE WOODLAND HEIGHTS PROJECT.**

Present were Douglas Foglio and Peter Dalfonso as per request of the Board. Mr. Foglio spoke of the Road Review Committee's concerns. Drainage a major issue. After the road is turned over to the town it then is the town's expense to maintain all of the drainage ditches. The underdrain would be less costly for town maintenance. Who will be responsible for the maintenance of the detension pond? Mr. Dalfonso noted that with the current design it would be necessary to dredge the pond. This could be fairly costly. Dwayne Morin noted that an Association would be formed and it would be their responsibility. Associations

have not done well in other subdivisions. The pond could require cleaning once every two years.

Mr. Foglio noted as did Mr. Dalfonso that the cross sections on the plan do not go with the profiles. Mr. Foglio also noted that the road should not be accepted by the town until at least 70% of the subdivision was filled with homes. The top coat of pavement would be placed the year its to be accepted. Mr. Foglio also believed that 22 ft. of pavement would be adequate in this residential area.

Great concern was expressed by all members as to who would be responsible for the maintenance of the detension pond if the association defaults. Possibly look at placing a clause in the deed that would allow the town to assess a fee for dredging if the association defaults.

Provision discussed allowing for water hookup to the water system if available at the time the road is constructed.

Areas needing to be addressed:

1. Underdrainage
2. Ditching both sides
3. Water hook ups
4. Provisions for the detension pond

Workshop portion of the meeting adjourned at 9:25 p.m.

Kerry Perkins moved to hold a Public Hearing on February 13, 1991 at 7:00 P.M. for requested Zoning Changes from the Zoning Board of Appeals. Jon Gale seconded the motion. Vote was 5-0 in favor.

Sharon noted to the Board that Mr. Foglio has notified Mr. Sellers of the violation of the extension granted by the Board. The Board members very strongly noted that the final extension was granted for C & K Apartments at a previous meeting and it was noted at the time that fines would be assessed if extension was not met.



TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD FEBRUARY 13, 1991

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 8:00  
P.M.

I **ROLLCALL:** Present were Jon Gale, Roland Denby, Dwayne Woodsome, Judi Carll and John Roberts, Chairman.

Code Enforcement Officer, Van Foglio was present to discuss the C & K Apartment Complex with the Board members. Mr. Foglio went down to the property with Mr. Sellers, Mr. Kustron, and Mr. Dumas to inspect the property. The Planning Board requirements and extension given have not been met. Mr. Foglio informed the Board how the fine system works and asked what they would like to do from this point. A suggestion is made to the Selectmen and they have the final decision as to the amount of the fine. A minimum of \$1500. is usually assessed and \$50. per day for each day that the violation exists. Mr. Foglio reported that he felt that 85% of the shaping appeared to be complete. Mr. Sellers had been in and he noted that the ground had frozen before he could finish the shaping. Members discussed possible solutions to this problem. Mr. Sellers has been made aware that fine would be assessed yet he still does not meet the Board's requirements. There appears to be no gravel extraction from the site at this time. Restrictions on the original subdivision have not been met. Extensions granted 3 times and these have not been met.

Jon Gale moved that a fine be recommended of \$50. per day for the first 20 days and if the job is not completed as previously requested by June 1, 1991 that \$50. per day be assessed from January 21, 1991 through completion. Roland Denby seconded the motion. Vote was 3-0-1 Motion passed.

II **MINUTES OF PREVIOUS MEETINGS:** January 24, 1991

III **COMMUNICATION AND BILLS:**

1. Letter from Sebago Technics Re: Woodland Heights
2. Results from Water tests taken from wells on site for Will-of-the-Wisp Apartment Complex
3. Bill from Maine Municipal for Handbooks ordered
4. Letter from Charles Thornton Re: Subdivision
5. Letter from York County Soil & Water Conservation District
6. Advertisement
7. Maine Business Indicators Fall Issue
8. Information from Lincoln Institute of Land Policy

**IV REPORT OF OFFICERS:**

Treasurer's Report given by Dwayne Woodsome

**V APPOINTMENTS:**

8:00 P.M. JESSIE JOHNSON/ROGER LAUZIER

8:15 P.M. KEN NETTLESHIP

8:30 P.M. WINTHROP ROBERTS

**8:00 P.M. JESSIE JOHNSON/ROGER LAUZIER MAP 32 LOT 1B ZONE AR**

Roger Lauzier representative of Mr. Johnson presented plans for addition to existing cottage and existing cottage upon completion of new addition to be renovated for use as a garage. New structure would not be closer than existing structure to the road. Sideline of 35 ft. would be met. New septic system proposed, until Mr. Johnson knew if he could get approval he held off on the design. Proposed change would enhance, and be more beneficial to the neighbors. Board members expressed concern with erosion control during construction process.

Dwayne Woodsome moved to approve design presented as per plan subject to presentation of a new septic design prior to building permit being issued and that erosion control measures be used to protect existing road, once new construction is complete the old dwelling to be converted into a garage not to be used as living quarters. Judi Carll seconded the motion. Vote was 4-0 in favor.

**8:15 P.M. KEN NETTLESHIP MAP 42 LOT A-299 ZONE AR**

Mr. Nettleship is requesting placement of a stone retaining wall within the required setbacks in Lake Arrowhead. Since a wall is considered a structure Planning Board approval is necessary.

Jon Gale moved to accept the stone wall as per diagram presented. Judi Carll seconded the motion. Vote was 4-0 in favor.

Roland Denby, Vice Chairman took over the meeting to allow John Roberts, Chairman to present Mr. Winthrop Roberts plan for Board review.

**8:30 P.M. WINTHROP ROBERTS MAP 36 LOTS 11/15A ZONE AR**

John Roberts presented plans for new retaining wall along waters edge of Lake Ossipee as per DEP approval. Planning Board review is necessary.

Jon Gale moved to grant approval using DEP recommendations. Dwayne Woodsome seconded the motion. Vote was 4-0 in favor.

John Roberts presiding over the meeting once again.

**VI NEW BUSINESS:**

Information from Town Planner

**VII OLD BUSINESS:**

1. C & K Apartments Enforcement (Taken up at beginning of the meeting.
2. Robert Beck Hillside Terrace Subdivision
3. June Broomhall Will-of-the-Wisp Apartment Subdivision
4. Woodland heights Subdivision
5. Zoning Changes for Town Meeting

**ROBERT BECK HILLSIDE TERRACE SUBDIVISION**

Mr. Beck has met all criteria from previous meetings. Note on plan regarding Road Entrance for Drives.

Roland Denby moved to approval Final Plan of Hillside Terrace. Judi Carll seconded the motion. Vote was 4-0 in favor. Plan was signed, fees were paid.

**JUNE BROOMHALL WILL-OF-THE-WISP APARTMENT SUBDIVISION**

Criteria has been met. Dwayne Morin asked why a complete water test was not run on the water samples. Mrs. Broomhall was not aware of requirements for sampling and therefore had not instructed the lab to do all that was necessary.

Recommendations from Dwayne Morin were noted. Post boxes could be placed with existing boxes but it would probably be over 1 year before the Postal Department would approve them.

Second access discussed and proposed location agreed upon. To be shown on the Final Plan.

Jon Gale moved that Preliminary Plan be accepted based on completion of 7 needs listed also added notes and that 2nd access noted be marked from Route 5, 200 ft. to existing drive on the North side of Route 5 and subject to additional water test and State Highway opening permit be presented with Final Application. Roland Denby seconded the motion.

1. Planning Board Signature Box
2. Owner Signature Line
3. Address of Ecco Engineering
4. Property owners of land across the street depicted on plan
5. Width of Route 5 depicted on plan
6. Location of Utility Poles depicted on plan
7. Provisions for mail delivery

ADDED NOTES:

Zone: Agriculture & Residential  
Min. Lot Size: 80,000 sq. ft.  
Min. Road Frontage: 150 feet  
Min. Front Setback: 75 ft.  
Min. Side and Rear Setback: 35 ft.

Total Area of Lot: 31 acres  
Total number of units: 9 units  
Acreage Utilized: 16.5 Acres

Town of Waterboro Assessors Map 16 Lot 19  
On Site Water Supply & Sewage Disposal Facilities  
to be utilized

See Soils Report by Paul W. Lawrence, (Address)

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except diminimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Renovations of existing barn shall conform to BOCA Building Codes and Lifesafety codes.

Vote was 4-0 in favor.

Board entered Executive Session at 9:18 P.M.  
Board exited Executive Session at 9:28 P.M.

#### **WOODLAND HEIGHTS SUBDIVISION**

Preliminary Approval requested from developers. Dwayne Morin gave a brief update on the project.

Rodney Chadbourne noted areas of concern regarding ditching versus underdrain and that Kim McMillan of DEP had not required underdrain. Dwayne had also spoke with Kim and she had informed him that the ditching versus underdrain had not really been reviewed to any great extent.

The Planning Board is charged with the duty of planning for the future and future expenses to the Town's people and for liabilities. The underdrain would be less costly in the future for the Town. Concern shown by developers due to DEP approval. Dwayne did not feel that DEP would have a problem. They should be notified of any changes.

Concerns noted with detension pond and the upkeep. The association proposed should handle upkeep. The Board has not seen real good results with associations. If they fail to follow through with upkeep who would be responsible for the upkeep? Would the developer have a problem placing a deed covenant and a note on the final plan wording such that if the association fails to follow through with upkeep of detension pond the Town would have the authority to do maintenance and assess the fee to the land owners in the association. This would not be a problem.

A third party engineer would be necessary to inspect the construction phase of the road within the development. Also Dwayne Morin suggested following the Road Review Committee Recommendations.

Roland Denby moved to accept the Preliminary Plan of Woodland Heights with the Road Review Recommendations (dated 2-13-91) and Sebago Technics recommendation (dated 1-4-91), prior to Final Plan approval a sample deed of a lot with the note regarding detension pond/association and also \$100 be collected per lot at sale of lot to be set aside in escrow for nature of detension pond/common area to be managed by the treasurer of the association. Judi Carll seconded the motion. Vote was 4-0 in favor.

Road Bonds and Detension Bonds were discussed. Sum of \$400,000 previously proposed. Estimates to be presented. 3 engineering firms for bid as third party engineer inspector.

Receipt of acceptance of Preliminary Plan Approval to be forwarded to Rodney Chadbourne.

Discussion regarding phasing of project. The Board was not opposed to phasing. DEP approval is good for 5 years. It was noted to developers that a road has to sit for 2 years prior to approval by the Town, by vote at annual Town Meeting.

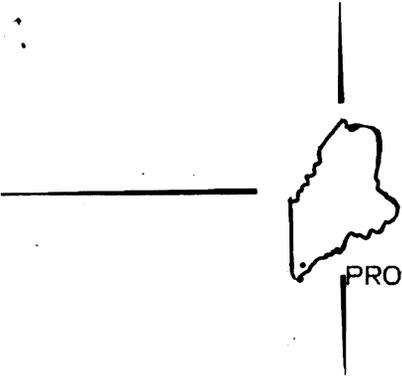
Treasurer's Report accepted and filed.

Meeting adjourned at 10:42 P.M.

Respectfully submitted,

*Dwayne Woodsome*  
Dwayne Woodsome  
Secretary/Treasurer

*John W. [unclear]*  
\_\_\_\_\_  
*Richard E. Denby*  
\_\_\_\_\_  
*Judith Carr*  
\_\_\_\_\_  
*Dwayne Woodsome*  
\_\_\_\_\_  
*Henry Perkins*



TOWN OF WATERBORO  
PLANNING BOARD  
WATERBORO, MAINE

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PROPOSED ZONING CHANGES PUBLIC HEARING

FEBRUARY 13, 1991

7:00 P.M.

Present from the Planning Board were Chairman, John Roberts, Jon Gale, Roland Denby, Dwayne Woodsome, and Judi Carll.

John Roberts called the Public Hearing to Order at 7:08 P.M.

Since the proposed changes came from the Zoning Board of Appeals, John Roberts asked Millard Genthner, Chairman of ZBA to explain the proposed changes.

Article 1

Shall the Town vote to amend Article 3, Section 3.03 Summary of Dimensional Regulations contained in Article 3 as follows:

Not presently in the Zoning Ordinance this would be an addition:

"Wheelchair ramps are exempt from the side, rear, and frontyard setbacks, but not from the shoreland setback, providing they meet the performance standards in Article 7 and Article 4 as determined by the Planning Board."

Article 2

Shall the Town vote to amend Article 7 by adding the proceeding section:

1. Built according to BOCA and Life Safety Building Codes.
2. It shall not be wider than 6 feet at any point.
3. It shall be constructed of wood or some other material which may be removed when the need for the ramp no longer exists.
4. The applicant shall present to the Planning Board written evidence that someone using the property needs the ramp.
5. The applicant shall present to the Planning Board written evidence that it cannot be constructed within the normal setback requirements due to the configuration of the property and location of the structure being accessed.
6. The applicant shall present to the Planning Board a written statement as to when the ramp will be removed. If not date can be given, then the statement shall include a statement of events which shall lead to removal. In no case can the property be transferred to a new owner until the ramp has been removed unless written evidence has been presented to Town officials that the new owner needs the ramp for handicapped access.

Article 3

Shall the Town vote to amend Article 12 Fees, Violations, Enforcement, Section 12.01 Permit and Review Fees as follows:

Variance Request	\$100.00 (See Section 2.08 and Section 10.04)
Administrative Appeal	\$100.00

Now Reads:

Variance Request	\$50.00 (See Section 2.08 and Section 10.04)
Administrative Appeal	\$50.00

The Zoning Board of Appeals follow four criteria to justify a variance. A personal hardship cannot be used to grant a variance. The court has so determined. Therefore the reason for the suggested change.

Jon Gale thought this to be a good idea however would view a handicapped person purchasing a home differently than someone living in a home and becoming handicapped. Maybe this could be addressed.

Question was asked if the Selectmen could override Zoning. Only the vote of the town's people can do this.

Willis Lord is drafting legislation to address this issue throughout the state for variance requests.

Article #2 was drafted by Madge Baker from Southern Maine Regional Planning Commission and Millard felt comfortable with that. Jon Gale again stated his concerns with a person purchasing a home versus living in a home and becoming handicapped. This would not be equal for the non-handicapped person. Dale Witman voiced his concern of the town being faced with the legal issue of discrimination. One case has been presented to the ZBA regarding this issue and they had dealt with it but would prefer that something written directly addressing this issue is necessary.

Merle Davis explained the case to those present. Please keep in mind that this would deal with standard sizes by Zoning requirements. Lots that are substandard would go to the Planning Board for review under Section 2.08. The Zoning Board's hands are tied relating to handicapped accessibility.

Article 3

Suggested change from both the Finance Committee and the Board of Appeals to be used towards operational funds. The Board had 13 appeals which in some cases required some legal opinions. The monies collected are not sufficient to cover the costs.

It was noted that as this change is written this would still go into an account to be used by Code Enforcement Office, and Planning Board. This was duly noted and a change was suggested fees collected for ZBA be applied to ZBA expenses.

Addition of the following recommended:

Applicant present to the Planning Board written evidence that resident of dwelling needs handicapped access and the need became apparent after ownership. ZBA did not have a problem with this recommendation.

Change allowing fees collected from ZBA be applied to ZBA expenses.

Hearing closed at 7:47 P.M. Discussion followed among citizens present.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD FEBRUARY 28, 1991

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 8:00 P.M.

I ROLLCALL: Present were Judi Carll, Cindy Allen, Roland Denby, and Chairman, John Roberts.

II MINUTES OF PREVIOUS MEETINGS: January 24, 1991  
Roland Denby moved to accept the January 24, 1991 minutes.  
Judi Carll seconded the motion. Vote was 3-0 in favor.

III COMMUNICATION AND BILLS:

1. Letter from Sebago Technics Re: Woodland Heights
2. Saco River Corridor Commission Notice of Intent to File
3. Letter form Dept. of Economic & Comm Development  
Re: Town of Limerick Comp Plan Review & Comment
4. Notice of Building Seminar

IV REPORT OF OFFICERS:

V APPOINTMENTS:

Meeting reserved as Planning Meeting

Dwayne informed the Board that he was taking vacation the end of March through the first of April and would not be here for the next scheduled planning meeting scheduled for the second meeting in March. Chairman instructed Sharon to book March 28, 1991 meeting for regular business and reserve the April meeting for planning.

Dwayne gave brief summary of the status of the Comprehensive Plan. Waterboro is the first town to receive no objections from the State. The State made a few suggestions and Dwayne felt most of those could be addressed. The one that was most important was regarding snowmobiles and ATV's. If the Comprehensive Plan does not address this area the Town would be unable to solicit funds from the State. This has been added to the Plan.

Budget for the next year is due in March 8, 1991. Roland will be in on Tuesday of next week to sit down with Sharon and Dwayne.

Dwayne asked the Board how they would like to address the reworking of the Zoning Ordinance. General feeling from those present was to start with the zoning districts and work out from there.

Judi Carll noted that possibly the Board should request monies for a water shed study. This would assist the Board in future land use planning. Roland Denby suggested using the person from Arbortech as a possible consultant. Dwayne noted that there would be monies available through grants for the rewrite of Zoning.

Three firms for Woodland Heights for use as third party engineer:

1. Sebago Technics
2. BH2M
3. Neal & Gunther

**VI NEW BUSINESS:**

**VII OLD BUSINESS:**

**VIII ADJOURNMENT:**

Meeting Adjourned at 8:40 P.M.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

*John W. Bl...*  
*Kynthia Allen*  
*Judith Carll*

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

**REGULAR MEETING WATERBORO PLANNING BOARD MARCH 13, 1991**

Meeting called to order by Chairman, John Roberts at 7:45 P.M.

**I ROLLCALL:** Present were Chairman, John Roberts, Judi Carll, Roland Denby, Cindy Allen, Kerri Perkins and Dwayne Woodsome.

**II MINUTES OF PREVIOUS MEETINGS:** Roland Denby moved to approve the February 23, 1991 minutes. Judi Carll seconded the motion. Vote was 3-0 in favor.

**III COMMUNICATION AND BILLS:**

1. Results from water tests taken from wells on site for Will-O-The-Wisp Apartment Complex
2. Letter from York County Soil & Water Conservation District
3. Saco River Corridor Comm Notice of Intent to File
4. Cromaglass Re: Wastewater treatment systems

**IV REPORT OF OFFICERS:**

No Treasurer's Report

**V APPOINTMENTS:**

8:00 p.m. White Brothers	8:00 p.m. Tim McCandless
8:30 p.m. Kevin Grimes	8:15 p.m. Andy Cote
8:45 p.m. Al Thibault	8:30 p.m. John Bogart
9:00 p.m. Sylvio Nolette	8:45 p.m. Brad Johnstone
	9:00 p.m. Gosselin

**WHITE BROTHERS/GLENN DYER PROPERTY/FOLEY GRAVEL EXTRACTION PROJECT**

Mike White, Vice President and General Manager of White Brothers was present. Mike explained that his company is a user of material for heavy highway construction projects. Dwayne Morin explain that John Foley had previously obtained approval of a site plan from the Planning Board. He is ill and White Brothers would like to pick up the project. Since six months has elapsed the Conditional Use Permit granted to Mr. Foley is no longer valid.

Mr. White explained that he would run the project using the same grades as per site plan approval. Mr. White asked for form and substance of the Bond that the Board would be requiring. Copy of information to be sent to Mr. White to identify cost to provide bond. \$21,000 was the required

amount for Mr. Foley, Mr. White asked how the figure was determined. Sebago Technics, Peter Dalfonzo helped determine the amount of the bond. Mr. White felt that this was an escalated amount. The state uses \$5000/mile when requiring a bond the length of Silas Brown Road to be affected is only 3/10ths of a mile. A Performance Bond diminishing \$3000/year over a 7 year period was approved by the Board for Mr. Foley.

Mr. White mentioned the heavy load limit, this could be an issue. The bond should cover any damages created by White Brothers, would the Board consider allowing White Brothers to travel during the season that the roads are posted. A letter to the Road Commissioner regarding this matter will be sent by Town Planner for input. Kerri Perkins noted that possibly if White Brothers were allowed to travel during heavy load limit season the Board should insure that the Bond never be less than what it would cost to repair the road.

Mr. White noted that company policy has been to pave entrances to pits. Hours were mentioned. Mr. White requested permission to possibly haul on Saturdays. The Board members noted that at a Public Hearing held for the review of the project that Public sentiment was strongly voiced regarding hauling hours, therefore the restrictions were placed on the project.

There would be screening on site but the screen is hauled behind a truck. Screen is approximately 15 ft. in length and 15 ft. in height.

Mr. White noted his concern to the members regarding the 8 ft. x 200 ft. acceleration lane. White Brothers do not use trailer dumps as did Mr. Foley. They use wheelers. In turning with this type of truck the acceleration lane would be virtually useless. Mr. White would like the Board to consider as well as the Road Review Committee dropping this restriction. Mr. White felt that this would be an unnecessary expense that would not accomplish much.

Mr. White informed the Board that Bob Goodwin would be his project manager for this project he would be laying out the limit of excavation, checking grades and other requirements. Insurance would be provided with the Dyers.

Please give thought to requests, Karen Lovell, town counsel for the bond, Road Review Committee regarding posting and road issues brought up. Mr. White will send a copy of bond

from his bonding company for Karen to review (this should be faster). cc: All correspondence to Mike White.

**8:30 P.M. KEVIN GRIMES MAP 9 LOT 10B F & A ZONE**

Kevin would like to deed 2 and 3 acres to abutters. The abutters to this property would be Lake Sherburne lots. Lake Sherburne is an approved subdivision - Dwayne Morin believed that this would be considered a revision to the subdivision under the Waterboro Subdivision Regulations. Lake Sherburne is AR Zone and Kevin's property is F & A Zone. There appeared to be some legal issues that needed to be addressed before the Board could act on Kevin Grimes' request. Board members present instructed Dwayne Morin to seek a legal opinion regarding this matter.

Kevin gave Dwayne Morin the drainage easement. The Sottolano's would need to come in to sign this so it could be notarized. Kevin to notify the Sottolano's.

Kevin requested the Planning Board's assistance regarding the guardrail issue within Sherburne Woods Subdivision. Kevin noted his efforts to speak to the Road Commissioner over the last 2 and 1/2 years. The current request of the Road Review Committee/Road Commissioner would place the guardrail 5 ft. off the pavement which would place the guardrail down over the embankment.

Dwayne Morin to speak to the Road Commissioner and have him call Kevin Grimes. A draft dedication of the road was given to Dwayne and placed on file.

**AL THIBAULT MAP 31 LOT 17 ZONE AR**

Dwayne Morin gave a brief synopsis of the process that the Thibault's had gone through to get to this point. The Thibault's are requesting permission to place a 7 ft. x 20 ft. addition to the existing structure. No foundation is proposed. This is less than 30% expansion. A new septic system has been installed within the last 2 years. Dwayne Woodsome moved to grant the Thibault's a Building Permit under Section 2.08 and 7.01 for an 8 ft. x 20 ft. addition this dimension to include the soffit. Roland Denby seconded the motion. Vote was 5-0 in favor.

Letter to the Zoning Board of Appeals asking if they would refund the \$50.00 fee paid by the Thibault's to be applied towards the Building Permit and Conditional Use Permit.

**SYLVIO NOLETTE            DID    NOT    SHOW**

**VI            NEW BUSINESS:**

**VII           OLD BUSINESS:**

**NEW ARBOR ESTATES    FINAL SUBDIVISION PLAN**

All recommendations are on the plan except mail delivery and drive placement, the changes have been placed on the milar. Dwayne Morin gave a brief review. A dedication of the 10 ft strip would be necessary for recording at the registry and it would go before the voters at June 1991 Town Meeting for acceptance.

Dwayne Woodsome move to accept the Final Plan of New Arbor Estates. Judi Carll seconded the motion. Vote was 5-0 in favor. Subdivision to be signed at 3/28/91 since lines needed to be added. All fees were paid.

**MR. VERENEAU/SMRT**

SMRT, Mike LaLonden was representing Mr. Vereneau. Proposing a 24' x 16' attached garage. Survey was presented showing the closest point of the garage to lot line being 12 ft.

Roland Denby moved to approve the request for the garage to be built not closer than 10 ft. to the lot line and to be attached to the existing structure, standard erosion control measures be followed. Kerri Perkins seconded the motion. Vote was 5-0 in favor.

**Les Leighton** has asked for a further extension for submittal of preliminary plans for his trailer park. Mr. Sweet and Peter Garrett are working with the Hydro study. There appears to be another issue that of a possible Site Location Law violation from DEP. Over 5 acres in size. Extension to be; submittal of plan 14 days after Peter Garrett grants approval of the Hydro study.

Kerri Perkins moved and Cindy Allen seconded a motion to adjourn at 9:57 P.M.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

*John ...*  
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*[Signature]*  
-----  
*Richard ...*  
-----  
*Cynthia Allen*  
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*Dwayne Woodsome*  
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TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

**REGULAR MEETING WATERBORO PLANNING BOARD MARCH 28, 1991**

Meeting called to order by Chairman, John Roberts at 7:56 PM

**I ROLLCALL:** Present were Dwayne Woodsome, Kerry Perkins, Judi Carll, Jon Gale, Cindy Allen and John Roberts, Chairman.

**II MINUTES OF PREVIOUS MEETINGS:**

Judi Carll moved to accept the February 28, 1991 minutes as written. Cindy Allen seconded the motion. Vote was 3-0 in favor.

Dwayne Woodsome noted changes needed under White Brothers exchanging wheelers for trailer dumps in explanation in paragraph 5 of page 2. Dwayne Woodsome moved to accept minutes as corrected. Judi Carll seconded the motion. Vote was 4-0 in favor.

Dwayne Woodsome spoke regarding the 8' x 20' strip. He felt it would benefit the town to leave it as previously approved.

**III COMMUNICATION AND BILLS:**

1. Results from water tests taken from wells on site for Will-o-the- Wisp Apartment Complex
2. Letter from York County Soil & Water Conservation District
3. Saco River Corridor Comm notice of Intent to File
4. Cromaglass Re: Wastewater treatment systems

**IV REPORT OF OFFICERS:** None Given

**V APPOINTMENTS:**

8:00 P.M. TIM MCCANDLESS  
8:15 P.M. ANDY COTE/ENERGY HOMES  
8:30 P.M. JOHN BOGART  
8:45 P.M. BRAD JOHNSTONE  
9:00 P.M. GOSSELIN  
9:15 P.M. MR. O'MEARA

**8:00 P.M. TIM MCCANDLESS MAP 37 LOT 11 ZONE AR**

Mr. McCandless is requesting raising his cottage by approximately 3 courses of cement blocks. The Board noted that the State Shoreland Zoning Laws allow 3 ft. maximum in elevation of existing cottage up or down. Mr. McCandless noted that he already has water in his cellar in the spring.

so he would not be able to lower the elevation of his home. Jon Gale questioned the type of work to be done with the foundation. If a poured concrete foundation were proposed the Board would be concerned with erosion control methods. If Mr. McCandless were simply placing cement blocks erosion would not be as great a concern. Mr. McCandless noted that cost would be a definite factor in the type of foundation work.

Jon Gale moved that Tim McCandless request be granted with no more than 3 ft. up or down from present location of sill plate, if he pours his new foundation, erosion control be strictly adhered to. CEO to establish bench mark for height and location of sill and foundation prior to construction. Kerry Perkins seconded the motion. Vote was 5-0 in favor.

Record to be made noting closest point of structure to the water so if in the future a request is made for an exit from the front of the cottage facing the water Mr. McCandless would be able to come back before the Board for front steps or deck under Old Business. Mr. McCandless also asked if a dormer would need approval from the Board. It was noted that a 30% expansion of existing structure either by square footage or volume is allowed by State Law. No action was requested at this time.

**8:15 P.M. ENERGY HOMES/ANDY COTE MAP 44 LOT A-379 ZONE R**

Andy Cote of Energy Homes, Inc. requested a building envelope for this corner lot located in Lake Arrowhead Estates. Lot located on the corner of Hunter Road and Victoria Lane.

By the footprint the request would be to allow placement of a bilco at the rear of the home and a front step. Board suggested options for placement of sliding doors and the Bilco door.

Kerry Perkins moved to grant a 40 ft. frontyard setback from Hunter Road under Section 2.08 all other setbacks to be met. Judi Carll seconded the motion. Vote was 5-0 in favor.

**8:30 P.M. JOHN BOGART MAP 7 LOT 58 ZONE VILLAGE**

Requesting permission to place a breezeway and attached garage to home using existing structures setback of 41 ft. to front lot line bordering Old Alfred Road. Side and rear setbacks can be met. Structure was in existence prior to 1977.

Kerry Perkins moved to approve request of John Bogart under Section 2.08 that garage stay a minimum of 41 ft. from lot line bordering Old Alfred Road. Jon Gale seconded the motion. Vote was 5-0 in favor.

**8:45 P.M. BRAD JOHNSTONE MAP 53 LOT 15 ZONE AR**

Property located in Northwood Village Subdivision done by Harmony homes in 1975. Lots are grandfathered. Mr. Johnstone requesting permission to construct a 24' x 24' garage using 32 ft. frontyard setback also request would require a reduction of 35 ft. sideline setback. Board felt that Mr. Johnstone could meet the 35 ft. side setback. Kerry Perkins moved to grant Mr. Johnstone's request for a 24' x 24' garage using 32 ft. front yard setback from front lot line bordering Evergreen Drive and must meet the required 35 ft. sideline setback. Cindy Allen seconded the motion. Vote was 5-0 in favor.

**9:00 P.M. MR. GOSSELIN MAP 2 LOT 6B ZONE AR**

Mr. Gosselin is requesting permission to have a Home Occupation (Landscaping Office) in his home. Cindy Allen moved to grant permission for Home Occupation of Landscaping. Kerry Perkins seconded the motion. Vote was 5-0 in favor.

**9:15 P.M. RICHARD O'MEARA MAP 1 LOT 12 ZONE V**

Mr. O'Meara requesting permission to have a Hot Dog Wagon on his property. Hours approximate 10:00 A.M. to 2:00 P.M. daily. This would be a hobby like project for Mr. O'Meara who has recently retired. Hot Dogs and Soda the only products to be sold. Information on the wagon placed on file.

Jon Gale moved to allow a Hot Dog Wagon on Richard O'Meara's property, if traffic becomes a problem parking to be made available on site. Kerry Perkins seconded the motion. Vote was 5-0 in favor.

**VI NEW BUSINESS:**

1. Letter from Peter Garrett
2. Milk Room Parking Proposal

Notify **Peter Garrett** that April 10th meeting would be fine for him to discuss issues of Hydro Study criteria with the Board members.

**Milk Room Parking Lot:** The violation existing on the property has been reviewed by the court system. Mr. Pelletier has attended a meeting with Tim Nelson, Van Foglio and Dwayne Morin to come up with a workable solution to avoid further legal action. The Town Planner requested the Board review the compromise that was placed before them and approve if they so choose.

Dwayne Woodsome moved to abide by the compromise dated 3/20/91. Cindy Allen seconded the motion. Vote was 5-0 in favor.

**VII OLD BUSINESS:**

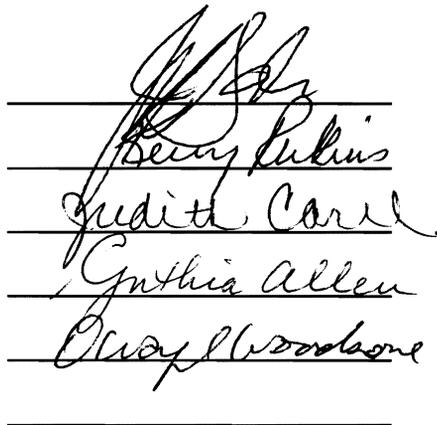
1. Sign 2nd page of Final Subdivision Plan of New Arbor Estates

Plans were signed by all but Roland. Sharon to contact Roland Denby to see if he can come in to sign the plans.

**VIII ADJOURNMENT:** Motion was made and seconded to adjourn at 9:54 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
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TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD APRIL 10, 1991

CALLED TO ORDER BY VICE CHAIRMAN, ROLAND DENBY AT 7:50 P.M.

I ROLLCALL: Present were Cindy Allen, Judi Carll, Kerry Perkins, and Vice Chairman Roland Denby.

II MINUTES OF PREVIOUS MEETINGS: March 28, 1991

III COMMUNICATION AND BILLS:

1. Memo from CEO Re; Tim McCandless
2. Letter from Emery & Garrett Groundwater & Invoices
3. Superior Court Civil Suit Re: Charles Thornton
4. Municipal Officials Workshop Info
5. Memo from Registry of Deeds Re: Fee Increases
6. Info from MAP/NNECAPA Re: Annual Award Nominations
7. Outgoing Communication

IV REPORT OF OFFICERS;

Dwayne Morin briefed the Board members present on the C & K Apartment Complex suggested fine by the Board. Selectmen are looking at waiving the fee suggested by the Board until June 1, 1991 deadline. Completion of the project at that time the Board of Selectmen, Planning Board to determine if a fine should still be imposed.

Discussion regarding this matter. General feelings from the members present adamant that the motion regarding the suggested fine at a previous meeting stand.

Kerry Perkins moved to notify the Selectmen that their previous decision regarding fine to be imposed stands. Judi Carll seconded the motion. Vote was 4-0 in favor.

Dwayne also discussed with the Board front lot line requirements where easement highways were involved. The center line of the road would be the front lot line.

Dwayne noted that the Board should check the status of back taxes on property going through subdivision approval. Prior to final acceptance all taxes should be paid.

Next meeting the Board will start work on the Zoning Ordinance Updates utilizing the newly accepted Comprehensive Plan as a guideline. Section 3.03 Summary of Dimensional Requirements to be the subject of next meeting, Zoning

Districts, Duties, Definitions, etc.

Kerry Perkins noted he would not be able to make the April 25th meeting.

**V APPOINTMENTS:**

8:15 P.M. PETER GARRETT

Peter Garrett gave a presentation regarding septic systems. He also explained the new theory of flow of domestic wastewater in regards to 5 PPM as required by the Town's standards.

If the Board asked the developer to utilize new systems, that are designed to lower nitrate Peter suggested that the Board request monitoring quality of water prior to the water entering the drain field. How does the Board interpret the requirements, at any point on lot line, or an average of lot line to nitrate level.

Peter noted that developers could utilize public water supply or public sewer for development whenever possible. General information meeting swapping ideas about ways to deal with the new theories regarding nitrate flow.

REMAINDER OF MEETING SET ASIDE FOR PLANNING

**VI NEW BUSINESS:**

**VII OLD BUSINESS:**

**VIII ADJOURNMENT:**

Meeting adjourned at 10:54 P.M.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Roland E. Denby  
Guthrie L. Allen  
Justin Cole  

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TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING APRIL 25, 1991

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:50 P.M.

I ROLLCALL: Present were Roland Denby, Dwayne Woodsome, Judi Carll, and Chairman, John Roberts.

II MINUTES OF PREVIOUS MEETINGS:

III COMMUNICATION AND BILLS:

1. Memo from CEO Re: Setting Benchmark
2. Memo from Registry of Deeds Re: Fee Increase
3. Letter from K Lovell Re: Proposed Zoning Changes
4. Notice of Intent to File from SRCC
5. Letters cc: To Planning Board
6. Letter form Surveyor Re: James Buraby New Arbor Estates
7. Invoice from Emery Garrett Groundwater

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:30 P.M. May Thibault  
8:00 P.M. White Brothers

Remainder of meeting set aside for Planning

7:30 P.M. MAY THIBAUT MAP 31 LOT 17 ZONE AR

Dwayne Morin explained that a **Stop Work Order** was issued to Mr. Thibault because the dimensions of the house on the tax card did not agree with the plot plan submitted by Mr. Thibault. Since this lot is in the Shoreland Zone and expansions of more than 30% are not allowed, this controversy spurred on the **Stop Work Order**.

After reviewing a video tape of the house and lot, it was evident that the tax card was in error and the "porch" in question does exist.

Roland Denby moved to **Lift the Stop Work Order** and allow the 7' x 20' addition to be constructed. Judi Carll seconded the motion. Vote was 3-0 in favor.

**8:00 P.M.            WHITE BROTHERS**

White Brothers, Inc. would like to take over the conditional use obtained by John Foley to extract 4.9 acres of gravel located on Glenn Dyer's lot off Silas Brown Road. At the last meeting, Mike White of White Brother's Inc. had agreed to all of the conditions placed on Mr. Foley with the exception of two.

These two being:

1. Mr. White would like to have the acceleration lane eliminated; and
2. He would like permission to haul over the road during Winter Roads Posting Time.

John Roberts read to the Board the Road Review Committee's recommendation that the acceleration lane should still be required and that the posting of roads be at the discretion of the Road Commissioner and the Board of Selectmen.

Mr. White explained that these up front costs will be approximately \$22,000 and this cost is punitive. Mr. White stated that he would like to start the project and if the Town feels that the operation is unsafe then he would put the acceleration lane in.

John Roberts mentioned that every project has up front costs and he did not think \$22,000 was unreasonable.

Mr. White asked for a 10 minute recess, Mr. White agreed to all the conditions placed on the original Extraction permit. He also stated that he would like to Post a Bond on an annual basis with a review of the Bond performed on an annual basis.

Dwayne Woodsome moved to grant White Brothers approval to take over the Foley Conditional Use for Gravel Extraction on the Dyer lot off Silas Brown Road as per previous approvals, conditions and Bond placed on the original permit.

As long as Bond is posted and acceleration lane present, White Brothers may pass over the Silas Brown Road when posted during Spring time as per Road Commissioner's approval.

Judi Carll seconded the motion. Vote was 3-0 in favor.

**PLANNING SESSION**

The Planning Board discussed how to proceed on updating the zoning ordinance. discussions held on number of zones and location of zone boundaries.

Next Planning Session will be to place zone boundaries on a working map of the Town.

**VI NEW BUSINESS:**

**VII OLD BUSINESS:**

**VIII ADJOURNMENT:**

It was moved and seconded to adjourn the meeting at 10:45 P.M.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Robert E. Deuby  
Judith Correll  
ASds

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD MAY 8, 1991

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:35 P.M.

I ROLLCALL: Present were Cindy Allen, Judi Carll, Jon Gale, Roland Denby, and John Roberts, Chairman.

II MINUTES OF PREVIOUS MEETINGS:  
Roland Denby moved to accept the April 10, 1991 as read. Cindy Allen seconded the motion. Vote was 3 - 0 in favor.

III COMMUNICATION AND BILLS:

1. Letter to Donald Johnson Re: Cond. Use Permit
2. Winter Issue of Maine Business Indicators
3. Invoice from Emery & Garrett Groundwater Re: Services Rendered  
Dwayne Morin to check with Peter on Fees Charged for Peter Garrett to meet with the P. B.

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:45 P.M.	LITTLE LEAGUE	MAP 7	LOT 64	ZONE AR
8:00 P.M.	PETER STERLING	MAP 11	LOT 30F-1	AR
8:15 P.M.	JURIS PATRYLAK	(POSTPONED)		
8:30 P.M.	CLIFFORD	MAP 47	LOT 118	ZONE AR
8:45 P.M.	CELATA	MAP 47	LOT 119	ZONE AR
9:00 P.M.	MOREAU	MAP 11	LOT 29B	ZONE AR

7:45 P.M. LITTLE LEAGUE MAP 7 LOT 64 ZONE AR

Requesting permission to place an 8' x 12' building behind the existing backstop for use as a concession stand. Dwayne Morin noted to the Board members to keep in mind that the Selectmen have not yet approved the placement of this structure on Town property. The reason for requesting the new structure is possible safety factor due to the existing building being across the parking lot and the people tending the stand have children playing and cannot participate in the game area. With the stand located behind the backstop they believe that it would be more accessible and would promote sales bringing in more revenue thus helping with Little League Costs to townspeople through taxes. Cannot meet 75 ft. setback from Old Alfred however backstops are currently located closer to the Old Alfred Road than the proposed

location of the stand. Intent is to sell prepackaged foods, no plans for electricity or water at this time. Setback issue was discussed at length.

Judi Carll moved to give Shaker Valley Little League permission to install concession stand at Friendship Park as presented as long as they are no closer than 53 ft. to frontage, approval contingent on Selectmen's approval. Jon Gale seconded the motion. Vote was 3 - 0 - 1 in favor. Motion passed.

**PETER STERLING                    MAP   11            LOT   30F-1            ZONE   AR**

Requesting Home Occupation of Taxidermy. Home Occupation inadvertently left out of the AR Zone. This shouldn't be a problem. Disposal of carcasses was discussed. Mr. Sterling assured the Board that he has access of disposal in Cumberland at his grandfather's property.

Judi Carll moved to grant a Conditional Use Permit for a small Taxidermy Business in home and that Mr. Sterling follow the Home Occupation Guidelines. Cindy Allen seconded the motion. Vote was 4-0-0 in favor.

**CLIFFORDS            MAP   47            LOT   118            ZONE   AR**

Requesting placement of foundation under existing structure located 100 plus ft. from high water mark of Lake Sherburne. Plot plan presented. Subsurface permit application presented. All criteria met by Planning Board Standards.

Roland Denby moved to grant permission to Mr. & Mrs. Clifford to place foundation under the existing structure on Map 47, Lot 119, in the AR Zone that the Cliffords meet all setbacks as submitted to Board and Subsurface Waste be certified as adequate for year round basis. Judi Carll seconded the motion. Vote was 4-0 in favor.

**CELATA            MAP   47            LOT   119            ZONE   AR**

Requesting placement of foundation under existing structure located 100 plus ft. from high water mark of Lake Sherburne. Plot plan presented. Subsurface permit application presented. All criteria met by Planning Board Standards.

Jon Gale moved to grant permission to Mr. & Mrs. Celata to place a foundation under existing structure as per plot plan presented to Board and subsurface waste certified as adequate for year round basis. Cindy Allen seconded the motion. Vote was 4-0 in favor.

**JOE MOREAU      MAP    11      LOT 29B      ZONE    AR**

Substandard lot. Gary Moreau was representing Joe Moreau. Requesting placement of a double wide trailer in front of existing trailer. Plot plan and survey presented.

Jon Gale moved to allow Joe Moreau a 69 ft. frontyard setback using existing foundation for new home. All other setbacks to be met. Judi Carll seconded the motion. Vote was 3-0 in favor.

**VI      NEW BUSINESS:**

**VII     OLD BUSINESS:**

1. Mr. Vereneau
2. Woodland Heights
3. Les Leighton

**MR. VERENEAU**

Mr. Vereneau is back before the Board requesting a different plan than previously approved by the Board.

Jon Gale moved to accept Mr. Vereneau's new plan as presented. Roland Denby seconded the motion. Vote was 3-0 in favor.

**WOODLAND HEIGHTS SUBDIVISION**

Dwayne had rechecked the subdivision, all approvals met. Items needing action tonight:

1. Bond for the Road and setting of monumentation
2. Phasing of Project
3. Sample deed (presented deed restrictions - DEP permit)

Certification of monumentation Not L1

S1 might not be accepted and noted.

Question of as built drawings. As built would help in future years. Third party engineer would be making notes of changes during construction.

Requested waiver of as built drawing of roads.

Roland Denby moved that as built plans be provided prior to acceptance of road by town meeting vote. Judi Carll seconded the motion. Vote 3-0 in favor.

Jon Gale moved to accept Final Plan of Woodland Heights. Roland Denby seconded the motion. Vote was 3-0 in favor.

Third party engineer firm rates were presented to Drown Agency and their preference was requested. BH2M was noted.

Roland Denby moved to use BH2M as a third party engineer. Judi Carll seconded the motion. Vote was 3-0 in favor. Drown Agency to be billed direct.

Jon Gale moved to require a \$250,000.00 bond to cover construction of detention pond, all roads and infrastructure and monumentation set along roads. Roland Denby seconded the motion. Vote was 3-0 in favor.

Judi Carll moved to allow phasing of the project as follows:

- Phase 1 - Lots 1-11 with hammerhead turn
- Phase 2 - Lots 17-38 Woodland Heights Drive/Detention Pond
- Phase 3 - Lots 12-16 Cul-de-sac

Roland Denby seconded the motion. Vote was 3-0 in favor.

Mylar's to be held until bond is presented and reviewed by attorney.

#### **LEIGHTON BLEAR PARK**

Information regarding Rural Shelter's sand and gravel packed well presented as a major concern. Ground water flows towards Lake Ossipee. Verification needed of existing water quality. Evaluation of zone of contribution to Rural Shelter Well needed.

Roland Denby moved to notify Emery & Garrett Groundwater, Inc. to use 60% recharge figure, 30 ft. longitudinal dispersivity and 3 ft. transverse dispersivity. Jon Gale seconded the motion. Vote was 3-0 in favor.

Dwayne Morin presented Roland Benton's plans to place a porch and a handicap access on the front of his home for his wife. All structure's proposed will meet currently used setbacks and those allowed under Section 2.08.

Judi Carll moved to approve the proposed porch and handicap ramp as presented approval under Section 2.08 and 7.04. Roland Denby seconded the motion. Vote was 3-0 in favor.

Motion was made and seconded to adjourn at 11:03 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Roland E. Denby  
Judi Carll  
Lynthia Allen  
[Signature]

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

**REGULAR MEETING WATERBORO PLANNING BOARD JUNE 12, 1991**

**MEETING CALLED TO ORDER BY VICE CHAIRMAN, ROLAND DENBY AT  
7:50 P.M.**

**I ROLLCALL:** Present were Cindy Allen, Kerry Perkins,  
Dwayne Woodsome, Judi Carll, Jon Gale, and Roland  
Denby, Vice Chairman.

**II MINUTES OF PREVIOUS MEETINGS:**

April 25, 1991, and May 8, 1991

**III COMMUNICATION AND BILLS:**

1. Notice of Decision from ZBA
2. Letter from C M Thornton
3. Invoice from Emery & Garrett Re: Blear Park
4. Letter from Drown Agency Re: Bond Woodland Heights
5. letters from attorneys Re: Blouin Illegal Subdiv

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

8:00 P.M. RAYMOND RHEAULT  
8:30 P.M. PATRYLAK  
8:45 P.M. DONALD JOHNSON  
9:00 P.M. PAT HASKELL  
9:15 P.M. ROGER BELLEFEUILLE

**8:00 P.M. RAYMOND RHEAULT MAP 6 LOTS 24, 24A, 26 ZONE AR**

Raymond Rheault and his representative, Bill Thompson of BH2M were present. Proposing a 16 lot single family subdivision on approximately 33 acres. Total acreage of three parcels is about 130 acres. This will require DEP Site Location Law Review. Proposed on site septic systems and wells. Area noted as possible location for fire pond is the only noted wet area on the parcels. The fire pond will be investigated more as the project progresses.

One lot noted for out sale by Mr. Rheault hopefully to help fund the project. Mr. Rheault would not have a problem with utilizing the proposed road into the subdivision as the means of egress for this lot.

Drainage should not be a problem. Mr. Rheault has the remaining property, that would allow for an area for drainage without affecting abutting property.

Dwayne Morin noted that Mr. Rheault has met all Sketch Plan requirements. The check list is complete.

Mr. Rheault is proposing 2 to 3 bedroom homes for possibly under \$100,000.

Mr. Rheault was informed that the Town must vote to accept his road and in the mean time he would be responsible for maintenance. Mr. Rheault was aware of this. The two right-of-way areas noted on the plan for future expansion would be easements. Mr. Rheault noted that he might cut the trees in these areas only. No road would be developed until such time that further expansion was completed.

Mr. Rheault was informed that his Groundwater study would be reviewed by Emery & Garrett at a potential review fee of \$1500.00.

The Board reviewed section 8.1 of the Subdivision Regulations. Mr. Rheault to consider the possibility of an area for open space and come back with a proposal.

Road Review Committee, Road Commissioner, Postal Service, School District, Fire Department and all other Committees will be reviewing the plans.

Public Hearing - recommended that the Board wait until more studies are completed to allow a better idea for lot configuration. Road names to be supplied to Mr. Rheault. Mr. Rheault was informed that two copies of the Hydro Study are to be presented. One for review and one for the files.

Kerry Perkins moved to approve Country Side Estates Sketch Plan as presented. Cindy Allen seconded the motion. Vote was 4 - 0 in favor.

Roland Denby suggested everyone read their Maine Townsman. There were areas that may need to be dealt with concerning contiguous lots in subdivisions and also dealing with roads and the correct procedure for naming them.

**8:30 P.M. PATRYLAK POSTPONED DUE TO ILLNESS**

**8:45 P.M. DONALD JOHNSON MAP 13 LOT 46 ZONE AR**

Mr. Johnson is before the Board due to his being in violation of his Conditional Use Permit. He is appearing before the Board to sell used cars, continue all general repairs on vehicles, do bodywork on vehicles, and have outside storage at his business on Route 5, "Route 5 Small Engine & Auto Repair". Mr. Johnson's Conditional Use Permit issued on August 18, 1987 which only allowed him to have a small engine repair shop with no outside storage and to have only a 2' x 4' sign.

Mr. Johnson has 3 vans on site currently being used for storage. He has plans to remove two of them. This request falls under Section 3.05.03 Item #11. Mr. Johnson was asked how many cars he planned on having for resale. He expected 5 or 6 to be the most. Possibly the Board should place a limit on the number. Mr. Johnson also noted a pile of tin that is not visible from the road. This is hauled away about once a month. Board recommended that a Hazardous Waste Permit be obtained. Telephone numbers were given to Mr. Johnson for Ray Dyer and Pam L'Heureux. Board does not want to see a junk yard. Vans being used for storage are not visible from the road. Waste oil is taken away. Mr Johnson hauls the used parts away himself. Mr. Johnson noted that prior to obtaining a State Permit to sell Used Cars a Permit from the Town is needed.

Kerry Perkins moved to grant a Conditional Use Permit limiting the number of cars to be for sale at any one time to six (6), outside storage in one van (vehicle) as long as it is not visible from the road, metal pile is okay but must be moved at regular intervals and as long as it doesn't become a problem. A Hazardous Waste Permit be obtained and waste be removed on a bi-weekly basis. No unregistrable vehicles be stored on property and the Conditional Use Permit be renewable on an annual basis. The 2' x 4' sign be allowed. Judi Carll seconded the motion. Vote was 4-0-1.

**9:00 P.M. PAT HASKELL MAP 29 LOT 18 ZONE AR**

Mrs. Haskell would like approval for a full dormer on the front of her cottage located on Ossipee Lake. Mrs. Haskell is more than 100 ft. from the water so the "new" State Mandatory Shoreland Zoning law of 30% does not apply.

Kerry Perkins moved to grant the request for an addition of dormer under Section 2.08 as per plans submitted, building to be under 35 ft. in height. Cindy Allen seconded the motion. Vote was 5-0-1.

**9:15 P.M. ROGER BELLEFEUILLE MAP 44 LOT A-411 ZONE R**

Mr. Bellefeuille would like to place a garage on his lot in Lake Arrowhead Estates. He cannot maintain his rear setback of 35 ft. and is requesting the Planning Board to allow him to go within 25 ft. of his rear line. All other setbacks can be met. This request is due to Lake Arrowhead mandating that he place his driveway off Timber Lane instead of New Dam Road.

Kerry Perkins moved to grant a Conditional Use Permit under Section 2.08 with garage to go no closer than 25 ft. to the rear setback, the setbacks to include the eaves, 50 ft. setback from Timber Lane be met. Dwayne Woodsome seconded the motion. Vote was 5-0 in favor.

- VI NEW BUSINESS:**
- VII OLD BUSINESS:**

Dwayne Morin told the Board that C & K Apartments has met the June 1st deadline.

**VIII ADJOURNMENT:**

It was moved and seconded to adjourn at 9:15 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

*Robert E. Deuby*  
 \_\_\_\_\_  
*Judith Carol*  
 \_\_\_\_\_  
*Cynthia Allen*  
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TOWN OF WATERBORO  
PLANNING BOARD  
WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD JUNE 27, 1991

MEETING CALLED TO ORDER BY VICE CHAIRMAN, ROLAND DENBY AT  
7:40 P.M.

I ROLLCALL: Present were Cindy Allen, Kerry Perkins,  
Judi Carll, and Vice Chairman, Roland Denby.

II MINUTES OF PREVIOUS MEETINGS:

III COMMUNICATION AND BILLS:

1. SMRPC

SMRPC will be holding two workshops, July 23, & 24 1991.  
Roland noted they would be held at two locations and anyone  
being able to attend please let him know as an RSVP was  
requested. The subject of the workshop is Subdivisions.

IV REPORT OF OFFICERS:

V APPOINTMENTS:

NONE SCHEDULED

ITEMS NEEDING ACTION:

WATERBORO OLD HOME DAYS:

Dwayne Morin has been in touch with Karen Lovell, Town  
Counsel and the Old Home Days Committee needs a Conditional  
Use Permit for Friendship Park in order to run the Old Home  
Days Program.

Kerry Perkins moved to approve a Conditional Use Permit for  
the Old Home Days Committee for Venders, and temporary  
structures in connection with the event for a period not  
longer than one week, renewable yearly by the Code  
Enforcement Office. Cindy Allen seconded the motion. Vote  
was 4-0 in favor.

LIONS CLUB:

The Lions Club also needs a Conditional Use Permit for a  
small carnival being held in July.

Cindy Allen moved to grant the Lions Club a Conditional Use Permit for use of Friendship Park for a small carnival and temporary structures in connection with the event for a period of not longer than one week. Kerry Perkins seconded the motion. Vote was 3-0 in favor.

Dwayne Morin briefed the Board on several issues.

The Hydro Study is back with Peter Garrett's review. He has suggested the Board not approve more than 23 sites for the Trailer Park.

Discussion followed on several issues. The Board orienting themselves with upcoming appointments and upcoming workshops on the Zoning Ordinance. The Board felt that whenever there was a question of needing review all applicants should come in to see them. The Sherburne Lake appointments should come back if their requests have changed.

It was moved and seconded to adjourn the meeting at 8:25 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Robert E. Deuby  
Judith Carr  
Cynthia Allen  
[Signature]

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD JULY 10, 1991

MEETING CALLED TO ORDER BY VICE CHAIRMAN, ROLAND DENBY AT  
7:50 P.M.

I ROLLCALL: Present were Judi Carll, Jon Gale, Cindy  
Allen and Vice Chairman, Roland Denby.

II MINUTES OF PREVIOUS MEETINGS:  
April 25, 1991 - May 8, 1991 - June 12, 1991 -  
June 27, 1991

Cindy Allen moved to approve April 25, May 8, June 12, & June  
27, 1991 minutes as printed. Jon Gale seconded the motion.  
Vote was 3 - 0 in favor.

III COMMUNICATION AND BILLS:

1. Memo to Selectmen Re: C & K Apartments Status
2. Letters from CEO to Property Owners in Illegal  
Subdivision of Starret Pierce
3. Notice of Violation from CEO to Bob Hindle &  
Dave Johnston
4. Notice of Intent to File from SRCC
5. Review of Blear Park Hydro Study from Emery &  
Garrett
6. Letter from SMRPC Re: Arterial Highways

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:45 P.M. ROGER WILCOX  
8:00 P.M. BARBARA RAMSDELL  
8:15 P.M. JIM WHITE  
8:30 P.M. CHERYL COULTON DIONNE  
8:45 P.M. JOHN PARKER  
9:00 P.M. JAMES G. TOWNS  
9:15 P.M. JOHN HUDD  
9:30 P.M. RAY KELLET

ROGER WILCOX MAP 13 LOT 79 ZONE AR

Questions asked regarding the nature of the business  
regarding oils and possible hazardous wastes. Mr. Wilcox did  
not believe that there would be any such materials. Mrs.  
Wilcox to run the proposed business by herself at this time.  
The board members noted that under the regulations only one  
person besides the owner would be allowed. Mr. Wilcox felt  
he could meet all the criteria.

Jon Gale moved to accept Mr. Roger Wilcox's request subject to Section 7.03 and the Definition of Home Occupation. Cindy Allen seconded the motion. Vote was 3 - 0 in favor.

**8:00 P.M. BARBARA RAMSDELL MAP 32 LOT 29 ZONE AR**

Mrs. Ramsdell is requesting permission to extend an existing deck 12 ft. 6 in. with a handicapped ramp. Mrs. Ramsdell's home is located on Johnson Park Road on Little Ossipee Lake. The house is currently 44 ft. 9 in. from the lake. The proposed expansion would not go any closer to the lake and would still maintain a 25 ft. 3 in. setback from her side property line. Mrs. Ramsdell presented a letter from the Doctor noting Mr. Ramsdell's physical condition this was placed on file. Expansion would not exceed 30 %.

Judi Carll moved to allow Barbara Ramsdell to extend the deck and build a handicap ramp providing they go no closer than existing structure to the water and maintain a 25 ft. sideline setback. Jon Gale seconded the motion. Vote was 3 - 0 in favor.

**8:15 P.M. JAMES WHITE MAP 1 LOT 27A ZONE AR**

Mr. White is requesting permission to build an 8' x 10' pressure treated deck on the front of his house located on the corner of Federal Street and Sand Crossing Road. Mr. White's house appears to have been constructed after March 7, 1977 which would place the existing structure in violation of the Zoning Ordinance. Tax Records show date of construction as 1978 +/-.

Mr. White informed the Board that Sand Crossing Road appeared to have been closed during the date of construction. The Town Planner noted that a recorded right of way is denoted in the Zoning Ordinance so the setbacks should have been met. Dwayne Morin suggested the Board check with Karen Lovell to see if the Board could legally act on the request. Dwayne to contact Karen Lovell and get back in touch with Mr. White. The Board to place Mr. White under Old Business at the next meeting.

**8:30 P.M. CHERYL COULTON DIONNE MAP 28 LOT 2 ZONE V**

Ms. Dionne is requesting a Conditional Use Permit for the operation of a restaurant on Route 5 currently known as Willie's Pizza. Ms Dionne is interested in purchasing the business and renaming it Ridge Runner Pizza. After checking with Karen Lovell she informed Mr. Morin that a Conditional Use Permit runs with the property. Ms. Dionne was informed that she would need a victualer's license and a liquor

license prior to opening under her ownership. Ms. Dionne explained to the Board that she currently has a restaurant in Wells and intends to promote a Family atmosphere at the Waterboro location. Pizza to be served from counter no waitress service planned, possibly delivery of pizza to surrounding area. Ms. Dionne does not want a hang out she would comply to previous owner's Conditional Use Permit. Ms. Dionne did note that she was aware of the status of foreclosure on the property and was working with the bank to purchase the property. She asked if the business was closed for up to one year what process she would need to follow. Zoning notes after 12 months of non use the Conditional Use Permit would become null and void and Ms. Dionne would need to come before the Planning Board for approval. The Board members did not see that this would be a problem.

Jon Gale moved that the request be granted on points that prior stated Conditions of Conditional Use Permit are abided by. Judi Carll seconded the motion. Vote was 3 - 0 in favor.

**8:45 P.M. JOHN PARKER MAP 47 LOT 39 ZONE AR**

Mr. Steve Roberts acting as representative for Mr. Parker is requesting permission to enclose an area underneath an existing deck. His house is located on Sherburne Lake. The existing deck is located 79 ft. from the high water mark of Lake Sherburne. This falls under the new Mandatory Shoreland Act in regard to the 30% Rule. The proposed enclosure currently has a cement slab and falls within the 30% rule of expansion. Proposed use of area is for a family room.

Cindy Allen moved to grant Mr. Parker's request to enclose the underneath area of the existing deck utilizing current setbacks of existing structure and that roof of new room meet building code and room not be used as a bedroom. Judi Carll seconded the motion. Vote was 3 - 0 in favor.

**9:00 P.M. JAMES G. TOWNS MAP 55 LOT 28 ZONE AR**

Mr. Towns is requesting permission to add a 14' x 20' addition to his mobile home located in the Twin Pines Mobile Home Park. The proposed addition will maintain a 30 ft. setback and a 48 ft. frontline setback. Currently the mobile home has a 44 ft. sideline setback and a 35 ft. frontline setback.

Lot 29 has a mobile home located on it, the owner has been approached by Mr. Hanson, owner of the Park and neither has a problem with the proposed addition.

Jon Gale moved to grant Mr. Town's request as presented. Judi Carl seconded the motion. Vote was 3 - 0 in favor.

**9:15 P.M. JOHN HUDD MAP 11 LOT 50 ZONE AR**

Mr. Hudd is requesting permission to repair an existing deck on his cottage located on Lone Pond. Mr. Hudd is proposing to repair the deck in its original size. Mr. Hudd's camp is located within 100 ft. from the water. Mr. Hudd noted that the stringers are soft he is not sure how much of the existing deck needs replacement.

Judi Carl moved that Mr. Hudd be allowed to repair his deck as long as it maintains the same dimensions as existing structure. Cindy Allen seconded the motion. Vote was 3-0 in favor.

**9:30 P.M. RAY KELLET MAP 32 LOT 49 ZONE AR**

Mr. Kellet is requesting the Board to adjust the area size of his Conditional Use permit which allowed him to build a 22' x 22' shop and shed. Mr. Kellet would like to change the size to 24' x 24' shop and shed. All conditions would remain the same and he would not change any of the setbacks.

Jon Gale moved to approve the request of Mr. Kellet with the condition that he approach the setback no closer than originally granted. Cindy Allen seconded the motion. Vote was 3-0 in favor.

**VI NEW BUSINESS:**

**VII OLD BUSINESS:**

1. CELATA
2. CLIFFORD
3. WATERBORO YOUTH LEAGUE
4. JAMES TAYLOR

**CELATA MAP 47 LOT 119 ZONE AR**

Dwayne Morin informed the Board that Mr. Celata would like to alter his request for a full foundation to closing in the underneath of the cottage with cement blocks to ground level as the cottage now sits. The Board noted that in the past if the underneath of a cottage is enclosed a septic system upgrading has been required.

Jon Gale moved that Mr. Celata request not be granted unless he abide by the stipulations of previous request being to upgrade the septic system. Judi Carl seconded the motion. Vote was 3-0 in favor.

**POLICY FOR SUBDIVISIONS**

Dwayne Morin to draft a policy, clear the policy with Karen Lovell and bring it back to the Board.

**ELECTION OF OFFICERS**

Judi Carll moved to keep the existing officers. Roland Denby seconded the motion. Vote was 3-0 in favor.

Current year officers are as follows:

John Roberts, Chairman  
Roland Denby, Vice Chairman  
Dwayne Woodsome, Secretary/Treasurer

A Motion to adjourn at 9:23 PM

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

John Roberts  
Roland E. Denby  
Gynthia Allen  
Judi Carll

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD AUGUST 14, 1991

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:45 PM

I ROLLCALL: Present were Judi Carll, Dwayne Woodsome,  
Cindy Allen, Roland Denby and John Roberts,  
Chairman.

II MINUTES OF PREVIOUS MEETINGS:

III COMMUNICATION AND BILLS:

1. Information from Alfred Planning Board
2. Minutes of ZBA Hearing
3. Letter from Dwayne Morin to Al Pomerleau Re: LA
4. Dwayne's letter of response to S Kasprzak
5. Completed Geologist Report of Blar Park

IV REPORT OF OFFICERS:

V APPOINTMENTS:

8:00 PM WAINO KAIHLANEN MAP 30 LOT 9 ZONE AR  
8:15 PM JAMES WILMOT MAP 44 LOT A-379 ZONE R  
8:30 PM TOWN OF WATERBORO MAP 4 LOT 47 ZONE AR  
8:45 PM EDWARD CHARBONNEAU MAP 20 LOT 10 ZONE V  
9:00 PM DAVID BLAIS MAP 43 LOT 926 ZONE R  
9:15 PM SUMMER PLACE CONST. MAP 44 LOT A475 ZONE R

8:00 PM WAINO KAIHLANEN MAP 30 LOT 9 ZONE AR

Mr. Kaihlanen is requesting permission to replace his 8' x 15' deck attached to his cottage on Little Ossipee. The deck has rotted out and is in need of removal and replacement.

Judi Carll moved to allow request to replace 8' x 15' deck as currently exists. Dwayne Morin to document by photo the existing deck. Cindy Allen seconded the motion. Vote was 4-0 in favor.

8:15 PM JAMES WILMOT MAP 44 LOT A379 ZONE AR

Mr. Wilmot is requesting permission to place a 10' x 14' deck on his home located on Hunter Road in Lake Arrowhead. Mr. Wilmot's home is currently 35' from the rear setback, the deck would infringe on the rear setback by 10 ft. On March 28, 1991, Andy Cote of Energy Homes, contractor who built Wilmot's home, came before the board for approval to place

the house on the lot. At that time, the board stated that all setbacks have to be met with the exception of the front setback from Hunter Road. At that time Mr. Cote asked if in the future a deck wanted to be added, could this be done. Mr. Cote stated that he was placing a sliding door to the rear. The board suggested to him that this slider be moved because the board felt the deck could not be added. Landscaping discussed. Patio, paved, brick or slate would be acceptable. Board noted that a cement slab could be classified as a structure.

Dwayne Woodsome moved to deny Mr. Wilmot's request noting March 28, 1991 minutes and under Section 3.03. Judi Carll seconded the motion. Vote was 4-0 in favor.

**8:30 PM TOWN OF WATERBORO MAP 4 LOT 47 ZONE AR**

The Town of Waterboro is requesting a Conditional use Permit for the placement of a Pumping Station for the South Waterboro Water System. The Pump Station will be located approximately 1100 ft. from Old Route 202.

25,000 gallon reserve, gated at entrance road, station to be concrete and steel construction with one door as access.

Roland Denby moved to approve the Town of Waterboro's request for Pump Station under Section 3.06.03, Item #3. Cindy seconded the motion. Vote was 4-0 in favor.

**9:15 PM SUMMER PLACE CONSTRUCTION MAP 44 LOT A475 ZONE R**

Tony Grant and Cliff Sawyer of Summer Place Construction are requesting a building envelope for this lot located on the corner of Victoria Lane and Lazy Brook Drive in Lake Arrowhead Estates. Mr. Grant is proposing to construct a 24' x 32' cape. In order to accomplish this Mr.. Grant is requesting a 34' rear setback and a 39' front setback. It was noted that the request did not take into consideration steps and eaves. Sales contract indicated a 10' x 10' deck. Contractors insured the board that this was not intended. The Realtor had previously written the request. A deck placed at the rear of the home would not be part of the approval request. Board members questioned the placement of bilco for basement and asked if they had plans for a slider. Contractors would not be placing a slider or a deck at the rear of building.

Cindy Allen moved to grant the request for a building envelope under Section 2.08 and the following setbacks to be utilized, 39 ft. frontyard setback bordering Victoria Lane and 31 ft. rear lot setback bordering lot A476. Roland Denby seconded the motion. Vote was 4-0 in favor.

Contractors asked if the newly created envelope would apply if the owners requested placement of a garage. The Conditional Use Permit would apply for future additions as long as they met the setbacks noted in the permit.

**8:45 PM EDWARD CHARBONNEAU MAP 20 LOT 10 ZONE V**

Mr. Charbonneau is requesting permission to add a room on the front of his home located on the West Road. The proposed addition would square off the current footprint of the house. The addition would go no closer than the current front and side setbacks of 43 ft. and 14 ft. respectively. Mr. Charbonneau also proposes to change his roof line and add a deck to the rear of the house.

Judi Carll moved to grant the request as long as new addition does not exceed current frontyard setback under Section 2.08. Cindy Allen seconded the motion. Vote was 4-0 in favor.

**VII OLD BUSINESS:**

1. Jim White
2. Woodland Heights

**JAMES WHITE**

Mr. White was requesting placement of a deck within 63 ft. of Sand Crossing Road. After researching Sand Crossing Road Dwayne Morin found that the Road was discontinued in 1955. However, in 1974 the town spent money to upgrade the road which technically reopened the road. Mr. White's house was constructed in 1978 and should have been placed 75 ft. from Sand Crossing Road. Mr. Morin recommended that Mr. White set up an appointment with the Selectmen to discuss signing a consent agreement with the Board of Selectmen. Once this is taken care of Mr. White could then apply for a building permit from the CEO for the deck.

Judi Carll moved to accept Dwayne Morin's recommendation to notify Jim White to contact the Board of Selectmen regarding the setback violation. Dwayne Woodsome seconded the motion. Vote was 4-0 i favor.

## **WOODLAND HEIGHTS**

Letter requesting an extension of the bond necessary as part of the Final Approval of the Subdivision. Drown Agency has requested placement on the Board's Agenda. It was also noted that the Final fees have not been received for this subdivision.

Cindy Allen moved that a two month extension be granted after payment of outstanding subdivision fees is remitted in full no later than August 28, 1991. Roland Denby seconded the motion. Vote was 4-0 in favor.

**9:00 PM    DAVID BLAIS    MAP 43    LOT    926    ZONE    R**

Mr. Blais is requesting permission to install wooden stairs from his house to the water's edge. Mr. Blais's house is located on Ridgeway Circle in Lake Arrowhead. Mr. Blais has approval from Saco River Corridor Commission to install the stairs. However, Mr. Blais is also proposing to place a patio on the lake side of his house which SRCC has not approved. In addition Mr. Blais is proposing to attach an 8' x 10' storage shed to his house. This addition will encroach on his sideline setback by 8 ft.

Mandatory Shoreland would allow the Board to act on this request. House was constructed within the last four years. Mr. Blais noted that he has already constructed the storage shed since he was under the 100 sq. ft. dimension this did not require a building permit.

Judi Carll moved to allow construction of stairs as approved by SRCC Application #15-251 under Mandatory Shoreland Act. Cindy Allen seconded the motion. Vote was 4-0 in favor.

The existing 8' x 10' shed violates the Zoning Ordinance. SRCC gave permission for placement of the shed on three sides of the structure. As long as the shed does not violate the setbacks Mr. Blais could construct the shed without Planning Board Approval.

## **VI        NEW BUSINESS:**

1. Policy for Subdivisions
2. Election of Officers

**CLIFFORD        MAP 47    LOT 118        ZONE    AR**

Dwayne Morin informed the Board that Mr. Clifford has abandoned the foundation project and in its place is requesting placement of a deck towards the water. The 100 ft. minimum setback can be met but it is unclear with the two pieces of information provided as to the exact measurement from the proposed deck to the sideline.

Cindy Allen moved to table the request until information is provided noting exact dimensions of deck in proximity to the sideline setbacks. Jon Gale seconded the motion. Vote was 3-0 in favor.

**WATERBORO YOUTH LEAGUE        FRIENDSHIP PARK CONCESSION STAND**

Mike Malinky, President of Shaker Valley Little League was present as representative. At the time of previous request for concession stand the committee was not ready for water and lights in the stand. Things progressed at a different pace than expected and they now would like to have power and water in the building that the board previously approved. Gray water will be going into an RV holding tank that will be pumped as needed.

Judi Carl moved to grant request to install electricity and water to the concession stand, previously approved by the board. Jon Gale seconded the motion.

**JAMES TAYLOR        TWIN PINES TRAILER PARK**

The Board granted approval for an addition to the trailer owned by Mr. Taylor. Mr. Taylor did not pick up his permit within the required 6 month time frame and is requesting an extension be granted to allow construction of the approved addition.

Judi Carl moved to grant an extension of the Conditional Use Permit issued to Mr. James Taylor. Cindy Allen seconded the motion. Vote was 3-0 in favor.



TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

**REGULAR MEETING WATERBORO PLANNING BOARD SEPTEMBER 11, 1991**

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 8:15 PM

**I ROLLCALL:** Present were Roland Denby, Judi Carll, Cindy Allen and Chairman, John Roberts.

**II MINUTES OF PREVIOUS MEETINGS:**

**III COMMUNICATION AND BILLS:**

1. Notice from ZBA Re: Variance Hearing

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

8:00 P.M. MARK LEVESQUE MAP 47 LOT 1A ZONE AR

8:15 P.M. ANDY COTE/ENERGY HOMES MAP 46 LOT 2038 ZONE R

8:30 P.M. ANDY COTE/ENERGY HOMES MAP 45 LOT 1729 ZONE R

8:45 P.M. JOHN HEWES MAP 31 LOT 9 ZONE AR

9:00 P.M. STEVE ROBERTS MAP 47 LOT 39 ZONE AR

**8:00 P.M. MARK LEVESQUE MAP 47 LOT 1A ZONE AR**

Mr. Levesque was not present but had a representative present with Mrs. Levesque. Mr. Levesque would like to construct a 32' x 32' cape style home with a deck on a lot in Lake Sherburne Subdivision. Mr. Levesque is requesting use of 20 ft. sideline setbacks in place of the required 35 ft. sideline setback. The Board members noted that the side entrance as shown on the plan could be moved to the rear in order to meet the 20 ft. sideline requested. Mrs. Levesque and Mr. Levesque's representative were in agreement of this change.

Roland Denby moved to approve Mark Levesque request using a minimum frontyard setback of 75 ft., a minimum rear setback of 35 ft. and sideline setbacks bordering lots 15A and 2A of 20 ft. under Section 2.08 and 4.02 of the Waterboro Zoning Ordinance. Cindy Allen seconded the motion. Vote was 3-0 in favor.

**8:15 P.M. ANDY COTE/ENERGY HOMES MAP 46 LOT 2038 ZONE R**

Mr. Cote is requesting permission to place a 24' x 32' home on a lot in Lake Arrowhead. Mr. Cote is requesting approximately 3 ft. sideline setback reduction.

Roland Denby moved to approve request of Andy Cote utilizing a minimum frontyard setback of 50 ft. from Old Portland Road lot line, a minimum rear setback of 35 ft. and sideline setback from each side of 33 ft. under Section 2.08 and 4.02 of the Zoning Ordinance. Judi Carll seconded the motion. Vote was 3-0 in favor.

**8:30 P.M. ANDY COTE/ENERGY HOMES MAP 45 LOT 1729 ZONE R**

Mr. Cote is requesting a building envelope for a 24' x 32' home in Lake Arrowhead. Mr. Cote is requesting placement of the house utilizing 31 ft. sideline setbacks.

Roland Denby moved to approve Mr. Cote's request utilizing a minimum frontyard setback of 50 ft., a minimum rear setback of 35 ft., and minimum sideline setbacks of 31 ft. each side under Section 2.08 and 4.02 of the Zoning Ordinance. Cindy Allen seconded the motion. Vote was 3-0 in favor.

**8:45 P.M. JOHN HEWES MAP 31 LOT 9 ZONE AR**

Mr. Hewes is requesting permission to remodel his existing cottage and convert from seasonal to year round use. The cottage currently sets approximately 57 ft. from the high water mark of Lake Ossipee. Mr. Hewes proposes an addition of two bedrooms by adding a dormer to the rear roof line of the cottage and a sun room to the side utilizing an existing foundation. Total expansion does not exceed the New Shoreland Zoning 30% Rule. Mr. Hewes is awaiting a new septic design from his Site Evaluator.

Roland Denby moved to approve Mr. Hewes request for addition to present building as proposed plan indicates for Map 31, Lot 9, none of the new construction to go closer than 57 ft. to Ossipee Lake under Section 2.08, 4.02 and Mandatory Shoreland Act, septic system must meet State Regulations for conversion from seasonal to year round. Cindy Allen seconded the motion. Vote was 3-0 in favor.

**9:00 P.M. STEVE ROBERTS MAP 47 LOT 39 ZONE AR**

Mr. Roberts is back before the board with a new request for a previously approved Conditional Use Permit. The home owner would like to enclose the upper portion of the deck rather than enclose the underneath portion as was previously approved.

Roland Denby moved to rescind the previously approved enclosure of underneath the deck. Judi Carll seconded the motion. Vote was 3-0 in favor.

Judi Carll moved to grant the request to enclose the upper deck as long as he goes no closer to the water than existing building according to plans presented under Section 2.08 and 4.02 of the Zoning Ordinance.

Discussion: Chairman noted to Mr. Roberts that the drip edge could go no closer than current deck. However, if the drip edge were an inch over it would not be a problem.

Vote was 3-0 in favor.

**VI NEW BUSINESS:**

Dwayne Morin informed the Board members that a boundary survey has been completed for the Starret Pierce lot. Within a reasonable time period several of the illegally subdivided lots should be applying to come before the Board.

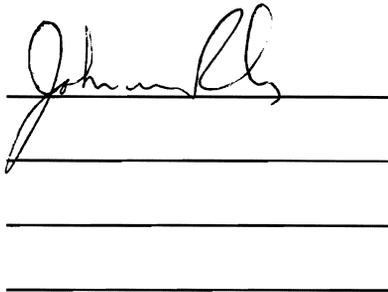
**VII OLD BUSINESS:**

**VIII ADJOURNMENT:**

A motion to adjourn was made and seconded. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer



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TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD OCTOBER 9, 1991

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:45  
P.M.

I ROLLCALL: Present were Judi Carll, Cindy Allen, Roland  
Denby, Dwayne Woodsome and Chairman, John Roberts.

II MINUTES OF PREVIOUS MEETINGS:

III COMMUNICATION AND BILLS:

1. Info from SMRPC Re: Shoreland Zoning Workshop
2. DEP Shoreland Zoning News
3. Letter from Margaret Barbaro
4. Letter to Drown Agency Re: Woodland Heights
5. Info from ZBA Re: Whittier Appeal
6. Newsletter from JBG&H
7. Intent to File from SRCC

WOODLAND HEIGHTS - Dwayne Morin explained the situation to  
the Board members present.

Roland Denby moved to turn down extension therefore voided  
the Woodland Heights Final Subdivision Approval under Section  
7.1.5 of Waterboro Subdivision Regulations. Cindy Allen  
seconded the motion. Vote was 4-0-0 in favor of the motion.

Margaret Barbaro: Dwayne Morin to check with Karen Lovell to  
see how Ms. Barbaro's request should be handled.

IV REPORT OF OFFICERS:

V APPOINTMENTS:

- 8:00 P.M. Frank McLaughlin Map 14 Lot 40I Zone AR  
8:30 P.M. Charles Santos Map 47 Lot 147 Zone AR  
8:45 P.M. Dorothy Stetson White Map 14 Lot 40 Zone AR  
9:00 P.M. Ivory, Regina Libby Map 14 Lot 40E Zone AR

8:00 P.M. FRANK MCLAUGHLIN MAP 14 LOTS 40I & 40M ZONE AR

Five Lot Sketch Plan Approval necessary for property located  
in the Starrett Pierce Illegal Subdivision. Sketch Checklist  
noted Subdivision needs a name - "Franklin Estates".

Roland Denby moved to accept Franklin Estates Sketch Plan.  
Dwayne Woodsome seconded the motion. Vote was 4-0-0 in

favor.

Public Hearing scheduled from October 24, 1991 at 7:00 P.M.  
On Site Meeting October 15, 1991 at 5:00 P.M.

**8:30 P.M. CHARLES SANTOS MAP 47 LOT 147 ZONE AR**

Paul Tebbetts represented Mr. Santos. Proposal is smaller than previously approved request.  
Roland Denby moved to re-approve Conditional Use Request.  
Judi Carll seconded the motion. Vote was 4-0-0 in favor.

**8:45 P.M. DOROTHY STETSON WHITE MAP 14 LOT 40 ZONE AR**

Dwayne Morin representing Mrs. White. Mrs. White is requesting a one lot subdivision. Dwayne Woodsome moved to have a water study completed for Dorothy Stetson White's Subdivision. John Roberts seconded the motion. Vote was 1-3-0. Motion fails.

All Sketch Plan criteria has been met with following exceptions:

Add Building Setback lines  
Add Owner Signature Line  
Must Show Wetlands  
Width of West Buxton Road - 3 Rods

Public Hearing to be held for November 21, 1991 at 7:00 P.M.

Roland Denby moved to accept Sketch Plan of Dorothy Pierce Stetson White. Judi Carll seconded the motion. Vote was 3-1-0 in favor.

Roland Denby moved to grant waiver request of items numbered 14, 18, 19, 21-24, and 26. Cindy Allen seconded the motion. Vote was 4-0-0 in favor.

Roland Denby moved to request items #7, 8, and 9 to be placed as notes on Preliminary Plan, also #10 to use existing foundation or to fill existing foundation in. Cindy Allen seconded the motion. Vote was 4-0-0 in favor.

#7. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except diminimus changes as so

determined by the Town Planner which do not affect approval of the Planning Board prior to implementation.

#8. Before issuance of any Building Permits, Dorothy Pierce White or their representative must present the Planning Board with certification from Frank Emery that all monumentation depicted on the Dorothy Pierce White Final Subdivision Plan has been set.

#9. Any further division of this lot must receive Town of Waterboro Planning Board Approval.

#10. Existing foundation must be used or filled in.

Also Modify #1   Rear & Side Setbacks - 35 ft.  
                  Front Yard Setback    - 75 ft.  
                  Building Height       - 35 ft.  
                  Shoreland Setback    - 100 ft.

**9:00 P.M.   LIBBY SUBDIVISION   MAP 14   LOT 40E   ZONE AR**

Libby's requesting approval of Sketch Plan for a single lot subdivision. Checklist is complete.

Roland Denby moved to accept SKETCH Plan of Ivory, Regina & Mark Libby Subdivision. Cindy Allen seconded the motion. Vote was 4-0-0 in favor.

Judi Carll moved to waive the following items numbered 14, 18, 19, 21-24 and all of 26 as per waiver request. Cindy Allen seconded the motion. Vote was 4-0-0 in favor.

Cindy Allen moved to add notes #1, and #7 to Preliminary Plan. Roland Denby seconded the motion. Vote was 4-0-0 in favor.

#1 Modify   Rear & Side Setbacks - 35 ft.  
            Front Yard Setback   - 75 ft.  
            Building Height       - 35 ft.  
            Shoreland Setback    - 100 ft.

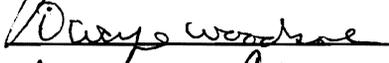
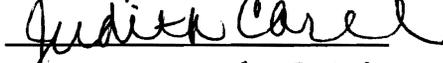
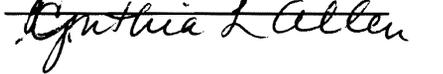
#7. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except diminimus changes as so determined by the Town Planner which do not affect approval of the Planning Board prior to implementation.

Notify abutters by certified mail of Public Hearing to be held on November 21, 1991 at 7:00 P.M. Site Walk scheduled for October 15, 1991 at 5:00 p.m. with the other lots in the Starret Pierce illegal subdivision.

It was moved and seconded to adjourn at 9:45 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD OCTOBER 24, 1991

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 8:06 PM

Mr. Thornton asked to be notified of next Franklin Estates Meeting.

Dwayne Woodsome moved to have post card sent to Mr. Thornton of next meeting. Jon Gale seconded the motion. Vote was 3-0 in favor.

**I ROLLCALL:** Present were Jon Gale, Cindy Allen, Dwayne Woodsome, Judi Carll and Chairman, John Roberts. Dwayne Morin notified those in attendance that Roland Denby had been in the hospital but was now out. Kerry Perkins had called and noted that he has been working out of state and would not be able to attend tonight's meeting.

**II MINUTES OF PREVIOUS MEETINGS:**  
September 11, 1991 and October 9, 1991

Cindy Allen moved to accept September 11, 1991 minutes as written. Judi Carll seconded the motion. Vote was 3-0-0 in favor.

Judi Carll moved to accept October 9, 1991 minutes as read. Cindy Allen seconded the motion. Vote was 4-0-1 in favor.

**III COMMUNICATION AND BILLS:**

1. Letter from C.M. Thornton Re: McLaughlin Subdiv.
2. Letter from Cindy Thornton Re: McLaughlin Subdiv.
3. Letter from Margaret Barbaro

Letters from C.M. Thornton and Cindy Thornton were read and placed on file.

Letter from Margaret Barbaro:

Jon Gale moved to table any action on Barbaro letter until written communication from town attorney is received. Cindy Allen seconded the motion. Vote was 4-0-0 in favor.

**IV REPORT OF OFFICERS:** No report at this time.

**V APPOINTMENTS:**

Planning Session Shoreland Zoning

Dwayne Morin updated the Board, each board member present was given a copy of the new State Shoreland Zoning Laws and suggested that all board members attend SMRPC's meeting on Shoreland Laws on Tuesday, October 29, 1991 at Massabesic High School.

November 21, 1991 meeting will be a special workshop for the board to work on Shoreland Zoning Laws.

**VI NEW BUSINESS:**

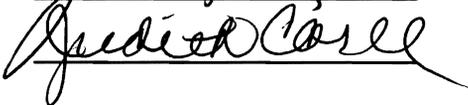
**VII OLD BUSINESS:**

**VIII ADJOURNMENT:**

It was moved and seconded to adjourn the meeting at 8:45 P.M.

Respectfully submitted,

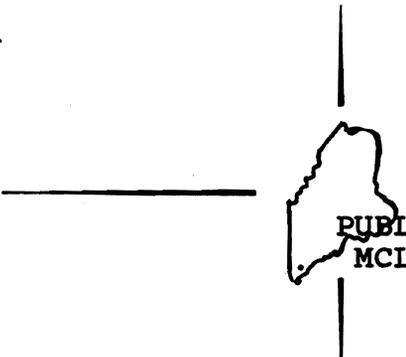
  
Dwayne Woodsome  
Secretary/Treasurer

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TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



PUBLIC HEARING OCTOBER 24, 1991  
MCLAUGHLIN ESTATES SUBDIVISION  
7:00 P.M.

Present from the Planning Board were chairman, John Roberts, Cindy Allen, Jon Gale, Judi Carll and Dwayne Woodsome. The Town Planner was also present and approximately 12 other people.

John Roberts opened the Public Hearing at 7:05 P.M. asking Mr. McLaughlin to present his intentions. Mr. McLaughlin explained briefly that his intent was to subdivide his son's and his property into 5 lots each being approximately 2 acres in size. Mr. McLaughlin stated to hopefully give some of the lots to his children. Also noted was a right-of-way for access to the five lots.

Charles Thornton asked if a deed was presented he believed that there were two owners of two lots? It was noted by the Town Planner that the two lots have been joined and are now being treated as one parcel. Mr. Thornton asked if the Board members had read the deeds. It was noted that a certified survey was on record.

Mr. Thornton noted that he also had a certified survey that is in direct conflict with that of Mr. McLaughlin's survey. Each survey certified by the same surveyor. Dwayne Morin informed the people present that he had discussed this issue with Mr. Emery and Mr. Emery stated that he had done further research after completing Mr. Thornton's survey and found information that led to the discrepancies in the two surveys.

Mr. Morin stated that Mr. Emery had informed him that he had been in touch with Mr. Thornton regarding this matter. Mr. Thornton clearly stated that Mr. Emery had not been in touch with him. Mr. Morin clarified he was only quoting Mr. Emery.

John Roberts asked if Mr. Morin would notify Mr. Emery and let him know that a letter from him regarding the discrepancies in the two surveys would be necessary .

Mr. Thornton contends to have ownership as by the deed of the property that is recorded on the survey of Mr. McLaughlin as being a portion owned by Mr. Thornton.

Dwayne Morin read a letter from Town Counsel, Karen Lovell regarding property line disputes.

Mr. Thornton noted the application for subdivision of Mr. McLaughlin's. Mr. Morin informed Mr. Thornton that the application was a portion of the subdivision approval. Mr. Thornton assured the Planning Board that a court opinion would be sought.

Jon Gale asked if the subdivision was approved and houses were constructed, court action came down and placed the property line in the center of a home what would happen?

Mr. Morin noted that the house would have to be moved to comply with the Zoning Ordinance.

Mr. Thornton noted the different degree headings from each survey. Mr. Thornton noted both surveys are different and done by the same surveyor. Surveyor has not retracted the survey of Mr. Thornton.

Mr. Emery in his further research for several other clients with this original parcel went back to 1700's and took the out sales and gifts by Starrett Pierce leading him to the plan for Mr. McLaughlin.

Cindi Thornton's land was noted by Mr. Thornton as having 3 or 4 acres less due to what he classified as an incorrect degree heading used by Mr. Emery. Mr. Thornton presented a survey on which he had sketched Cindi Thornton's property to show the different calculations as he believed them to be.

Mr. Thornton noted he did not have a problem with the subdivision just the location of the boundary lines and would challenge Mr. McLaughlin in court if necessary.

Mr. Thornton noted that Starrett Pierce had sold property several times over. Mr. McLaughlin responded that to his knowledge he and his son were the only people to purchase these particular pieces of property.

It was brought to everyone's attention that the State of Maine is a race state meaning that the first deeds registered take precedence over other deeds filed later.

Mr. Thornton made one further point. Refer to the original subdivision plan of 1974 the degree minutes etc. are different from the new plan.

The Board asked Mr. Morin if he would contact Mr. Emery regarding the discrepancy of the two boundary surveys on two subdivision plans. Mr. Thornton felt his plans were the first submitted and should therefore have precedence.

Minutes of November 15, 1990 were read and Mr. Thornton's letter of January 26, 1991. Mr. Morin noted that he had spoken with Mr. Emery as to which subdivision plan was correct. Mr. Thornton noted that Mr. Emery is a professional engineer and men should be able to take his work and place on the face of the earth the lots described so any person could follow his survey.

Mr. Thornton again noted that Mr. Emery had not contacted his regarding the survey that Mr. Emery had completed for his lot. Mr. Thornton intends to admit the minutes as evidence in his court action. Mr. Emery would have to make a determination. Mr. Thornton noted three different plans show three different angles.

John Roberts noted that as each subdivision plan comes in to the Planning Board they are handled one at a time.

Jon Gale noted the Board did not have the expertise and would have to rely on certified people and have had confidence with certified surveyors.

Again Mr. Thornton noted the discrepancies with the surveys. It was also noted that during surveys people find that they do not have the acreage that they thought.

Mr. Thornton commented that Mr. Pierce signed warranty deeds in full knowledge of the town and the town now says the current owners must take care of the problem.

Mr. Thornton asked if predecessor lots take over would Mr. Thornton take over some of Dorothy Pierce White's property that he would appear to be losing from Mr. Emery's survey presented for Mr. McLaughlin?

Dwayne Morin noted that a right-of-way divides the two properties. Mr. Morin believed that a court would uphold the information presented and unless the State of Maine withdraws the surveyors certification or a court of law determines otherwise the board would not have authority to declare one survey over the other. Surveyors can on different occasions find differing information.

Mr. Thornton noted his previous submission had placement of proposed home this would be different now.

Mrs. McLaughlin commented to Mr. Thornton, if you had bought the property first you would be arguing that your lot took precedence. Mr. Thornton did not believe that to be true. Mr. Thornton asked Sharon Abbott if he could be notified of future meetings regarding this subdivision. The Planning Board would need to act on this request since it is not customarily done.

Public Hearing adjourned by Chairman, John Roberts at 8:04 P.M.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

**REGULAR MEETING WATERBORO PLANNING BOARD NOVEMBER 13, 1991**

**MEETING CALLED TO ORDER BY ACTING CHAIRMAN, DWAYNE WOODSOME  
AT 8:04 PM**

Mr. Thornton has a request of the board. Request that Mr. Thornton be notified by the secretary of any meetings on or pertaining to the Starrett Pierce property and that the Planning Board furnish copies of correspondence of copies between Mr. Emery and the Town.

Jon Gale asked if the request was reasonable. Suggested the expense be borne by the person asking for the information.

Jon Gale moved that Mr. Thornton's request be granted and that copy cost be borne by Mr. Thornton. Judi Carll seconded the motion. Vote was 3-0 in favor.

**I ROLLCALL:** Present were Jon Gale, Cindy Allen, Dwayne Woodsome, Judi Carll and arriving later was Chairman, John Roberts.

**II MINUTES OF PREVIOUS MEETINGS:**  
October 24, 1991

**III COMMUNICATION AND BILLS:**

1. Letter from C. M. Thornton Re: White Subdivision
2. Post card fro 1992 Maine Planning & Land Use Laws
3. Memo from Selectmen Re: 1992 Budget
4. Letter from Emery Engineering Assoc. Re: Pierce Properties
5. Book from National Trust for Historic Preservation

**IV REPORT OF OFFICERS:** No report at this time.

**V APPOINTMENTS:**

7:45 PM MACKENZIE  
8:00 PM TIM GREATON LOT 1387  
8:15 PM GLORIA STEPHENSON  
8:30 PM COLIN CANNING

**7:45 PM WILLIAM MACKENZIE MAP 30 LOT 5 ZONE AR**

Mr. MacKenzie is seeking permission to build a pitched roof on his flat roof garage located off Route 5 on Ossipee Lake. Due to the leaking of the flat roof, they would like permission to build a pitched roof. The proposed roof is a 12/5 pitched roof placed directly on the flat roof. Although the garage is located in the shoreland zone and the 30% rule applies, the proposed construction will not increase the garage by 30%. Mr. MacKenzie noted that there were no plans for storage above the garage. Mr. MacKenzie would need to match the overhang of new roof with the existing to maintain the same footprint.

Jon Gale moved to grant Mr. MacKenzie's request under Section 2.08, 7.01 and 9.03. Cindy Allen seconded the motion. Vote was 4-0 in favor.

John Roberts arrived and Dwayne Woodsome turned the meeting over to the Chairman.

**8:00 PM LANCE ROY MAP 45 LOT 1387 ZONE R**

Tim Greaton and Lance Roy were present and are requesting to build a 28' x 40' cape on a lake front lot on North Circle in Lake Arrowhead. In order to build this house, Mr. Roy is requesting reduction's in the shoreland setback, sideline setback and front yard setback. Mr. Roy's setbacks requests are 58', 20' and 25' respectively. Mr. Roy has received Saco River Corridor permission to construct this house.

Dwayne Morin suggested that the Planning Board limit the size of the home. Discussion followed with Mr. Roy, Mr. Greaton and the property owners regarding possible solutions.

Jon Gale moved that request be granted with the right sideline setback of 35 ft. be met, that the structure go no closer than 58 ft. to high water mark, and the frontyard setback be no closer than 25 ft. and the left sideline setback of 35 ft. be met under Section 2.08. Cindy Allen seconded the motion. Vote was 4-0 in favor.

**8:15 PM GLORIA STEPHENSON MAP 49 LOT 11G ZONE AR**

Mrs. Stephenson is requesting permission to have a home occupation in her home on Oak Lane in East Waterboro. Currently Mrs. Stephenson owns the Blueberry Basket on Route 202/4 in the Janson Realty building in East Waterboro.

She would like to move this business into her home on Oak Lane. She is proposing to have a catalog sales order business as well as crafts for walk in sale. She is proposing to use a 12' x 15' section of her home for the business which equates to 8% of her home for the home occupation. Picture on file as to the parking space available.

Cindy Allen moved to grant Home Occupation Conditional Use Permit under 7.04 Home Occupation 25%. Judi Carll seconded the motion. Vote was 4-0 in favor.

**8:30 PM COLIN CANNING MAP 28 LOT 51 ZONE AR**

Mr. Canning is requesting permission to install a 4,000 gallon steel septage tank on his property on the Townhouse Road in Waterboro Center. Mr. Canning has received permission from the DEP to install this storage tank on his property. Under the town's ordinance, this tank cannot be located within 500 ft. of any residence, camp or water body and has to be appropriately screened. According to the DEP order, Mr. Canning will be within 175 ft. from a neighbor's residence and 200 ft. from a neighboring well. This neighbor has stated he has no objection to the tank location. Karen Lovell has informed Dwayne Morin that this appears to be a two step process. The Planning Board can grant approval contingent on Zoning Board of Appeals review and approval.

Judi Carll moved approval under Section 3.06.03 Section #9 pending approval of Zoning Board of Appeals and meeting all requirements stated in DEP order and analysis results from monitor wells be sent to the town. Cindy Allen seconded the motion. Vote was 4-0 in favor.

**8:45 PM FRED POWERS MAP 13 LOT 57-3 ZONE AR**

Fred Powers is requesting permission to have a home occupation in his home located on Route 5 in North Waterboro. Mr. Powers would like to buff and wax car's in his garage. He has stated that this will be an odd job type of work and he will never have more than 2 cars at a time to work on.

Jon Gale moved to grant Home Occupation Conditional Use Permit, limiting the number of cars to no more than 3 customer cars at any one time. Cindy Allen seconded the motion. Vote was 4-0 in favor.

**VI NEW BUSINESS:**

**VII OLD BUSINESS:**

Dwayne Morin will try to piece the Pierce lots surveys together by next Thursday night and will also check with Karen Lovell.

**VIII ADJOURNMENT:**

It was moved and seconded to adjourn the meeting at 9:25 P.M.

Respectfully submitted,

*Dwayne Woodsome*  
Dwayne Woodsome  
Secretary/Treasurer

*John D. [unclear]*  
\_\_\_\_\_  
*Judith Cole*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

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Public Hearing  
Libby Subdivision  
November 13, 1991

Meeting opened by acting chairman, Dwayne Woodsome. Board members present were Jon Gale, Judi Carll and Cindy Allen.

Mr. Libby's single lot subdivision plan was presented to the public. Mr. Thornton noted same objections to the placement of the right-of-way. Different bearing and placement on plans and Mr. Thornton strongly objects to this being considered and does not believe the surveyor has done a proper job. Note #6 on the plan tells what has been done.

Surveyor is supposed to locate property not note placement of pins by property owner. Mr. Thornton read the notes. Mr. Thornton thought it would be wise if the board further checked this out. Mr. Morin asked to contact Mr. Emery and have him forward written verification of the Thornton Homestead survey being rescinded.

Mr. Thornton noted that the subdivision regulations require a boundary survey and Note #6 says otherwise. Objection noted.

A copy of the minutes to be forwarded to Mr. Thornton.

Hearing closed at 7:58 P.M.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE



PUBLIC HEARING  
NOVEMBER 13, 1991

DOROTHY PIERCE WHITE ONE LOT SUBDIVISION

Present from the Planning Board were Cindy Allen, Judi Carll, Jon Gale and Dwayne Woodsome who acted as Chairman of the hearing.

Approximately six local citizens were in attendance.

Public Hearing called to order at 7:04 P.M.

Dorothy White owns approximately 12 acres and is going through a one lot subdivision as are approximately ten other people. No further division of this property is proposed at this time.

Dwayne Woodsome asked if there were any questions or comments?

Mr. Charles Thornton addressed the Board members and expressed his objections. Mr. Thornton presented a marked plat of a 1974 layout of the Starrett Pierce properties. This plan does not have a surveyor's seal present. Mr. Thornton pointed out inconsistencies with the deeds, the plat and the boundary survey's presented by Mr. Emery's company. Mr. Thornton asked the board to review Note #6 on the Dorothy Pierce White subdivision that read as follows:

6. From 1965 to 1990, Starrett Pierce designed and surveyed out and surveyed out and marked lots on his 80 acre subdivision. He marked lot corners with cement blocks with iron pipes driven through them. Lot lines were all marked with pieces of metal nailed to trees and painted gray. He then wrote up approximate deeds, hand written copies of which he still has, with approximate dimensions and referring to his markers in field. Frank Emery surveyors are locating lot lines and lot corners as marked by Starrett Pierce and only setting missing corners along marked lot lines. As he measured slope distances and we measure horizontal distances, our distances on our plans are less.

Mr. Thornton noted that the lot as described in the deed which he presented is different than noted on plan. Mr. Emery has cut about one and one half acres from Mr. Thornton's property across Pierce Lane by relocating the right-of-way. Another reference was made by Mr. Emery's survey to that of Starrett Pierce's plan that was previously presented by Mr. Thornton he noted that if all plans presented to this date were placed together they would not fit together.

A letter from Mr. Emery needed regarding the validity of Thornton Homestead subdivision.

The placement of the Right-of-way believed by Mr. Thornton to be incorrect three different headings used on plans. Mr. Thornton objects to the one lot subdivision due to discrepancies in the plats presented. It was noted to Mr. Thornton that Mr. Emery has certified by his seal that the plan presented is correct, neither the Planning Board nor the Town Planner have the ability to question the validity of the plans.

Mr. Thornton presented court orders noting judgment against Mr. Emery for incidents occurring during Mr. Thornton's survey being completed. Mr. Thornton informed the Board members that Mr. Emery told him that someone at the Town Offices told him to hold up on the Thornton Estates subdivision until they gave their okay.

Mr. Morin noted that to his knowledge no one had made such a statement.

Mr. Emery refused to place the note on the subdivision plans for Mr. Thornton verifying placement of the pins as noted on the subdivision plans.

Mr. Thornton again noted the calls in Dorothy Pierce White's deed being different from that shown on the plan. Noted differences between surveys hoping this make a difference in conformity.

Mr. Thornton stated that he believed the process is wrong. Town officials were lax during the time that Mr. Pierce was creating these lots and to push the burden onto the current property owners was wrong. The decision was made by the Board of Selectmen as advised by Town attorney's. Mr. Thornton does not feel he should be before the board rather Mr. Pierce should be the one to take care of the problem. It was Mr. Thornton's contention at this point that the Planning Board deny Pierce, Libby, Thornton and McLaughlin until surveyor can prove that his five different surveys are accurate and can be joined together.

The plan of Starrett Pierce currently on file in the Planning Office was never recorded due to Mr. Pierce never going beyond Sketch Plan stage.

Issues regarding building permits to the O'Clairs was brought up by Mr. Thornton. Dwayne Woodsome acting chairman asked for what bearing this issue had on this Public Hearing. Mr. Thornton believed that his request for building permits for his lot was what triggered this entire Pierce lot to be before the board.

Again Mr. Thornton noted his belief that the process being used was wrong. Mr. Thornton asked that a copy of the minutes be forwarded to him. Meeting adjourned at 7:49 P.M.



TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

PUBLIC HEARING  
DOROTHY WHITE & IVORY LIBBY  
NOVEMBER 21, 1991  
7:00 P.M.

This is the second meeting held for these two subdivisions due to a mix up in paper work.

Present from the Planning Board were Vice Chairman, Roland Denby, Kerry Perkins, Cindy Allen and Dwayne Woodsome.

Dorothy Stetson White, single lot subdivision approximately 12 acres no further subdivision planned. Board of Selectmen determined that single lot subdivisions were the correct procedure to follow to clear the illegal subdivision up. Dorothy could not be present.

Charles Thornton noted for the record his feelings regarding the handling of this illegal subdivision. He feels it is totally wrong. Eventually this area could yield as many as 30 lots. None of which will have review by the board for roads, drainage, utilities etc. Mr. Thornton noted that the Town of Waterboro ha no set rules for single lot subdivision and the state doesn't. He did not see how a single lot subdivision could be legal. If not legal would his heirs be further held up in years to come from building on this lot.

Mr. Thornton noted he had no problem with the concept of the subdivision. Mr. Thornton asked to have the town attorney give a written determination of how they arrived at the status of a single lot subdivision.

Mr. Thornton felt the issue of this entire area is the actual location on the face of the earth each lot recorded in this entire parcel. Mr. Thornton noted the use of different degree markings and headings.

Dwayne Morin brought plans out and proceeded to demonstrate that the lines do fit as recorded in Mr. Emery's surveys. Mr. Emery has noted by letter, on file, that he rescinds the Thornton Estates survey.

O'Clair survey notes a different heading. During the review of the subdivisions presented Mr. Thornton noted some of the plans are different than what he had acquired from the Town. Mr. Thornton noted he should have been supplied a copy immediately upon the Town having received the plan.

Mr. Morin noted that he would have been supplied a copy if he had asked.

Note #6 on the plan of Dorothy White was noted and Dwayne Morin noted to those present that he had checked with two land surveyors of this note and was informed by each that the Seal and Certification: "This survey conforms to the Maine Board of Registration for Land Surveyors Standards for a Category I Condition II Boundary Survey" means that the surveyor has had to meet the minimum criteria by instrumentation. Mr. Thornton noted he was in disagreement with this since Note #6 specifies how Mr. Emery determined the boundaries. If Mr. Pierce created the subdivision wouldn't the notes be justifiable?

Kerry Perkins asked questions about the deeds. Mr. Thornton noted he was unprepared since he was notified in the afternoon of the Public Hearing.

Mr. Thornton asked Mark Libby if the pin location had changed after Mr. Emery had completed his survey. Mr. Libby noted very little change. Mr. Thornton asked Mr. Morin to present his copy of the original survey done of Starrett Pierce's lot. Kerry Perkins that the information was only as good as was recorded.

Mr. Thornton noted that Mr. Emery had refused to place the note on his plan that the Board had asked for regarding placement of pins on the property going through single lot subdivision. Mr. Thornton thought it strange that Mr. Emery would not produce the boundary for him.

Mr. Emery will be at the first December meeting of the Planning Board.

Roland Denby felt nothing could be solved until Mr. Emery was present. Survey is a peculiar science.

Kerry Perkins noted there has to be a process to correct a situation when deeds do not match up.

Mr. Thornton noted his daughter-in-law feels she is losing acreage with the plans that Mr. Emery has presented. Dwayne Morin noted that she would actually have more land. He demonstrated using a protractor. Mr. Thornton was in disagreement.

The Board members noted they were not land surveyors. Mr. Thornton noted he has no problem with the land owner's getting things right but wants to insure that it is right.

Mark Libby noted he appears to have lost about 5 ft. according to Mr. Emery's survey. Mr. Thornton again noted the different headings on each plan.

Starrett Pierce has a registered deed for the 50 ft. Right-of-way deeded to abutters. One deed in common. Mr. Thornton asked for a copy.

Roland Denby noted a problem with his own property line and once surveyed it was different with two surveyors. Noted that surveying is not an exact science.

Mr. Thornton again noted his belief that a single lot subdivision was a legal solution to this problem.

Kerry Perkins noted that other people were losing land, how does this affect Mr. Thornton. Mr. Thornton read deeds of Mr. McLaughlin and his own. Calls noted of Mr. Thornton's were from a deed description not the actual deed of Mr. Thornton, which was recorded in 1989. Mr. Thornton noted if the right-of-way was placed correctly each person in this illegal subdivision would have the correct amount of land as by deed.

Mr. Thornton noted that Starrett Pierce had set one pin and he had placed the other pins. It was brought up that the State of Maine is classified as a race state. The first deed registered takes precedence.

Mr. Perkins noted nothing could be gained here. Letter from attorney on file noting deeds in process as they were registered. This will probably end up being decided by attorneys getting together to the best of their ability.

Mr. Thornton noted he will challenge all of the discrepancies in court and stop the whole thing.

Mr. Perkins asked if in December everyone involved could be in attendance at the Planning Boards meeting. It was noted that it was hard for everyone with one applicant mailing everything in.

Dwayne Morin agreed with Mr. Thornton if he felt he was coming up short he has a right to question the plans. The Planning Board cannot however determine this.

Mr. Thornton noted Planning Board action once discrepancy has been pointed out?

Three surveyors said notes on plans are just a record of how a surveyor determined location of lot lines. Once sealed they have to have met a minimum of state regulations which means they were measured by instrument.

Board researched and find subdivision to be in accordance with local regulations.

Mr. Thornton noted that Mr. Emery had rescinded his survey because he had questioned him. Mr. Emery had told Mr. Thornton that someone at the Town Office had told him to hold up with Mr. Thornton's subdivision. It was noted that no one present was aware of any such comment. Mr. Thornton noted he had judgement in court against Mr. Emery for a specified dollar amount and have attached a lien on Mr. Emery's home and if the dollar amount is not met the house will go up for auction.

A letter to be sent by Mr. Thornton to the Board of Surveyors in Augusta asking if Mr. Emery could rescind a survey unless it went through the courts. Copies of these letters to be forwarded to the Planning Board by Mr. Thornton.

Planning Board noted that the Town Attorney would be at the next Planning Board meeting. The Planning Board has nothing to do with the action for settlement. Kerry Perkins noted the need to get a survey that all property owners can agree upon and the Planning Board cannot determine that.

Preliminary Plan for Dorothy White and Mark Libby at the next meeting.

Kerry Perkins noted the need for property owners to settle the dispute.

Mr. Thornton asked for a copy of a decision from attorney noting the legal method of single lot subdivision. It was noted that an attorney would not give options to the Town if they were not legal. Letter on file from 1986 read by Kerry Perkins noting again the need for single lot subdivision for lots in violation.

Mr. Thornton noted his opposing view since building permits had been issued previously by the town for illegal lots.

Kerry Perkins noted that it is not for the Town to request an opinion because Mr. Thornton has a different opinion. He could contact his attorney if he has a differing opinion.

Past actions were noted and it was noted to those present that all lots in violation would be coming before the board to clear up the violation.

Roland Denby felt that the meeting should be closed unless there were any further comments. There are no further Public Hearings scheduled at this time for this area. Next Planning Board session December 11, 1991, would be for review of Preliminary Plan.

Mr. Emery and Karen Lovell to be present at the meeting. It is not the Boards problem if a property discrepancy exists. It is a civil matter.

Roland Denby closed the meeting at 8:15 p.m.

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

REGULAR MEETING WATERBORO PLANNING BOARD DECEMBER 11, 1991

MEETING CALLED TO ORDER BY CHAIRMAN, JOHN ROBERTS AT 7:34 PM

I ROLLCALL: Present were Judi Carll, Kerry Perkins, Roland Denby, Cindy Allen, Dwayne Woodsome, and Chairman John Roberts.

II MINUTES OF PREVIOUS MEETINGS: October 24, 1991, November 13, 1991

III COMMUNICATION AND BILLS:

1. Saco River Corridor Commission
2. Letter from Smith & Elliott Re: Margaret Barbaro
3. Updated Letter of Credit for Deer Acres (Wentzell)
4. Incoming & Outgoing Communication Re: Thornton
5. Request for Budget-Due to Selectmen 12/31/91
6. Letters from Dorothy Stetson White

IV REPORT OF OFFICERS:

V APPOINTMENTS:

7:30 PM DOROTHY STETSON WHITE SUBDIVISION  
IVORY, REGINA & MARK LIBBY SUBDIVISION  
8:15 PM DAVID GAGNON MAP 52 LOT 11 ZONE AR  
8:30 PM ALBERT GROVER MAP 35 LOT 28 ZONE AR  
8:45 PM BLEAR PARK PRELIMINARY PLAN

Chairman opened the meeting at 7:34 p.m., since several people were in attendance it was noted that a ten minute time frame for speaking would be in place.

**Dorothy Stetson White Subdivision**

Mr. Frank Emery was present representing Dorothy Stetson White. Mr. Emery explained the basic background of the entire 80 acre parcel and the method he used to locate each lot within this subdivision. A full boundary survey is complete and the interior lots were well marked. The deeds are not accurate and there is not enough land to use the deed calls. Mr. Pierce had marked the lots very well. Mr. Emery noted that the original surveyor hired by Mr. Pierce never ran the line bordering Lucinda Thornton property other than by computer. A predecessor deed was found by Mr. Emery and it clearly defined the property.

Mr. Emery also noted that he has conferred with at least six other surveyors regarding the method he has used to locate the interior lots. Each of these surveyors has agreed with Mr. Emery's method. Mr. Emery noted that Mr. Thornton was the first to hire him for this project and since that time he has picked up other people within this same area. Because of this he has been able to offer his services at a reasonable rate and feels that this will finally straighten out the problem.

Mr. Emery showed those present one plan with all of the lots there are still a few that Mr. Emery would need to complete ground work on. He is currently working on Mr. Balducci's lot.

Most people were shown there lines at the time Mr. Pierce transferred ownership. The dimensions in the deeds read plus or minus and in some cases there just isn't enough land to allow for the measurements to be used. Once the subdivisions are accepted new deeds can correct the problem. Unfortunately Mr. Pierce never numbered the lots. It would have made this project a lot easier. If deeds were written and the property had not been marked this would be a nightmare. Basically Mr. Emery has accurately measured Mr. Pierce's markings.

Mr. Charles Thornton addressed the chairman and requested permission to speak. Mr. Thornton stated that Mr. Emery has not done a survey. He has not truly surveyed the boundary of his lot and he has not properly placed Pierce Lane.

Mr. Emery noted that he has done a boundary survey.

Mr. Thornton doubted the Planning Board's authority regarding the single lot subdivisions since the state has nothing nor does the town have anything that governs a single lot subdivision. Mr. Thornton noted that if each property owner split the lots potentially there could be 25 to 30 buildable lots within this area and he believed the issue of the road being private would be a problem with the town.

John Roberts noted to Mr. Thornton the entire Lake Arrowhead subdivision has private roads as do other approved subdivisions.

Mr. Thornton asked the board what action had been taken on his objections that he had noted by letter as well as stated at two other meetings.

Mr. Thornton also noted that the placement of the right of way should not be Mr. Emery's discretion. Mr. Thornton noted that he and his wife had set the pins for his lot. Mr. Thornton also noted his objection to this single lot subdivision because it is cutting his daughter-in-law of land and also himself. Mr. Thornton stated that Note #6 on the plans confirmed that Mr. Emery did not do a survey he proceeded to read this note. Mr. Thornton questioned Mr. Emery's ability. Mr. Emery was given a list of items that the Planning Board has requested be placed on the milar for Mr. Thornton's subdivision. Mr. Emery refused to place the note regarding his having placed the pins since he had not done so himself, Mr. Thornton said he had taken his money and flew to Florida. Mr. Thornton noted that Cindy Thornton's deed states the property line goes straight for 1300 ft. and she will have approximately 2 acres less land by this plan and Mr. Emery has not conferred with either himself or Cindy Thornton.

Mr. Emery was granted time for a rebuttal. Mr. Emery stated that an accurate perimeter survey has been done. Mr. Thornton had told Mr. Emery that he had a boundary survey already completed. Once Mr. Emery got involved he found the perimeter was haywire. A letter was written to Mr. Thornton stating until the perimeter was straightened out Mr. Emery was on hold. Two markers on Mr. Thornton's lot are correct the other two were set by Mr. Thornton and Mr. Emery found them to be incorrectly placed. Mr. Emery also stated that he has deeds that back up the perimeter survey of the entire parcel. Since the deeds tend to overlap and Mr. Pierce had clearly marked out the lots these markings would be used. Mr. Emery noted that he had been in this business for 35 years and he knows what he is doing. Mr. Emery noted that the previous survey had some lines that appeared to be computer fudged. Mr. Emery had also consulted with six other experienced surveyors.

Kerry Perkins asked Mr. Emery if he had enough information to stamp this plan with a Category I Condition II Boundary Survey. Mr. Emery noted he has met these requirements. He also noted to Mr. Thornton that using the method he had Mr. Thornton would retain more land than if deeds were used.

If Mr. Thornton feels the survey is incorrect you would have to take action by separate survey or court action.

Karen Lovell, town counsel, noted that the issue the Board is dealing with is have all the requirements been met by the applicant. Dwayne Morin has reviewed the plans and find that all requirements have been met for Preliminary Plan.

Mr. Thornton asked if the chairman or the attorney could state why Mr. Pierce had not been charged with an illegal subdivision instead of putting the burden onto the current property owners and made to comply with state and local subdivision laws.

Karen Lovell, noted that the Planning Board does not have enforcement power and were not involved in the decision and did not need to respond.

Dorothy Stetson White has complied with all criteria.

Kerry Perkins moved to grant Preliminary Approval. Judi Carll seconded the motion. Vote was 5-0-0 in favor.

Dorothy Stetson White has requested Final Plan approval at this time. Final checklist is complete. Final plan scale has been waived. Mr. Thornton asked for a copy of the request for waivers. A copy was provided.

Mr. Thornton asked why he had been told he had to wait 30 days? Mr. Morin noted to Mr. Thornton that he had been informed of the correct procedure.

Kerry Perkins moved to grant Final Plan approval pending Mr. Emery providing the Board with a milar and 5 copies to be signed. Cindy Allen seconded the motion. Vote was 4-0-1 in favor. The plans can be signed at the December 19, 1991 meeting.

### **Libby Subdivision**

One lot with existing house which Mr. Pierce had built. One of the older lots created. Mark Libby currently resides there. The front pin bordering Pierce land was not found and Mr. Emery has set this missing pin. Very clearly marked lot since two sides are bordered by rock walls. House was constructed prior to 1977 so does not conform with current Zoning.

Judi Carll moved to accept Preliminary Plan of Ivory, Regina & Mark Libby. Kerry Perkins seconded the motion. Vote was 5-0-0 in favor.

The Libby's have also requested Final Plan approval as well. Check list is complete.

Kerry Perkins moved to approve the Final Plan of Ivory, Regina & Mark Libby pending Mr. Emery providing 5 copies and a milar to be signed once provided. Cindy Allen seconded the motion. Vote was 4-0-1 in favor. If provided these could be signed they could be signed at the December 19, 1991 meeting.

**8:00 P.M. DAVID GAGNON MAP 52 LOT 11 AR ZONE**

Mr. Gagnon is seeking permission to construct a 20' x 20' and a 15' x 15' addition to his home located on the corner of Partridge Road and Beaver Run in the Beaver Ridge Subdivision. Currently the house is located 50 ft. from Beaver Run and 85 ft. from Partridge Road. The proposed additions will encroach on the Beaver Run setback by 10 ft. A 75 ft. setback is required in the AR zone from the front yard. Mr. Gagnon's home was constructed prior to 1977. Mr. Gagnon noted his addition is for a family room and bedrooms. Currently the home is a four bedroom with interior renovations and the addition the Gagnon's will have three bedrooms. Questions on the existing septic system.

Kerry Perkins moved to approve David Gagnon's request under Section 2.08 for a 20' x 35' addition provided he updates his septic system or provides documentation from a Soil Scientist that the existing system is sufficient. If a system is designed it should be filed with his deed at the registry. Roland Denby seconded the motion. Vote was 5-0-0 in favor.

**8:30 P.M. ALBERT GROVER MAP 35 LOT 28 ZONE AR**

Mr. Grover is requesting permission to construct a cement block foundation as well as add an 8' x 8' addition to existing living area. The foot print would not change. His cottage is located on East Shore Road on Little Ossipee Pond. Mr. Grover has received permission from the DEP to construct the foundation. Mr Grover's cottage is approximately 15 ft. from the high water mark. The addition will not disturb the foot print of the building and is well within the 30% expansion rule outlined in the Mandatory Shoreland Zone Act. Mr. Grover has already updated his Septic System in compliance with a year round residence. All work will have to be done by hand. DEP approval conditioned on Soil Erosion measures being met.

Kerry Perkins moved to approve Albert Grover's request to add an 8' x 8' area to his living space and place a foundation under the cottage under the Mandatory Shoreland Zoning, Section 2.08 and as per DEP approval, the elevation of the cottage not to go higher or lower than 3 ft. from existing elevation and immediate removal of fill as its excavated. Roland Denby seconded the motion. Vote was 4-0 in favor.

**8:45 P.M. BLEAR PARK II MOBILE HOME PARK MAP 8 LOTS 15-2/3/4**

Notes given to Les Leighton of items that need to be placed on the Preliminary Plan and items that may need to be addressed. Mr. Morin suggested scheduling of a workshop with the Planning Board, Mr. Leighton and his engineering firm.

Major issues that need to be dealt with before any further approvals are granted are:

- Waiver on Cul-de-sac Road Length. Subdivision Regulations state that a dead end road cannot be more than 600 ft. in length. Blear Park II has proposed a 1,696 ft. dead end road.
- Only one access has been shown. Fire Department as well as Rescue Department should be consulted on using only one access.
- Water Supply proposed.
- Landscaping Plan. Since this is in an old gravel pit there is no grass, trees, shrubs, etc. A Landscaping Plan should be prepared and should include the above mentioned grass, etc.
- An Erosion Control and Stormwater Drainage Plan should be prepared.
- The fire pond proposed does not have access or a management plan.
- Buffer strips should be utilized around the entire park.
- A traffic study should be conducted to determine impact on neighboring properties as well as road network.
- Mobile Home Park Rules & Regulations need to be formulated.

- Road details, profiles, etc. need to be prepared should a waiver be granted.

Workshop to be held on January 24, 1992 at 8:00 p.m. Plan to be forwarded to Fire Department, Rescue, School Department, Postal Department for review and suggestions.

Mr. Leighton noted that all roads within the park are to be paved.

**VI NEW BUSINESS:**

**VII OLD BUSINESS:**

1. Lance Roy Map 45 Lot 1617 Zone R
2. Margaret Barbaro Map 45 Lot 1431 Zone R
3. Colin Canning Map 28 Lot 51 Zone AR

**LANCE ROY MAP 45 LOT 1617 ZONE RESIDENTIAL**

Mr. Roy is seeking reapproval of the Conditional Use Permit granted on January 9, 1990 for his lot in Lake Arrowhead. Mr. Roy's first Conditional Use Permit is now invalid because he did not start construction within the required 6 month time period. Mr. Roy has Saco River Corridor Approval.

Roland Denby moved to grant request for Conditional Use Permit Extension with same conditions. Kerry Perkins seconded the motion. Vote was 4-0 in favor.

**MARGARET BARBARO MAP 45 LOT 1431 ZONE RESIDENTIAL**

Karen Lovell has sent a letter to the board which states that the Board may act upon Mrs. Barbaro's request to reapprove the previous Conditional Use Permit granted on September 28, 1989 and again March 14, 1990 even though a law suit is pending with Mr. Walton who acted as Mrs. Barbaro's representative.

Roland Denby moved to grant an extension of Mrs. Barbaro's Conditional Use Permit with the same conditions. Judi Carll seconded the motion.

**COLIN CANNING MAP 28 LOT 51 ZONE AR**

After further review with Karen Lovell, Tim Nelson and Dwayne Morin determined that the Planning Board can reduce the 500 ft. setback required to install a 4,000 gallon steel septage

tank because he has a substandard "grandfathered" lot. Mr. Canning is therefore seeking a reduction of the 500 ft. setback requirement.

Roland Denby moved to approve Mr. Cannings request with the same conditions as previously approved, Mr. Canning to supply reports of test wells to the board and note footage from Townhouse Road. Judi Carll seconded the motion. Vote was 4-0 in favor.

Kerry Perkins moved to accept the October 24, 1991 and November 13, 1991 as written. Judi Carll seconded the motion. Vote was 4-0 in favor.

**VIII ADJOURNMENT:** It was moved and seconded to adjourn at 10:05 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
Roland E. Denby  
Judi Carll  
Lynthia Allen

TOWN OF WATERBORO  
PLANNING BOARD

WATERBORO, MAINE

**SPECIAL MEETING WATERBORO PLANNING BOARD DECEMBER 19, 1991**

MEETING CALLED TO ORDER BY VICE CHAIRMAN, ROLAND DENBY AT  
8:00 P.M.

**I ROLLCALL:** Present were Jon Gale, Judi Carll, Vice  
Chairman, Roland Denby and John Roberts via phone  
link.

**II MINUTES OF PREVIOUS MEETINGS:**

**III COMMUNICATION AND BILLS:**

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

**8:00 PM JAMES HAMILTON MAP 31 LOT 10 ZONE AR**

Mr. Hamilton is requesting permission to replace and extend  
existing retaining wall on Little Ossipee Lake. Mr. Hamilton  
has received approval to repair 75 ft. and to extend the wall  
to a maximum of 109 ft.

Jon Gale moved to authorize the reconstruction of 75 ft. of  
retaining wall and the extension of no more than 109 ft.  
which totals 184 ft. for the project as per DEP approval.  
Judi Carll seconded the motion. Vote was 4-0 in favor.

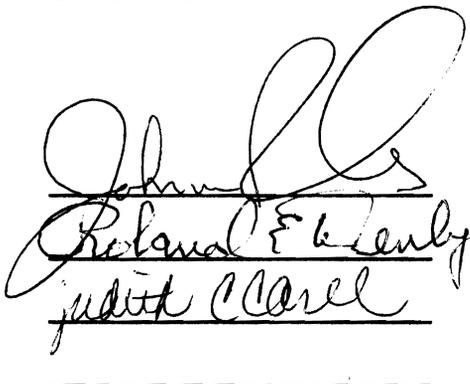
**VI NEW BUSINESS:**

**VII OLD BUSINESS:**

**VIII ADJOURNMENT:** It was moved and seconded to adjourn at  
8:20 P.M.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
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