

# PLANNING BOARD

## Town of Waterboro

**Regular Meeting**

**January 10, 1996**

Meeting was called to order by Chairman, Cindy Allen at 8:03 p.m.

**I ROLL CALL:** Present were Larry Jacobsen, Judi Carll, Dwayne Woodsome and Chairman Cindy Allen.

**II MINUTES OF PREVIOUS MEETINGS:** December 13, 1995

**III COMMUNICATION AND BILLS:**

1. Letter of Credit from Sanford Institute of Savings for Deer Acres Subdivision
2. Letter of violation from CEO Re: Atkinson Electric Building
3. Planning Magazine
4. RTAC Newsletter

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

7:15 p.m. Public Hearing for Thyng's Mill Road Subdivision Map 13 Lot 17 F&A Zone

Road Review Committee to review and relay recommendations forwarded to the Planning Board. Dwayne Woodsome moved and Larry Jacobsen seconded a motion to have Sharon Abbott forward a note requesting recommendation from the Road Review Committee by February 14, 1996 Planning Board Meeting of the section of Thyng's Mill Road just before the proposed subdivision and for Gary Rhodes, Roy Troiani and Mr. McFarland as well as abutters of the proposed development to be notified of the Road Review Committee Meeting. Vote was 3-0-0 in favor.

Developer to provide Title History on the corner lot,  
Information on the deeding and fencing of the cemeteries.

**VI OLD BUSINESS:**

Articles for Town Meeting Warrant. Cindy Allen suggested that the Planning Board not submit articles for the warrant for Annual Town Meeting. She indicated there would be other opportunities throughout the year that would allow better preparation of a presentation. If the Planning Board doesn't word a change correctly it can be thrown out the window.

All present believed that Home Occupations needs to be addressed. Uses allowed on State Aid Road should be looked at, since it limits the type of home occupations in many areas of the town.

Larry Jacobsen indicated that he would like to see all Home Occupations as Conditional Uses and then the Board could review and condition accordingly to the type and size of area to be used and the Conditional Use Permits could be subject to review at any time.

Writing changes to insure passage is a problem. It was believed that the Planning Board did there job with the wording, writing and presentation at last years town meeting. They cannot hold themselves responsible for the outcome.

**VII NEW BUSINESS:**

Robert Jones and Maine Cranberry Company and will be on next meetings agenda.

Dwayne Woodsome asked if since there was a lot between Robert Jones Property and the Straw Mill Brook Road if the setbacks would be considered differently. This would mean a sideline setback versus a 1,000 ft. setback from a road as required by State Statute.

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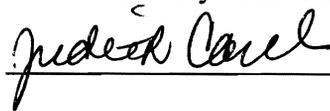
Dwayne Woodsome moved and Larry Jacobsen seconded a motion to accept December 13, 1995 minutes. Vote was 2-0-1 in favor.

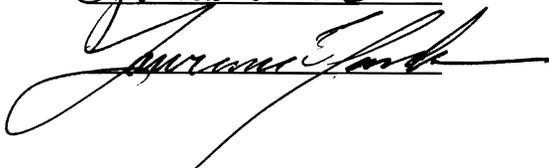
Everyone please bring ideas on Home Occupations for discussion at the January 25, 1996 meeting. It was also suggested that the Board hold a workshop to allow for public input.

**VIII ADJOURNMENT:** Motion to adjourn at 8:35 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
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# PLANNING BOARD

## Town of Waterboro

### PUBLIC HEARING

### PROPOSED SUBDIVISION ON THYNG'S MILL ROAD

### TAX MAP 13 LOT 17

### FORREST & AGRICULTURE ZONE

*WEDNESDAY, JANUARY 10, 1996*

**7:30 P.M.**

Meeting was opened at 7:30 p.m. with Larry Jacobsen, Judi Carll, Dwayne Woodsome and Chairman Cindy Allen present from the Planning Board. Mr. William Speed was in attendance to present the proposed subdivision for the developers. Approximately 6 citizens in attendance from the public.

A copy of the proposed subdivision was given to those in attendance. The plan was color coded, green area to be set up as a conservation zone to help preserve land and add a buffer between the lots and abutters. Each lot will have approximately 2.5 acres with the remaining acreage in the conservation area. Mr. Speed indicated that the Planning Board had requested drive entrances be placed across from existing opening. The right-of-way width is 50 ft. on the Thyng's Mill Road.

Those present from the public expressed concern with an existing corner. They indicated that additional traffic would worsen the chance for accidents. Was there anything the Town could do to fix the sharp corner. The road is not part of the subdivision. Those present were informed they could make an appointment with the Board of Selectmen to voice their concern over the road. There is a small parcel at the beginning of the section proposed for development. Bill Speed could check with Steve Ross, surveyor for the project, as to the ownership of the piece of land that is at the corner in question and is nor more than ½ acre in size.

Judi Carll requested that the developers consider deeding the cemetery/cemeteries to the Historical Society and also suggested the developer consider fencing them in possibly with granite posts and metal or wood rails. Something aesthetic would be preferable. Dwayne Woodsome had previously indicated the possibility of a second cemetery being present on this parcel.

Dwayne Woodsome indicated his having received three phone calls on his answering service all voiced a concern for the bad corner on Thyng's Mill Road. Mr. Speed asked for the names of the people who had called and he would try to contact them to answer any questions they might have. The names of the callers were not given. Mr. Woodsome suggested a possible solution by the developer considering deeding the Town of Waterboro property from Lot 5 to allow for reconstruction of the corner. Mr. Speed indicated that a portion of the parcel was not owned by the developer and therefore could not speak for the owner. He indicated that he would contact his surveyor, Steve Ross to see if information on the owner was available.

Dwayne Woodsome suggested the Road Review Committee take a look at the road. Tim Nelson suggested to the Board that Mr. Murphy, an engineer that had been used by the Town of Waterboro on occasion was also an option. Dwayne Woodsome drew lines on the plan presented that showed an area of 250 ft. along the front property line of lot 5 and was approximately 25 ft. deep into this lot.

Would this be solving a problem or creating another? The curve is an inside curve and the development is located on the inside curve. Wouldn't you be relocating one sharp curve for another? Also noted is that this idea would hinge on the property owner of the ½ acre lot being receptive to deeding the Town approximately ½ of the lot.

Land could be acquired not for future reconstruction.

Public Hearing closed at 8:00 p.m.

Respectfully submitted,

Dwayne Woodsome,  
Secretary/Treasurer

# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

JANUARY 25, 1996

Meeting called to order by Chairman, Cindy Allen at 7:05 p.m.

**I ROLL CALL:** Present were Judi Carll, Larry Jacobsen, John Roberts, Everett Whitten, Roland Denby and Cindy Allen, Chairman.

**II MINUTES OF PREVIOUS MEETINGS:** January 10, 1996

Larry Jacobsen moved and Roland Denby seconded a motion to approve January 10, 1996 minutes. Vote was 4-0-0 in favor.

**III COMMUNICATION AND BILLS:**

1. Letter from CEO to Mr. Desroscher Re: Addition to cottage
2. Memo from Selectmen Re: Town Planner/Selectmen's Assistant Interviews
3. FAX from Bill Speed Re: Thyng's Mill Subdivision

**IV REPORTS OF COMMITTEES:**

**V APPOINTMENTS:**

- 7:15 p.m. Robert & Ruth Jones Map 4 Lot 29 AR Zone Site Plan
- 7:45 p.m. Maine Cranberry Company Map 1 Lot 25 AR Zone Site Plan
- 8:00 p.m. Great American Realty Map 42 Lot A-40 R Zone

**7:15 p.m. Robert & Ruth Jones Map 4 Lot 29 AR Zone Site Plan**

Tim Nelson presented the Site Plan Review noting a conversation with D.O.T. regarding the status of Route 202/4 as being a Principal Artery which requires a 1,000 ft. setback. Mr. Jones noted that Route 202/4 is not an interstate and if he gated the area he could go closer than 1,000 ft. Tim indicated that would be at the Board's discretion. A setback of 600 ft. would be required from Straw Mill Brook Road. The property falls within the Shoreland Zone as noted on the Shoreland Map forwarded to the Town of Waterboro by the State of Maine. A map of geological aquifers was reviewed by Tim and it would appear that the parcel is located over a major recharge water aquifer. Under the guidelines of auto re-cycling M.R.S.A. Subsection 3752 and 3755 auto re-cycling would not be allowed over a re-charge area. The site plan would need to address the aquifer as noted in section 3755. The scale on the geologic mapping is 1 inch equals 50,000 ft.

Mr. Jones indicated he was very upset. He also noted that if his property was no good then everyone was wasting their time. Mr. Jones indicated that the shoreland mapping was incorrect. Tim Nelson indicated he had to go by the information available. If the information was proven to be incorrect then the Board could review the request with the new information provided.

Mr. Jones indicated that at one time the Town had drilled wells and had located the aquifer during a search for a source of water for public water and the results should be on file in the Town Offices. He indicated he would provide a copy of those results if necessary. State law states nothing to be dismantled or stored over an aquifer. It was noted that the Planning Board has not control over the state regulations.

Junkyard/auto recycling business truck repair 12-15 trucks that do not belong to Mr. Jones the motors are out and dismantled. Tim indicated that vehicles have to be serviceable or they are considered junk. Vehicle should be able to start and be driven off site. If vehicles are being stored and unserviceable over three constitutes a junkyard.

Mr. Jones indicated that he knows other people that are in violation but he doesn't wish to play that way by reporting others.

Hydrogeologist would be able to determine the location of the aquifer. Names of hydrogeologist were requested by Ruth Jones. It was noted that it is up to the property owner to prove that a parcel does not fall where noted on the Shoreland Zoning Map. Mr. Jones indicated that the brook is not in the area indicated who would he see to make necessary changes. A surveyor that is qualified in wetland delineation. The Jones' asked why this information was not brought up before? Until a presentation is received the necessary research cannot be completed. In 1986 Mr. & Mrs. Jones purchased the property. A permit has been issued by the Planning Board to allow tractor sales, service and repair also farm equipment and the transfer of loads. No storage on site. There is no mention of tractor trailers, truck repair or storage of parts on site.

Larry Jacobsen asked how many were on site? Six trucks on the road between 15-20 trailers. Other vehicles are not registered in Maine some are registered in Tennessee, Arizona and Oklahoma.

Unless other information proves that the current information is incorrect the Board could not take action on the Site Plan request for junkyard and recycling.

Larry Jacobsen moved and John Roberts seconded a motion to review this Site Plan further upon presentation of more information from Mr. Jones under Old Business. Vote was 5-0-0 in favor.

#### **7:45 p.m. Maine Cranberry Company Map 1 Lot 25 AR Zone Site Plan**

Bob Cleaves representing Maine Cranberry Company and is presenting an overview of the project. He met with Alfred Planning Board on Tuesday January 23, 1996. They expected approval in 1993 however the process has been much longer than expected. A copy of the permits is on file with the Town of Waterboro. The cranberry beds represent approximately 32 acres of which most are in Alfred. The structures are mostly in Waterboro. The entire operation encompasses 150 acres. The land is being held by option. They are allowed to disturb wetland area as long as they compensate through care, preservation, restoration on another location to make up for the area being disturbed. A 3.2 acre supply pond with two buildings and a sand supply will be located in

Waterboro. An area of the Waterboro site has yielded archeological artifacts of significant historical nature. The Army Corp of Engineers and Fish and Wildlife <sup>both</sup> review the project and comment ~~but do not grant permits~~. <sup>Army Corp issues a permit</sup> State permits were received in 1994 NRPA is a separate permit. They are now complete with both State and Federal Permitting and now are working with Alfred and Waterboro Planning Boards. Mr. Cleaves noted that Maine Cranberry Company is in hope to get the go ahead from the two towns within a six month time frame and hope to plant in 1997. A condition of the permit from the State Historic Office was phase II Recovery of artifacts within a couple of years.

There is also a large sand deposit on site that will be utilized on the beds. A growers association has been formed and Maine Cranberry Company is part of that organization

Is the Town of Alfred requiring further studies? Mr. Cleaves indicated not as of yet. They have placed money in an escrow account to allow hiring an outside consultant. Mr. Cleaves indicated Dan Carson of Woodward & Curran is the consultant for Alfred.

What types of fertilizers would be used. Mr. Cleaves indicated they would be allowed to use fertilizers from a list of allowed generics. It is difficult to know what. They would prefer to use none due to the expensive nature and also the chemicals can be dangerous if handled improperly.

Will there be monitoring? Mr. Cleaves indicated this was a requirement of their permit. Would this be forwarded to the towns. Mr. Cleaves indicated yes. This was a condition of the licenses and they would have no problem sharing information.

They would like to have a care taker on site at all times for 24 hour coverage. Fencing or restricting access? They have not thought about it however deer can do more harm to the beds than trespassers.

Access will be from Route 202/4 onto Sand Crossing Road. Processing for right now is planned out of state.

Tail water - Does that go back into Shaker? It will be re-circulated but some could overflow. The water will overflow into the wetland and this is the best form of treatment. Cranberries were found on the site about two years ago.

Intake section - Cranberry permit from DEP - The cover letter constitutes the permit and Mr. Cleaves felt the covers the intake. Doug Burdick out of the Portland Office is dealing with this.

Possibly the Board can schedule a site walk in the spring. All of the run off will be in Alfred, minimal in Waterboro.

Building - 1<sup>st</sup> floor to house dry chemical, liquid chemical and loading area - Types of chemicals? Tim Nelson indicated that this will be going to the State Fire Marshall's office and possibly a review by BOCA.

Waterboro. An area of the Waterboro site has yielded archeological artifacts of significant historical nature. The Fish and Wildlife review the project and comment but do not grant permits. The Army Corp of Engineers review and a permit has been issued. State permits were received in 1994 NRPA is a separate permit. They are now complete with both State and Federal Permitting and now are working with Alfred and Waterboro Planning Boards. Mr. Cleaves noted that Maine Cranberry Company is in hope to get the go ahead from the two towns within a six month time frame and hope to plant in 1997. A condition of the permit from the State Historic Office was phase II Recovery of artifacts within a couple of years.

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Building - 1<sup>st</sup> floor to house dry chemical, liquid chemical and loading area - Types of chemicals? Tim Nelson indicated that this will be going to the State Fire Marshall's office and possibly a review by BOCA.

Labor Force? Mr. Cleaves believes one full time person living on site and possible 2 to 3 more during harvest. It was asked if local people would be involved. Mr. Cleaves indicated if possible yes. There is no on site sale of the product planned at this time. In mid to late September the bog is flooded a water wheel beats the berries from the vine and the beds have a 1 % slope that float to the harvesting area. There is quite a significant natural buffer to the site from both Federal Street and Route 202/4.

The road and infra-structure of Sand Crossing Road not yet looked at. It was noted that during the archaeological removal there would be a potential for publicity. Mr. Cleaves indicated that this site is one of the first water harvested bog in the country.

The area that the cows are off Federal Street is one of the areas scheduled for restoration to help protect the brook. They are being required to plant willow and dogwood trees as part of the restoration/compensation plan.

The Planning Board asked if information given to Alfred could be forwarded to the Town of Waterboro from this date forward that has relevance to the project. Mr. Cleaves agreed to provided the information.

A letter dated June 19, 1995 was forwarded requesting planned updates to Sand Crossing Road and the sand supply. This letter also requested an affidavit on the sand supply. Waterboro tax records do not indicate a gravel pit.

Mr. Cleaves asked about time period for approval? A Public Hearing will need to be held, possibly a joint hearing between Alfred and Waterboro. The Board felt the six month projection was fairly accurate.

Tim Nelson indicated that construction plans could be submitted to expedite the building permit process. Who owns the artifacts found on site? Maine Historical Society or could the artifacts be stored locally? Local education for children possibly donate to museum. Mr. Cleaves indicated they have no interest to keep whatever is found. Worth preserving and could be educational for many. The Board asked Mr. Cleaves to check on this.

Sharon Abbott to call and find out about setting up a possible joint meeting. Larry Jacobsen moved and Roland Denby seconded a motion to continue this project under Old Business at future meetings. Vote was 5-0-0 in favor.

**8:00 p.m. Great American Realty Map 42 Lot A-40 R Zone**

Dave Greaton of Great American Realty was present and indicated that this was a fairly large lot and all setbacks can be met during construction of a single family home.

John Roberts moved and Roland Denby seconded a motion to approved the request under Section 2.08 and 4.02 maintaining all required setbacks for the Residential Zone. Vote was 5-0-0 in favor.

**VI OLD BUSINESS:**

**VII NEW BUSINESS:**

1. Home Occupation

Cindy Allen believed that all members were to review Home Occupations and this would be brought up for review at the next meeting on February 14, 1996.

**VIII ADJOURNMENT:** Meeting adjourned at 8:45 p.m.

Respectively submitted,

Dwayne Woodsome  
Secretary/Treasurer

Cynthia Allen  
Judith Coell  
Everett Whitten

Robert E. Dugby  
Lawrence E. ...

# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

FEBRUARY 22, 1996

Meeting called to order by Vice Chairman, Roland Denby at 7:05 p.m.

**I ROLL CALL:** Present were John Roberts, Larry Jacobsen, Judi Carll, Dwayne Woodsome and Vice Chairman, Roland Denby.

**II MINUTES OF PREVIOUS MEETINGS:** January 25, 1996 Change to page three noted minutes to be brought back on March 13, 1996 meeting.

**III COMMUNICATION AND BILLS:**

1. Inf. from USM Re: Conflict Management Program
2. Inf. from Transportation & Land Use News
3. February Issue of Planning
4. Letter from Finance Committee Re: Recommendation for Town Meeting
5. Inf. from John Bradford subdivision on Deering Ridge Road
6. York County Soil & Water Conservation District News
7. Legislative Report
8. Letters of notification of canceled meeting and new meeting time
9. Letter of Introduction from Coastal Environmental
10. MMA Bill for 2 Handbooks
11. MMA Order for Subscription to Maine Townsman
12. Minutes of Alfred Planning Board with Maine Cranberry
13. Letter of Decision from ZBA Laskey's Garage
14. Letter from Bob Fay Re: Decision of ZBA

**IV REPORT OF OFFICERS AND COMMITTEES:**

**V APPOINTMENTS:**

7:15 P.M. Robert Paquette Map 32 Lot 7 AR Zone

7:30 P.M. Michelle Deering Map 49 Lot 16 R Zone

7:45 P.M. Kim Janotta Map 6 Lot 29 AR & FA

**7:15 P.M. Robert Paquette Map 32 Lot 7 AR Zone**

Mr. Paquette is requesting permission to create a room by enclosing a portion of an existing deck that falls approximately 25 ft. from the normal high water mark of Ossipee Lake. The area being enclosed is 10' x 16' which will add an 8% volume expansion to the home. A new septic was installed in 1981.

John Roberts moved and Judi Carll seconded a motion to allow Mr. Paquette to enclose a section of the existing deck 10' x 16' as presented going no closer to the water under Section 2.08, 4.02 and 7.01 2. B. 1. A. of the Waterboro Zoning Ordinance. Vote was 4-0-0 in favor of the motion.

Mr. Paquette was informed that the drip edge of the roof could not go closer to the lake than the existing deck drip edge.

**7:30 P.M. Michelle Deering Map 49 Lot 16 R Zone**

Michelle Deering is requesting permission to place a structure on this substandard lot on Lakewood Drive off the Old Alfred Road. The required setbacks can be maintained as shown on the site plan. John Roberts moved and Dwayne Woodsome seconded a motion to allow Michelle Deering to place proposed residence as long as setbacks are maintained under Section 2.08 and 4.02 of the Waterboro Zoning Ordinance. 3-0-1 in favor.

**7:45 P.M. Kim Janotta Map 6 Lot 29 AR & FA**

Mr. Janotta is back before the Board since he would like to split the remaining 99.5 acres into two 40+ acre parcels and one 7.5 acre parcel with a right of way being an easement through each of the three proposed lots. Mr. & Mrs. Janotta were present with Owen McCullough of Sebago Technics, Inc. Mr. McCullough had spoken with Dwayne Morin in October of 1995 regarding the proposal and the two forty acre parcels would fall under the exemption which left one countable lot. Since the subdivision was completed over five years ago, could the lot be sold without an amendment to the subdivision? The Planning Board had questions regarding the location of the 50 ft. wide easement going through the property. Would the easement split the lots even though the land would include ownership of the easement? The first section of the right of way would be owned by Kim Janotta the second portion of the easement would be owned by the new owner of the 7.5 acre parcel and likewise with the two remaining 40+ acre parcels?

Possibly a legal opinion regarding the easement dissecting a lot would this create two lots or since the person owning the parcel owned the land under the easement would this be considered a lot unto itself?

Larry Jacobsen moved and John Roberts seconded a motion to research and that Tim Nelson take the proposal to the attorney regarding the right of way and access without creating additional lots. Vote was 5-0-0 in favor.

## **VI OLD BUSINESS:**

### **1. Robert Jones Map 4 Lot 29**

Mr. Jones was in before the Board at the January 25, 1996 meeting and the Board asked for further information regarding the aquifer. The Jones' have presented a copy of the report completed during a search for town water as further information. The Jones are asking for approval of an automobile graveyard. Ruth Jones indicated they would not be recycling bottles and cans. Mr. Nelson asked if they intended to strip vehicles and use these parts to rebuild other vehicles they replied yes. Mr. Nelson contended that they would be recycling. Ruth Jones indicated that to recycle this would have to be 80% of the business and utilize 80% of the land area. The Board members were in agreement that the state regulations were unclear and needed clarification.

Mr. Jacobsen indicated to Mr. Jones that the property is messy. Mr. Jones has not received complaints from anyone other than the Town regarding his property. Mr. Jones stated that DEP had been to the site to check things out. DEP does not get involved unless there is a spill of over 500 gallons on the property. Tires are allowed on the property as used tires only. Mr. Jones also indicated that DEP had informed him that tires if cut up could be buried. Mr. Jones was informed that the Town of Waterboro has a landfill ordinance that would prohibit the burying of tires. Ruth Jones indicated that she had spoken with a Randy McMullen from DEP. There was much discussion between the property owners and Mr. Nelson and Board members.

John Roberts moved and Judi Carll seconded a motion that the Jones bring something from a hydrogeologist that proves that an aquifer does not exist on this property.

Discussion: It was stated that it is the responsibility of the Board to see that there is no chance for contamination. It was also noted that a consultant would be hired to review what the Jones present in form of a report and the developer would bear the expense. Mr. Jones felt that if no one can be on an aquifer then no one would be allowed a permit. Mr. Jones indicated his belief that another business within the Town has acquired a Junkyard permit and he believes that that property lies over an aquifer as well. He believes that all should be treated equal. Mr. Nelson indicated that the permit had been issued by the Board of Selectmen. Mrs. Jones felt that this person should have been made to provide the same information that is being required of them.

Roland called for a vote, the board voted four in favor, one against and none opposed.

Roland Denby indicated that the decision of the Board could be appealed to the Zoning Board of Appeals if they were not in agreement with the Board's decision.

Mr. Jones indicated to the Board that he wished the Board could help with his request. He would accept any restriction the Board would place on a permit.

If vehicles were dismantled in an enclosed building what harm would be done to the aquifer?

The Jones were informed that the rules in place at this time have to be followed. If Mr. Jones has a problem with other sites then he should seek the Selectmen's opinion. A Conditional Use cannot override state law. Mrs. Jones again stated they are not applying for a re-cycling permit. She noted that she could apply for a graveyard permit. Mr. Jones explained that he had placed trucks at the rear of the property and they had found parts missing, windows smashed and consequently had to move the trucks to the front of the property. Mr. Jones also indicated that an aquifer drops from 3-6 inches per year. The map that is in the Town office could need adjustment.

Roland suggested Mr. Jones see the Board of Selectmen or the Zoning Board of Appeals. A Zoning Board of Appeals application was given to Mrs. Jones upon request. Roland indicated the need to move on since the board had other appointments waiting.

## **2. Thyng's Mill Subdivision Map 13 Lot 17 F & A Zone**

Mr. Burrows and Mr. Speed indicated that the project is on hold at present waiting for a report from the Road Review Committee on the Thyng's Mill Road regarding the corner near the beginning of the proposed subdivision that people had expressed a concern with at the January 10, 1996 meeting. Mr. Speed indicated that the developer would not have a problem with granting the town a five foot swath of land to allow for the widening of the road or an easement to allow for tree cutting. Mr. Speed also was not sure how the additional land would provide a cure for the potential problem since this is an inside curve. Mr. Speed felt that the Road Review Committee had been given ample time to review this and get back to the Board. They would be happy to grant land or an easement to cut trees if necessary. The status of the Clark's Bridge Road at this intersection is believed to be abandoned. Garland Hill Road believed still open. This is actually a four way intersection. Bill Speed suggested a stop sign to solve the problem. Several citizens were in attendance and they indicated no one would stop.

Larry Jacobsen moved and John Roberts seconded a motion to seek legal opinion on the status of the small lot noted as "Chadbourne Orchard" by deed exclusion. Vote was 5-0-0 in favor.

Citizens present voiced several concerns regarding the continuation of the project until the road problem has been fixed. Board members explained that the developer can receive approval if all regulations are met.

Mr. Nelson explained several issues regarding this subdivision due to the fact that several were not present at the Public Hearing and the information that they had received was not always correct. The Planning Board does not allocate money for roads this is handled by the Road Review Committee and the Road Commissioner and then voted on at Town Meeting.

A Public Hearing has been held for this subdivision and abutting property owners had been notified. This is a regular meeting of the Planning Board. A petition was read by Gary Rhodes which requested the approval of this development be contingent on the modification of the Thyng's Mill Road. Those present were informed they should take the petition to the Board of Selectmen since the Planning Board has no control over town roads. Board indicated they cannot restrict development. People are allowed to develop as long as they meet the requirements prescribed by the town ordinances. Those present asked how things could be changed. Those present were informed that the Board has many times presented changes to the Townspeople and just last year many were tabled at Town meeting. Proposals from local citizens should be presented to the Planning Board for the Board to review and act on to bring changes to Town Meeting.

Bill Speed asked what the status of the subdivision currently is? Believed that the Board is waiting on a report from the Road Review Committee with recommendations regarding the curve and concerns brought up by people living in the general area of the proposed subdivision. Informed they could move forward with the Preliminary Plan they could address the suggested changes in layout then since the development has enough frontage.

Cemetery - Bill Speed indicated that Judi Carll as a member of the Historical Society had requested the possibility of the cemeteries being deeded to the town and developer to provide fencing around the cemetery. Mr. Speed indicated that cemeteries are to be reserved for family and did not believe it could be deeded to the town.

Mr. Speed also indicated that the developer was willing to make a material donation for the rail fencing around cemetery. Mr. Burrows has received two estimates one from H. A. Stone of \$390 and Gorham Fencing \$400. Roland Denby apologized for the meeting being slightly disorganized. Mr. Burrows asked if they could move forward with the project.

Larry Jacobsen moved and John Roberts seconded the motion to continue the project under Old Business. Vote was 5-0-0 in favor.

John Roberts moved and Larry Jacobsen seconded a motion to pay Invoice from MMA. Vote was 5-0-0 in favor.

John Roberts moved and Dwayne Woodsome seconded a motion to entitle all members to receive the Maine Townsman. Vote was in favor 5-0-0.

Joint meeting with Alfred for Public Hearing for Maine Cranberry Company to be discussed at the March 13<sup>th</sup> meeting of the Board.

Dwayne Woodsome indicated to the Board members the need to take a leave of absence. He will try to be at meetings whenever possible. He requested all communication still be forwarded to him and he would still be available for signature of approvals. John Roberts indicated he did not see it as a problem and thanked Dwayne for being courteous in informing the board. If the position of Secretary becomes a problem the board could address this at that time.

**VII NEW BUSINESS:**

**VIII ADJOURNMENT:** Meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Judith Cole  
Laurence E. Smith  
Richard E. Deely

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# PLANNING BOARD

## Town of Waterboro

**REGULAR MEETING**

**MARCH 13, 1996**

**Meeting called to order by Chairman, Cindy Allen at 7:10 p.m.**

**I ROLL CALL:** Present were Roland Denby, Larry Jacobsen, Everett Whitten, Judi Carll, Dwayne Woodsome and Cindy Allen, Chairman.

**II MINUTES OF PREVIOUS MEETINGS:**

January 25, 1996 & February 22, 1996

Judi Carll moved and Roland Denby seconded a motion to accept January 25, 1996 with correction to Page 3 Paragraph 1 as noted. Vote was 4-0-0 in favor.

Roland Denby moved and Judi Carll seconded a motion to accept February 22, 1996 minutes as written. Vote was 3-0-0 in favor.

**III COMMUNICATION AND BILLS:**

1. Minutes of Alfred Planning Board Re: Maine Cranberry Company
2. Maine Assoc. of Planners Membership Dues
3. Letter from Maine Cranberry Company Re: Status of sand pit
4. Notice of Intent to File an Application from Saco River Corridor Commission
5. Memo from Road Review Committee
6. Letter from Attorney Re: Kim Janotta's Proposed Splitting of Map 6 Lot 29

Tim Nelson indicated that after a quick review of the attorney's opinion he misunderstood the concerns that the Planning Board needed addressed. He will contact him as soon as possible to discuss this issue.

**IV REPORT OF OFFICERS AND COMMITTEES:**

**V APPOINTMENTS:**

7:15 P.M. Dave Roubo Map 42 Lot A264 R Zone  
7:30 P.M. Rideout & Turner Map 42 Lot A219 R Zone  
7:45 P.M. Richard Boissonneault Map 35 Lot 1 AR  
8:00 P.M. Norma Lambert Map 8 Lot 12 AR Zone

**7:15 p.m. Dave Roubo Map 42 Lot A264 R Zone**

Mr. Roubo has purchased a lot in Lake Arrowhead and is requesting permission to construct a cape style home meeting the required setbacks in the Residential Zone. This is a non-conforming lot by our ordinance and requires Planning Board review prior to issuance of a Building Permit. Judi Carll moved and Everett Whitten seconded a motion to allow construction of the home provided all setbacks can be maintained, noting that steps, deck and eaves should maintain the setback, under section 2.08 and 4.02 of the Waterboro Zoning Ordinance. Vote was in favor 4-0-0.

**7:30 p.m. Rideout & Turner Construction Map 42 Lot A219 R Zone**

This application is made by a construction company and they are requesting permission to construct a home on a non-conforming lot in the Lake Arrowhead subdivision and have indicated all setback requirements can be maintained. Larry Jacobsen moved and Everett Whitten seconded a motion to approve as presented allowing construction provided all setbacks are maintained, it was noted that the setbacks include steps, decks, eaves and chimneys, under Section 2.08 and 4.02 of the Waterboro Zoning Ordinance. Vote was in favor 5-0-0.

**Kim Janotta Map 6 Lot 29**

Kim Janotta has requested placement on the agenda as a follow up to the February 22, 1996 meeting. Tim went to the attorney's office and we have requested a letter of opinion for the meeting on the 13<sup>th</sup>.

The Board asked for Kim Janotta to come forward since the next appointment was in twenty minutes. A copy of the letter from the Town's attorney was given to Mr. Janotta and Mr. McCullough of Sebago Technics, Inc. and each Board member had been provided with a copy of the letter. It was noted that the Board and Mr. Nelson had just reviewed the letter and they were unsure if the issues that the Board had were properly addressed by legal counsel. It would appear that the concern over the right-of-way potentially splitting the lots creating more than two forty plus lots and one 7.5 acre lot was addressed by legal counsel and he indicated subdivision statutes defined this situation in Section 4401(6) which states:

"Tract or parcel of land" means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

Mr. McCullough asked what type of approval would Kim be required for further subdivision of this tract? Would this be an amended plan? Would a hydro study be required?

It was noted that the lots are very large and the board members didn't see a need for a hydro study. If the need for subdivision due to the two forty acre plus parcels about the shoreland zone and therefore were countable lots requiring subdivision approval what paperwork would be required? Fees assessed? The Board indicated concern over the length of the road? It was noted that the Cross Road is accessible by four wheel drive and the road through the lot would go to the Cross Road that is noted as being abandoned on the West Hill Subdivision Note #9 and #10. The road essentially loops. Kim has a 75 ft. section of land that goes to the West Road since Kim owns to the center line of Cross Road.

Judi Carll asked if lots were divided as shown on the plan who would be responsible to make the road passable, who would be the responsible party?

Kim would like clarification regarding the construction of the road denoted on the plan as a fifty ft. access and utility easement to be created over existing clearing and future roadway to benefit all lots.

Roland Denby indicated the need to have surveyors research thoroughly the status of roads that are noted on subdivision and the legal status. Road can be discontinued maintaining passage or not allowing passage.

The Board asked Mr. Janotta to allow them to continue with their appointments and they would bring him back under Old Business.

#### **7:45 p.m. Richard Boissonneault Map 35 Lot 1 AR Zone**

Mr. Boissonneault is requesting permission to expand an existing cottage located on Ossipee Lake and the entire cottage falls within the first 100 ft. from the normal high water mark. The Boissonneault's are proposing a 16' x 24' addition to the structure. The Boissonneault's have indicated they have use of the basement of the existing cottage therefore the addition as proposed with a basement would appear to be over the allowed 29.99% expansion limit. I have enclosed a copy of what has been provided for this meeting. As proposed Tim has calculated this to be a 55% expansion by adding 768 sq. ft. The Planning Board could grant 414 sq. ft. as a 29.99% expansion by Tim's calculation. Tim calculated this by both volume and sq. footage. Mr. Boissonneault indicated the foundation is to be a crawl space not a full basement. After recalculating Tim Nelson found the request to comply within the Board's authority for the 29.99% expansion. Roland Denby noted that on the Tax Map it appears that the lot is dissected by a road. The Boissonneault's indicated that this road is non-existent. This lot is a portion of the Bradbury Park Subdivision noted at the York County Registry in Plan Book 11, Page 25. Mr. Boissonneault asked if it mattered if the floor of the crawl space was cemented or left gravel. Not in the calculation figure more for personal preference. It was also noted that no future living space was intended as a lot for living space and no cathedral ceiling.

Larry Jacobsen moved and Everett Whitten seconded a motion to allow a 16' x 24' addition on rear side of cottage facing away from the lake, going no closer to sidelines than existing structure, basement to be a crawl space with no more than a 4 ft. height, soil and erosion methods to be used if applicable and a Class "D" Mortgage survey to be presented upon completion, approval granted under Section 2.08, 4.02 and 7.01, 2.B.1.B. of the Waterboro Zoning Ordinance.

**8:00 p.m. Norma Lambert Map 8 Lot 12 AR Zone**

Ms. Lambert is requesting permission to add a two story 24' x 24' garage to an existing structure. The lot is a grandfathered non-conforming lot located on Route 5 in E. Waterboro. The Planning Board granted permission for the construction of the original structure granting relief of the required setbacks. The requested addition would still meet the setbacks granted by the Planning Board for the house in 1986. Since this is a non-conforming lot this is before the Board for review. Dwayne Woodsome had a question regarding access to Route 5. He believed that the board had previously restricted driveway access onto Route 5. This might have been a subdivision or an approval granted previously by the Board. Records immediately available show no such record however further research may show differently. What would this have to do with the request? Garage doors are planned on both sides of the structure for a drive through garage. Larry indicated that at some time this drive might have to be closed off. Could the Board give some deadline for research of this questions so Ms. Lambert would know prior to placement of this addition? Generally the board saw no harm but the recollection of board members indicated that this had previously been requested as no entrance onto Route 5.

Judi Carll moved and Everett Whitten seconded a motion to allow construction of garage as long as they maintain the forty ft. setback from the section of old route 5 and 75 ft. from existing Route 5 as previously approved on April 10, 1985 under Section 2.08 and 4.02 of the Waterboro Zoning Ordinance. Vote was in favor 5-0-0.

**VI OLD BUSINESS:**

**1. Kim Janotta Request to split lot**

Mr. McCullough asked if they were to proceed with a subdivision for this remaining 99.5 acres what would the procedure be?

A completed subdivision application should be submitted and proceed in the usual manner. Mr. McCullough felt that sketch plan requirements have already been met. Would Preliminary and Final Approval be considered by the Board. It was noted that there may be a need for additions to the Notes on the Plan. Mr. McCullough indicated he could make the necessary changes and return the plan for signing at another meeting.

Kim indicated the need to clarify what upgrades if any would need to be made the proposed right-of-way and whose responsibility it would be to make the upgrades prior to him continuing with the project. Private versus public was discussed. Could the road been constructed in stages by each future owner or would Mr. Janotta need to complete the road?

The 60 ft. wide reserved strip ends at the section of the remaining 99.5 acre parcel this might have to be continued to meet the proposed right of way easement so the road would be a continuous loop.

Concerns to be researched and information to be forwarded to Owen McCullough and Kim Janotta.

## **2. Thyng's Mill Subdivision Map 13 Lot 17 F & A Zone**

Road Review Committee report was reviewed. Mr. Butterfield and Mr. Speed both indicated to the Board that the stone wall noted in the Road Review report is not owned by the developer. Mr. Speed indicated that if the town removed the stone wall the developer would consider allowing the rocks to be relocated onto the parcel owned by Burrows and Butterfield.

Dwayne Woodsome noted that the Road Review Committee intended the developer move the wall. Mr. Butterfield noted that the problem with the road is a pre-existing problem - the town has no impact fees - how and why is this being asked of the developer when this is not the developers land?

Neighbors indicated a problem - Developer is adding five lots why would the developer be the person bear the cost for a pre-existing problem?

Dwayne Woodsome indicated that the developer had started development on one side of Thyng's Mill Road and is now developing on the other side and indicated if the developer wanted to subdivide the property then you'll have to move the wall.

The developer indicated that the surveyor indicated on the subdivision plan that the developer does not own the stone wall.

Roland Denby asked if the wall had been in place for a number of years? Would the wall be the property line? Roland also asked Dwayne Woodsome about the money that was appropriated at town meeting for the Thyng's Mill Road. Dwayne indicated that the money was appropriated for the Clarks Bridge Road. The accuracy of the surveyors placement of the right-of-way was questioned. It was noted that the surveyor would have researched this from deeds that would call for the location of the road and width.

Neighbors concerned that something be done about the problem with the road. Dwayne Woodsome noted to the developer that if he found the request cost prohibitive he had the option of not continuing. If the developer is not willing to put \$2,000 to move the stone wall then maybe the subdivision should not be completed. Mr. Butterfield noted his concern with the developer moving and cutting within a Town way. Board members noted if it is town property would this be the town's responsibility. Can the board hold the developer responsible?

Mr. Speed indicated that this is a quality subdivision going in. Why should the five lots pay for an existing road problem. How could the board make five people pay for an existing problem. Developer has indicated to the Board that the stone wall and trees are on town's property.

Larry Jacobsen noted that he drives a school bus on the Thyng's Mill Road and basically it is a dead end road and most traffic is directly related to the residents that live there.

Dwayne Woodsome noted that the plows cannot wing the snow back due to the stone wall being higher than the road. It was asked if the board had ever asked a private property owner to move a stone wall that is located on town property? It was the suggestion of the Road Review Committee to have the contractor push the wall back onto the developers property.

Dwayne Woodsome indicated that the town could push the wall back but the rocks from the wall would probably be hauled off site and crushed. Mr. Speed noted that Fred Fay had indicated to haul the rocks off site would be more costly. Also Mr. Woodsome indicated that the conservation easement could not run to the road due to the fact that cutting within the easement is restricted.

Mr. Speed indicated that he has spoken with a representative from DEP and they have indicated that this would not be a problem as long as the portion is exempted and the purpose of the exempted area is delineated. The developer noted he would bear the cost of drawing the contract up and completing the survey work. The developer indicated he was not in agreement with the Road Review Committee report noting it does not seem right to shift the burden onto the developer.

The developer indicated that maybe the residents in the area could consider sharing the cost (\$2,000 figure suggested by Mr. Woodsome as the cost to have this project completed) and have this done. The developer noted that there is 50 ft. width between Old Mill Grove Subdivision and the proposed five lot subdivision. Cindy Allen noted her personal feelings were that the wall is in the Town's right-of-way and that the board doesn't have the right to ask the developer to move the stone wall. Judi Carll noted that the problem might be solved if the developer provided a place for the wall to be pushed which would be about 25 ft. from the

existing stone wall in on the property for approximately 200 ft. as indicated in the Road Review Committee Report. The developer noted he would work with the Road Review Committee to define on the plans the area needed to fix the problem. Dwayne Woodsome asked if the developer would cut trees in this 25 ft. swath and the town take care of the wall? Dwayne felt that it would possibly be both town property and developer property and Dwayne indicated the town would grant permission to the developer to do this. Mr. Butterfield noted he would not be willing to do that.

Dwayne Woodsome noted the board might consider approval. Dwayne also indicated that the Planning Board was rude to the neighbors and had pushed them off. Roland Denby noted he felt the board had spent quite a lot of time. Roland noted that a Public Hearing was held and other business on the agenda needed tending to. Although meetings are open to the public they are open for viewing. Most of the time the Board recognizes people. The Chairman most of the time allows an open forum style atmosphere. The Board has an obligation and rules to go by and sometimes the public and the board are distanced.

Dwayne Woodsome noted the conservation easement would have to go through Town Meeting and it could be March of 1997 before the Town voted and possibly the fall of 1997 which would be about 18 months before the work would be completed. Everett Whitten noted that he did not think the developer would want to wait 18 months before he could sell the lots. It was asked if the developer had an contracts on the land. The developer has no contracts. Dwayne Woodsome noted approval of the conservation easement and road work took 18 months then maybe the developer would cut the trees to get the development through approval.

Ten to fifteen feet behind the wall is town property. People in town have greater knowledge of who would cut wood maybe the town would allow someone to have the wood. Possibly the neighbors could have trees for fire wood. It was noted that 2 to 3 pine trees would not need cutting. One by lot 5 of the proposed subdivision and two down by the lower end by "Chadbourne lot" one in the orchard. Developer does not own the orchard. The orchard has a small piece of road frontage.

Stone wall and travel way was noted on shaded plan given to Planning Board members. Red area is town way. At current status the developer has no rights to the orchard. If rights were transferred to the developer the developer was in agreement to sign off, but at this time no direct rights are shown. The developer will need a parameter for the stone wall to be relocated. Mr. Speed indicated they were about one month away from presenting a Preliminary Plan .

Judi Carll moved and Everett Whitten seconded a motion that an easement deed noting 25 ft. from the property line as noted on Sketch Plan into the property of development starting from the northeasterly pin of lot #5 (at big old pine) to the corner of the so-called "Chadbourne Orchard Lot" be presented to allow the town access. Vote was 5-0-0 in favor. Easement would spell out the activity to take place on this 25 ft. strip.

**VII NEW BUSINESS:**

Dwayne Woodsome had a questions regarding the hiring of the Town Planner. The rest of the Board was not invited or notified and it was a surprise to go to Town Meeting and hear that someone was hired? General discussion followed. Dwayne also indicated he had a problem with the way this was handled. It was noted that during the interview Planning experience was not a primary issue.

Larry Jacobsen brought up the Legislative Bulletin regarding proposed changes to expansion within shoreland zone. Larry felt the board should send a letter of opinion to Willis Lord.

Larry Jacobsen moved and Judi Carll seconded a motion that the Board notify Willis Lord of the Planning Board's concern regarding LD 1672 that it was poorly thought out and inconsiderate of other people who had abided by the rules set forth in 1989. Vote was unanimous in favor 6-0-0.

Dwayne Woodsome moved and Judi Carll seconded a motion that Larry Jacobsen take care of the drafting of the letter. Vote was unanimous in favor 6-0-0.

Larry Jacobsen suggested forwarding a copy of the letter to the Portland Press Herald. Dwayne Woodsome suggested this be done by each person if they so chose.

**VIII ADJOURNMENT: Meeting adjourned at 10:15 p.m.**

Respectively,

Dwayne Woodsome  
Secretary/Treasurer



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# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

MARCH 28, 1996

Meeting called to order by Cindy Allen, Chairman at 7:15 p.m.

I **ROLLCALL:** Present were Larry Jacobsen, Roland Denby, Dwayne Woodsome, Judi Carll, John Roberts, Everett Whitten and Cindy Allen, Chairman.

II **MINUTES OF PREVIOUS MEETINGS:** March 13, 1996

Judi Carll moved and Joe Whitten seconded a motion to accept the minutes of March 13, 1996 as written.

Discussion: Dwayne Woodsome believed he voted against the subdivision on Thyng's Mill Road. Those present remembered he voted in favor.

Vote was taken 4 in favor 0 opposed 2 abstentions.

III **COMMUNICATION AND BILLS:**

None

IV **REPORT OF OFFICERS AND COMMITTEES:**

V **APPOINTMENTS:**

7:15 P.M. RAYMOND DOLBEC MAP 8 LOT 40 RESIDENTIAL ZONE

7:45 P.M. ROAD REVIEW COMMITTEE

**7:15 P.M. RAYMOND DOLBEC MAP 8 LOT 40 RESIDENTIAL ZONE**

Sketch Plan Review of a three lot subdivision proposed on the Roberts Ridge Road located in the Residential Zone by Raymond and Patricia. A copy of the tax map, sketch plan and a copy of the wetland mapping were forwarded to the Board members previously. Mr. Dolbec has since presented two additional layouts for Sketch Plan. The first is a sketch plan for a 27 lot mobile home park and the second is for a 9 lot subdivision.

Will cook of D.E.P. has visited the site with Mr. Dolbec and Tim Nelson and has indicated the best location for an entrance off Roberts Ridge Road is approximately 200 ft. from the northerly property line. Mr. Cook indicated a Permit-by Rule process would be required. Mr. Dolbec indicated he would like a feel from the board for the additional proposals. The amount of time to get approval was requested. Approximately 6 months for a three lot subdivision in the past provided there is no major problem or hold up with the hydro study. Since is would appear DEP would require one entrance due to environmental

impact how would that affect the mobile home park presentation with the horseshoe drive? What would the board request for road standards? It was noted that that would depend on the status of the newly created road whether it would be presented for approval as a town road or to remain private. The board would request review by the Fire Department, SAD #57 Transportation for safety and bus stop location. Larry Jacobsen indicated the bus may have to travel into the individual lots and therefore might have to be paved.

Cindy Allen indicated that the waiver requests presented deal only with the proposed three lot subdivision. It was noted that a common septic system would be utilized if Mr. Dolbec decided to go with a Mobile Home Park. John Roberts asked about topography? While on site Kenneth Gardner has indicated the potential location of a one acre system for a Mobile Home Park. Lots #6-12 on down would be gravity feed to the septic system all others would be pumped to the septic system.

Tim Nelson indicated that Will Cook had indicated if the Board requested two entrances into this site Mr. Dolbec would need to make application through DEP under a different process than Permit by Rule.

Cindy Allen indicated waiver requests for contour lines, soil erosion and sedimentation plan and a hydro study for the three, five acre lot subdivision Sketch Plan. Mr. Dolbec indicated he would go with the three lot subdivision and would continue with his research for the other two proposals.

Dwayne Woodsome indicated the board could act on the waivers on the three, five acre lot subdivision and if Mr. Dolbec changes his mind they could act on the proposal upon presentation.

John Roberts moved and Roland Denby seconded a motion to allow 10 ft. contour lines under Section 6.2.1 #9 as requested for the three lot subdivision of Map 8 Lot 40. Vote was 6-0-0 in favor.

John Roberts moved and Roland Denby seconded a motion to deny the waiver request of Section 6.2.1 #21 soil erosion and sediment control plan. Vote was 6-0-0 in favor.

Larry Jacobsen moved and Roland Denby seconded a motion to deny the waiver of Section 6.2.1 #26.

Discussion: Location of project to homes within the area? Towards Route 5 there is a subdivision and George Abbott has a home that abuts this site. Tim Nelson asked if an impact statement could be completed and if the results show the need for complete hydro study they could then require it? Mr. Dolbec asked if a letter from DEP would be acceptable? It was noted that the hydro study deals with nitrates and DEP would not be looking for the same issues. Mr.

Dolbec described the lot as having ledge, boulders and some sand with outcroppings of rock. Mr. Dolbec did not believe there would be much ledge. Mr. Dolbec noted septic system would be up on a hill about 1,000 ft. from the stream. Building envelope? Nice view from the higher point of the lots. Vote was 6-0-0 in favor.

Site Walk? Maybe wait until the ground dries out. Long driveways. Decided to wait to see what is going to do with development regarding the right of way construction to allow compliance with the frontage. Development as proposed would have a right of way starting about 200 ft. from the northerly property line into the first lot turning and running with the lots to meet the required frontage.

Dwayne Woodsome asked why the developer was not running lines to the road? The development would then fall under the 20 acre site location review by DEP. Does the right of way have to be built the entire length of the frontage to make the lots meet the frontage requirement or can it be a paper road? Attorney to answer since the board was not sure. Roland Denby asked about the spaghetti lot ratio. 5 to 1 was noted.

John Roberts moved and Larry Jacobsen seconded a motion to ask the town attorney if 150 ft. frontage can be from a paper right of way or does it have to be a traveled right of way? Vote was 6-0-0 in favor.

John Roberts moved to accept revised Sketch plan with the right of way located 200 ft. on the pole line side and going across three lots. Vote was 6-0-0 in favor.

It was noted that proof of ownership needs to be provided for the files.

#### **7:45 P.M. ROAD REVIEW COMMITTEE**

Doug Foglio noted he disapproved of the Board's decision regarding the action by the board on the Thyng's Mill Road. The Road Review Committee has thoughts different from the Boards. In discussing request of the Road Review Committee with the developer he noted that this was not his property where the trees blocked the visibility on the curve. After considerable discussion the Board voted that if changes were to be made to that corner for safety reasons that the developer since he is not the owner of the land could not be held financially responsible. The developer offered to grant the town an easement to relocate the stone wall on there property. Fred Fay, Road Commission asked if a survey has been completed of this property? He also noted that the board should know that this development will cause more hazard. It will be more of a problem than it is now. The Road Review Committee's request would save money for the town. Cindy noted she didn't feel that the board had legal right

to ask someone who does not own the property to take care of an existing safety problem.

Douglas Foglio, indicated that there is no existing safety hazard. The developer is creating the hazard. The safety hazard is being created by the developer. Cindy noted believed that the buses and other traffic presented a safety hazard now. Doug noted that may be what the developer would have you believe. Cindy stated that was not how this had been presented to the board by the people at the Public Hearing. Doug noted that the Road Review had held a Public Hearing as well and that wasn't what they were hearing from the people.

Judi Carl asked is the road safe if nothing changes? Mr. Rhodes from the audience noted no it will become worse? But it is a safety hazard now. It is going to become worse, that's why they brought it up at this time with the development going in. John Roberts read Section 3, item E of ordinance. This section would give the board the opportunity to have the developer do the work. Doug noted that section 6.1.7 would also cover this if an argument from the developer. This could be part of the plan. If information is brought to the board's attention after approval that part of the plan can be changed. Section 8.6 requires improvements (section read). You may waive as you see necessary. Also read article 3 purpose of Planning Board. Section 6.1.7 and 8.1.6 required not to create hazard not greater than one if it is existing 4.3 site distances posted speed limits, if unposted is 35 miles per hour, 350 ft. site distances required of all subdivisions. Subdivision on Ross Corner Road the board had required common drive because site distance could not be met. Douglas also indicated that the town has a highway entrance ordinance. Planning Board members noted they did not have a copy of this document in their notebook. Douglas read a section. It is up to the Planning Board to properly insure that the Zoning Ordinance and other ordinances appropriately apply to subdivision the Subdivision Ordinance and make decisions by that. Roland Denby noted a private piece of property in the area of the stone wall The town did not put the stone wall there he believes it is or was owned by someone. Roland indicated he did not believe the town owned behind the stone wall. State law allowed towns to take up to 25 ft. from the center of the road. In many cases the old right-of-ways were 33 ft. in width. It was believed that if a stone wall sits in the right-of-way for a specific amount of time a property owner could claim the land.

Douglas Foglio - Just because this surveyor says the Town owns the land unless they bring proof - Roland noted the Board has not committed at this time.

Douglas - The fact of the matter is after the home owner moves in regardless of stakes if you were to go move the rocks all of a sudden you are ruining the beauty and aesthetic value.

Roland - a lot of information - people told the board that they have a serious problem right now. The developer stated he didn't have the right to intrude on the Town's property.

Douglas - by the entrance ordinance even after the Board approves the plan the Road Commissioner cannot issue a permit if it creates a hazard, therefore, who is right and who is wrong. Town's responsibility to go out and do the work to make the subdivision legal? Douglas stated "I don't think so".

Roland asked what is the status of the road? Is it passable? Is it safe?

Douglas - In it's present status it is passable.

Roland - some tell you can't plow, can't get snow off the road, others say (general public) the corner is dangerous at the present time.

Douglas - I suppose like any questions, you ask ten people a questions, you get ten different answers. It is plowable. You have a road that was built for one house. It now has thirteen houses with these proposed potential of nine more all on this turn. Is the turn unsafe? If you drove in a proper manner it might not be but you put nine more houses there with nine families with an average of 1.5 children per family, send the kids out in the middle of the road, someone comes around the corner doing 35 mph which is the speed limit, they don't see little tots, they get run over, then who's responsibility is it? So in dealing with people it is easy to say it's someone else's responsibility if you can get them to believe it is. After going to Town Meeting and trying to defend the budget of the roads as Road Review Chairman, and then see people intentionally create cost for the town in order for them to make a profit I think that's not correct. I don't think they should do that.

John Roberts noted the Board had a subdivision, he couldn't remember the name, it came out on a dirt road and they make the developer give the town land to make a 50 ft. right-of-way. Noted this isn't a precedence that we make them do something on other options.

Ordinance on file allows Planning Board to do many things, they could request a common driveway to lots 5 & 4 accessible on lots 3 & 4. There is an obvious problem other options available. Board could ask or instruct the developer to complete a traffic and safety environmental study.

Douglas - asked "Don't you think the subdivider has done projects before, brought subdivision in the winter purposely.

Douglas - quoted the road standards regarding the intersection of Thyng's Mill Road and Clark's Bridge and the required 90 degree angle. Douglas also spoke of moving the road and cost. Concern of driveway placement and site distances. Noted eight trees that might need to be removed.

Board members indicated they had completed an on site last fall.

Douglas noted the need to place major amounts of fill to prepare the sites prior to building on the lots. Drive entrances previously were required to be placed in off the road a minimum of 50 ft. Douglas noted that the stone wall relocation could be used as fill to do the site preparation.

Douglas noted if people came in as responsive they might enter into conversation with the Road Review Committee, Road Commissioner and Board of Selectmen about sharing cost. Dollar value of improvement very small noted \$2,000 to \$3,000 and would benefit the remainder of the road.

Drainage problem - should have requested something be done across road when the previous development was before the board

The trees are not on the property - line indicated on the plan and developer believes they are on the towns property. As part of the approval a request to the Board of Selectmen be made to allow contractor to do this.

Douglas asked if the surveyor has provided a layout of the road? Stonewall there for years the ownership of the wall could have been previous owners. Douglas indicated the board could ask for proof. Sure the developer is willing to give an easement. Sometimes uncomfortable and take advantage. This is not the first time for the developer. Even without the subdivision this is a bad corner. The lots across the road are higher and would have different site distances. The developer is creating more of a hazard. If they don't haul in 1,000 yards of fill the driveways will be up hill entering onto the Thyng's Mill Road. A lot can be done in the name of safety.

Should common drives be considered? The Road Review Committee tired to come up with an economical solution.

Impact Fees - Members of the Planning Board asked Douglas Foglio what he thought. He noted there may be a time when they become necessary. The budget for the town is growing in areas such as recreation. Should the town be responsible for paying their fair share? He thought as long as common sense is used regulation is possible. Seems that developers should realize they have some responsibility to the town. As long as that works, impact fees probably not necessary.

It is difficult since the town doesn't provide public utilities. If you impact, you will have responsibility. Roland Denby read letter from attorney dated 1988. Douglas noted he believed Steve Murray helped the board more than anyone years ago. Always deemed difficult since the town doesn't provide services. Douglas noted the planning board had a tremendous amount of power.

It would probably be worth the board having another on site with the road review committee and the developer. Douglas stated that the town needs to spend monies in the future on this section of Thyng's Mill Road.

Roland Denby suggested opening the meeting to those present from the Thyng's Mill Road neighborhood.

Mr. Rhoades - Safety issue with the development and blind drives on the corner would be an impact. People riding horses, bikes, and more cars would make an effect. He indicated he thought it was a good idea to revisit the site. Safety the main issue. Everyone there at the meeting is concerned.

On Site scheduled for April 10, 1996 at 6:30 p.m. Advertise the meeting on Thyng's Mill Road in the Smart Shopper and notify developer.

## **VI OLD BUSINESS:**

Kim Janotta

Mr. Janotta present with Owen McCullough of Sebago Technics, Inc. since they had questions on the road being utilized for access to rear lots. A letter from the town attorney was faxed late in the day and the board members and the developer reviewed the letter. After discussion with the attorney it was determined that the lots fall within the shoreland zone and therefore the project would require subdivision review.

A new layout was presented to the board for consideration with the access road continuing across the wetland and the remaining two lots would have frontage on the access road. No lots would be split by the access road as in previous proposal. The ordinance has a limit of 600 ft. for a dead end road. The road in to the property would be 1300 ft. in length. Douglas Foglio noted waiver has been granted before on other projects.

Note on the plan Private Road never to be accepted by the Town unless the road is brought up to Town of Waterboro Road Standards.

If further subdivision of the land is proposed they would have to come before the planning board.

Owen McCullough noted Kim was looking for two things:

- 1) The board's view on the new proposal,
- 2) Would the board be willing to grant a waiver for an easement with a hammerhead turn instead of running the easement through the lots and connecting with the Cross Road.

It was noted that a hammerhead turn was used on Stanton project noted on Sokokis Estates Subdivision. This plan was checked and the turn was used with the idea that the road would at a later time be continued.

This project is a proposed private road. Intended one house on each lot. First lot is 7.5 acres, second lot is 45-47 acres and the third lot is 43 acres.

John Roberts moved and Everett Whitten seconded a motion to accept Sketch Plan of West Hill II 2/28/96 as revised 3/28/96. Vote was 6-0-0 in favor.

John Roberts moved and Judi Carl seconded a motion to require a hydro impact statement versus requiring a full blown study.

Discussion: Due to size of the lots & wetland it was felt this was needed. Vote was 6-0-0 in favor.

John Roberts moved and Roland Denby seconded a motion to publish the meeting time of the Planning Board starting May 1, 1996 meetings will start at 7:30 p.m. Vote was 6-0-0 in favor.

It was noted to the board members that Maine Cranberry will be on April 10, 1996 agenda.

No motion made to notify developer on Thyng's Mill Road. Mr. Speed know of the meeting by whatever means 0 no action taken by the board. Discussion on the road not the subdivision. Legal ramifications? Board has the right to review. The board has control of when approvals are granted.

Kasprzak Landbank will be on April 10, 1996 agenda with Sketch Plan Review of a ten lot subdivision located off Townhouse Road.

Response from Willis Lord? None through the offices. John Roberts indicated he would be in to see the board. John indicated he did not have a problem with the proposed change to the shoreland expansion being presented by Mr. Lord. He indicated the letter to Mr. Lord should have indicated unanimously voted by members present. Since John was not present it was not a unanimous vote. John was upset that people would think he was in support of the letter sent to Mr. Lord by the Planning Board.

John Roberts noted that when Town Meetings were held in June he was not able to attend them. He was voted out because of this and it was good to see that the chairman was not in attendance at town meeting this year. Cindy indicated there was nothing on the warrant being presented by the board this year and due to other commitments she was sorry she could not attend. John noted people acted behind his back. Larry - maybe some have different views

on things. Dwayne - indicated that Larry's statement was very poor, he commented Larry could pack his bags and go back to Massachusetts.

VII NEW BUSINESS:

VIII ADJOURNMENT: Meeting adjourned at 9:43 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Guthria Allen  
Everett Whittier  
Judith Coel

Robert E. Dewly  
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# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

APRIL 10, 1996

Meeting called to order by Cindy Allen, Chairman at 7:30 p.m.

**I ROLL CALL:** John Roberts, Everett Whitten, Larry Jacobsen, Judi Carll and Cindy Allen, Chairman.

**II MINUTES OF PREVIOUS MEETINGS:**  
March 13, 1996 Need to be signed at next meeting.

**III COMMUNICATION AND BILLS:**

- 1) Transportation Planning Workshop
- 2) Letter from D.H.S. Re: Twin Pine Estates
- 3) Memo from Dianne Holden Re: SMRPC Representative
- 4) Letter from Joe Vitko Re: Request for extension to rebuild after cottage was destroyed by fire in 1994.
- 5) Workshop sponsored by MMA for Planning Board & ZBA
- 6) Memo from Dianne Holden Re: DOT
- 7) Notes from meeting with DOT on Kasprzak Subdivision Site

**IV REPORT OF OFFICERS AND COMMITTEES:**

**V APPOINTMENTS:**

7:30 P.M. Robert Nava Map 41 Lot 1A AR Zone  
7:45 P.M. Jerry Hotchkiss Map 33 Lot 47 AR Zone  
8:00 P.M. Steve Bailey Map 11 Lot 67 AR Zone

**7:30 p.m. Robert Nava Map 41 Lot 1A AR Zone**

Sumner McFarland is representing Mr. Nava and they are requesting permission to construct a temporary dock with a permanent anchor on shore. This falls under the section 7.01, 3 of the Ordinance. Mr. McFarland has spoken with DEP regarding this project. DEP has indicated the concrete slab as noted on plan presented would not be allowed. The sonar tubes are back away from the normal high water mark of Ossipee Lake. Mr. McFarland has not filed a Permit-by-rule permit application with DEP as of this date.

John Roberts moved to and Everett Whitten seconded a motion to allow Mr. Nava to place cement sonar tubes for the dock contingent on receipt of the Permit-by-rule from DEP. Vote was 4-0-1 in favor.

**7:45 p.m. Jerry Hotchkiss Map 33 Lot 47 AR Zone**

Mr. Hotchkiss is requesting permission to add 29.99 % to an existing structure by both volume and footprint. This structure falls within 100 ft. of the normal high water mark of Ossipee Lake. Mr. Hotchkiss provided pictures of the outside of the existing structure as well as pictures of the interior of the cottage. The proposal is to change a loft area into a cathedral ceiling and relocated the loft area to another section of the cottage and expand this area to a full ceiling height by adding volume. The second portion of the expansion is to add a 15 ½' x 15 ½' deck and a cantilevered stairway which is an increase to the footprint of the building. Tim Nelson indicated he could not accurately calculate the volume since he did not have the exact measurements however a rough measurement of the proposal showed the expansion larger then the allowed 29.99%. After recalculation Tim indicated this would be approximately 28.75% expansion. The project will require some cement work under the existing structure.

John Roberts moved and Everett Whitten seconded a motion to allow Mr. & Mrs. Hotchkiss to expand the structure by 29.99% according to prints submitted dated 1/28/96 under Section 7.01 2.B.1.A. and all necessary erosion control methods be utilized during construction.

Discussion: Septic system? Mr. Hotchkiss believes a new system was installed just prior to them purchasing the cottage about 23 years ago. There is a 1,000 gallon cement tank. Mr. Mark Truman has been consulted by the Hotchkiss' during the planning phase and Mr. Hotchkiss indicated that Mr. Truman had believed the existing system to be fine. Board members requested Mr. Hotchkiss have the tank pumped and submit a letter from the company that pumps the tank the status of the system. Vote was 5-0-0 in favor of the motion.

**8:00 p.m. Steve Bailey of Kasprzak Landbank Map 11 Lot 67 AR Zone**

Mr. Bailey is presenting a Sketch Plan for a ten (10) lot subdivision located on the Townhouse Road. You got a brief glance of this at the last meeting. The developer is requesting a waiver of the high intensity soils survey and the monitoring well requirement of the hydrogeologic impact study, because of the small size of the subdivision and sand/gravel soil types.

Steve Bailey , Jim VanWycke and Steve Kasprzak presented the board with a proposal for a ten lot subdivision. They indicated that Lot #1 is shaped as a triangle. The proposal also indicates the proposed use of shared drives. The project is located about 2.5 miles from the Town Offices on the left side of the road just prior to the Beaver Ridge Subdivision.

They are requesting two waivers: 1) Waiver of the high intensity soils survey and, 2) The monitoring well requirement of the hydrogeologic impact study, because of the small size of the subdivision and sand/gravel soil types.

John Roberts indicated that he was abstaining due to a conflict of interest and Tim Nelson also indicated he would not be assisting the Board due to the close proximity of the project to the Beaver Ridge Subdivision where he resides.

What is the site distance for the proposed common drives? Steve Bailey indicated they had not been measured. He suspected approximate site distance to be 500 ft. The site distances could be checked prior to the next meeting.

Note from Dianne Holden, regarding a meeting with herself, Tim Nelson and Lee Chase from Department of Transportation (a copy provided for developer). The Townhouse Road is a State Aid Road and entrance permits would be issued by DOT not the Town of Waterboro.

Steve Bailey indicated the proposed lot locations have been flagged at the corners by Townhouse Road. He could set the lines if it would help the board for the on site meeting.

A Site Walk was scheduled for May 8, 1996 at 6:30 p.m. all persons to meet at the site. Road Review Committee to be notified and a copy of the Memo from Dianne Holden on the meeting with DOT to also be forwarded to the Road Review Committee.

Waiver Request? Larry Jacobsen indicated the Board could act on the request better after the site walk. Developer asked about the monitoring wells? The Board members indicated they did not believe that would be necessary. Steve Kasprzak indicated he had no problem with two ft. contours since the site is fairly flat.

Joe Whitten moved and Judi Carll seconded a motion to accept the Sketch Plan of Townhouse Road Subdivision dated March 27, 1996. Vote was 2 in favor 1 opposed and 1 abstention.

## **VI OLD BUSINESS:**

### **1. Maine Cranberry Company**

The Maine Cranberry Company indicated they refer to the project as Shakerland however it is the Maine Cranberry Company that is requesting approval. What is the status of Sand Crossing Road? Mr. Bob Cleaves was not sure of the status but it is unimproved and believed to be discontinued. If discontinued do the people at the intersection of Route 202/4 and Sand Crossing Road own to the center of the road?

Board asked Mr. Cleaves if he planned on improving the Sand Crossing Road. Mr. Cleaves indicated it is a gravel road but they would most likely be planning improvements. Would there be large trucks traveling the Sand Crossing Road. Mr. Cleaves indicated only during a two week period of harvest. Because of the nature of the use there would not be much heavy traffic. The caretaker of the project would most likely be the regular traffic. The town has record of discontinued roads, records to be checked and information to be forwarded to Mr. Cleaves. Approximately 10 acres of beds would be located in the Town of Waterboro. Who owns the railroad bed? Mr. Cleaves did not believe they did and not sure who the owner was. It was previously discussed that the Waterboro Planning Board could possibly hold a joint Public Hearing with Alfred Planning Board. Mr. Cleaves indicated that the Alfred Planning Board is still gathering information. Tim Nelson suggested scheduling a Public Hearing and a Site Walk. Tim also indicated it might be time to hire a consultant since some of the data presented was beyond his capacity as Code Enforcement Officer. The board members agreed with this suggestion. The Town of Alfred has hired Woodard and Curran as consultants possibly the Town of Waterboro could utilize the same firm.

John Roberts moved and Judi Carll seconded a motion to hire Woodard and Curran to check Waterboro's portion of the Maine Cranberry Company project.

Discussion: Mr. Cleaves asked since Woodard and Curran has an existing contract could the board fold into this if they are reviewing the entire project? Mr. Cleaves suspects they may be reviewing Waterboro now. May only need to request the information be forwarded to the Planning Board. Suggested contacting Woodard and Curran to discuss this. Vote was 4-0-0 in favor.

A Public Hearing was scheduled for May 23, 1996 at 8:00 p.m. Site Walk scheduled for May 15, 1996 at 6:30 p.m. all planning to attend to meet at the site. Mr. Cleaves indicated the site is wet and thick and suggested members plan to wear knee high boots or waders.

Mr. Cleaves asked if the board would be prepared to approve the plan after the public hearing. The board would need to meet with Alfred Planning Board prior to granting approval. Believed the board could certainly review and indicate to the developer their intentions so once they received to go ahead from Alfred, Waterboro Planning Board could then approve the plans.

Phase II study on the archeological artifacts and then recover the site. The site would then revert to a commercial use. If something of interest is found on the site Mr. Cleaves indicated they would consider working with the Town since they have no desire to maintain ownership of the artifacts.

Cindy informed the board members that Senator Willis Lord had called her and he seems to be in favor of the project.

**VII NEW BUSINESS:**

**Meeting with Board of Selectmen May 1, 1996**

Dianne indicated that the Board of Selectmen had requested that she schedule a meeting with the Board of Selectmen on May 1, 1996 at 7:30 p.m.

**Communication Responses:**

1) Letter from **Joseph E. Vitko, Jr.** requesting a waiver of the two year limit to reconstruct a cottage destroyed by fire on July 4, 1994.

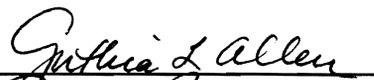
John Roberts moved and Judi Carll seconded a motion to have the secretary write a letter informing Mr. Vitko that the Planning Board does not have the authority to grant an extension and that he has until July 5, 1996 to complete construction of any replacement of the non-conforming structure after obtaining all required permits. Vote was 4-0-0 in favor.

2) Memo from Dianne Holden regarding representation from the Planning Board to serve as representative to the **Southern Maine Regional Planning Commission** for the Town of Waterboro. No one available to serve at this time. No interest shown.

**VIII ADJOURNMENT:** John Roberts moved and Joe Whitten seconded a motion to adjourn at 9:18 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer


  
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# PLANNING BOARD

## Town of Waterboro

**REGULAR MEETING**

**APRIL 25, 1996**

Meeting called to order by Cindy Allen, Chairman at 7:45 p.m.

**I ROLLCALL:** Present were Chairman Cindy Allen, Everett Whitten, Judi Carll, & Roland Denby Planning Board Members. Also present were: Tim Nelson, CEO and Dianne Holden, Planner.

**II MINUTES OF PREVIOUS MEETING:**

**III COMMUNICATIONS AND BILLS:**

**IV REPORTS OF OFFICERS AND COMMITTEES:**

**V APPOINTMENTS:**

7:30 PM BOB BOISVERT MAP 24 LOT 13 AR ZONE

7:45 PM KIM JANOTTA MAP 6 LOT 29 AR ZONE

8:00 PM LEIGH GOREN MAP 44 LOT 2259 R ZONE

**7:30 PM BOB BOISVERT MAP 24 LOT 13 AR ZONE**

Mr. Boisvert is requesting permission to expand an existing addition by tearing down the existing structure to the foundation and reconstructing using the same footprint but utilizing a different ceiling height. This would be an expansion of volume by 14 percent.

Everett Whitten made the motion to give Mr. Boisvert permission to expand an existing structure located at Northwest Pond by adding to an existing porch as presented, with a volume addition of 14% under Section 2.08, 4.02 and 7.01, 2. B.1 a. Roland Denby seconded. Vote passed, 3-0.

Note: Dwayne Woodsome, Planning Board member arrived.

**7:45 PM KIM JANOTTA MAP 6 LOT 29 AR ZONE**

Owens McCullough of Sebago Technics, Inc. represented Mr. Janotta. Copies of the proposed West Hill II Subdivision Plan, Subdivision Application, Sample Descriptions of subdivision lots, copies of the Wastewater Disposal System Applications and a copy of the impact letter by John B. Rand, Hydrogeologist were distributed to those members present. Waivers to be requested include: Soil Characteristics, Soil Suitability Report, Erosion Control and Stormwater Drainage Plan (due to size of lots), Street Elevations, Street Grades, Sidewalks (as it will be a private gravel road), Scale (from 1/60 to 1/150),

Contour Intervals (twenty feet) and Road Length (over 600 feet). Mr McCullough stated that Note #12 on the Plan was Mr. Rand's recommendation. Mr. Nelson, CEO noted that the Town's drinking water standards is 5MG, or one-half of the State and Federal regulations, and therefore, Mr. Rand's letter would have to be updated to reflect the Town's requirements.

Chm. Allen asked if the Board felt that Tewhey Assoc. should look over the impact statement. Mr. Denby stated that it was not crucial due to the lot sizes.

Mr. McCullough had prepared the package for both Preliminary and Final Subdivision Approval.

Review of the Plan resulted in the following changes: Mr. Janotta to sign plan, Name and address of the Soil Scientist and Hydrogeologist need to be added, add the width of the adjacent street, Cross Road, Change note #11's last line to read "...the road is improved to meet the Town's current Road Standards at the time of acceptance." (deleting the presented wording) and deleting Note #13 as it is not needed on the plan.

Dwayne Woodsome made the motion to grant waivers for Street Elevations, Street Grades and Sidewalks. Everett Whitten seconded. Vote passed, 4-0.

Dwayne Woodsome made the motion to grant waivers to Soil Characteristics and Soil Suitability Reports due to the size of the lots. Roland Denby seconded. Vote passed, 4-0.

Dwayne Woodsome made the motion to grant waivers for Erosion Control and Stormwater Drainage Plan due to the size of the lots. Everett Whitten seconded. Vote passed, 4-0.

Dwayne Woodsome made the motion to accept 20' contour lines and change the Scale from 1/60 to 1/150. Roland Denby seconded. Vote passed 4-0.

Dwayne Woodsome made the motion to accept the presented plan as the Preliminary Plan with all the changes as outlined above. Everett Whitten seconded. Vote passed 4-0.

#### **8:45 PM LEIGH GOREN MAP 44 LOT 2259 R ZONE**

Mr. Tim Greaton represented Mr. Goren which is the owner of a non-conforming lot that the Planning Board has to review. The site plan indicates that all setback requirements can be met. Dwayne Woodsome made the motion to accept the application and plan as presented under section 2.08 and 3.03 of the Zoning Ordinance. Judi Carll seconded. Vote passed 4-0.

## **VI OLD BUSINESS:**

1. Mr. John Bradford was present to discuss the 3 lot subdivision located on Deering Ridge Road, Map 5 Lot 27 in the AR Zone that falls within the Shoreland Zone. Discussion of (1) Common area for two lot owners or (2) square wetland area off and deed to middle lot owner. The Sketch Plan presented was approved contingent on the final decision made on ownership of the wetland area after Mr. Bradford talks with the owner of the middle lot. The Board felt that an Impact Letter was sufficient due to the size of the lots. Judi Carll made the motion to accept an Hydrogeologist's Impact Letter rather than a full Hydro Study. Everett Whitten seconded. Vote passed 4-0.

Roland Denby made the motion to accept the presented plan as the Sketch Plan with the common area being allotted to the middle lot owner and the lot closest to the Mitchell property. (1/2 interest each) Everett Whitten seconded. Vote passed 4-0.

A Site Walk of the subdivision was scheduled for June 5 at 6 pm.

2. State Senator Willis Lord was present to discuss his proposed legislation known as LD 1672, which the Planning Board has send him a letter of non support. Further, the legislation did not get passed by the State. He stated that the legislation was created after he received a call from a resident of Great East Lake that subsequently gave him a petition with 350 signatures to address the situation. The reasoning behind the legislation was to help people with smaller camps to exceed the current 30% volume requirement. 30% volume regulations favors older cottages. Sen. Lord told the Board not to pay attention to the crap that Maine Municipal Association printed in it's newsletter. It was a conspiracy against him by the Natural Resource Council and the Audubon Society. How much is added to a building has to do with having the septic inspected. Currently if no bedrooms are added, no septic inspection is necessary. The proposal was permissive legislation, not mandatory. Sen. Lord feels that the Planning Board's letter was out of line. The Board should have asked him in to discuss it. And further, after discussing the matter with two of the Board's members how could the Board say it was a unanimous vote, as one of the members was absent from the meeting and another had left the room at the time the vote was taken. He still feels that the legislation is the right thing to do.
3. Kurt Butterfield was present to discuss his proposed subdivision located on Thyngs Mill Road. A site walk of the road was held at 6:30 pm this evening by the Planning Board, the Road Review Committee and several interested neighbors. Roland Denby questioned MRSA 23 ss 2101-2103 in regards to how the three rod width is arrived at. Mr. Butterfield said that he felt it was 1 1/2 rods from the center line of the road. Mr. Denby further questioned who determines where the centerline of the road is, as it may not

necessarily be the middle of the tarred portion of the right of way. Discussion of the trees blocking the line of site from lot #2 towards lot #1 could be removed with no problem. Dwayne Woodsome questioned Mr. Butterfield on what plans he had on addressing the turn, driveways and site distance on turn east of lot #5. Mr. Butterfield responded by stating that the driveway envelope on lot #5 had not been developed as yet. 160 ft. from the boundary of lots #4 and #5 looks like a possibility, but wants to wait until the soils, etc. are worked up. Mr. Butterfield's response to the line of site at the corner of Clarks Bridge Road was why would the Board want him to set a plan for land he doesn't own? Dwayne Woodsome questions the width of Thyngs Mills Road as the stone walls says it's a two rod road, but the developer says it's a three rod road. Discussed the 'Orchard Lot' for which the owner is unknown, but concluded that this lot is not part of the site distance problem.

Dwayne Woodsome stated that safety-wise, the first fifty feet of driveway should be in before final approval of the subdivision is done. The Board has required developers to do it in the past so that the Board knows that it is done before the lots are sold especially with lots over a three degree grade. Mr. Butterfield said that he had no problem with doing it on the lots without any site problem, but would rather have the purchaser of the lot select the driveway site, especially on lots #1, #2, and #3. Road Review Commission Chairman Douglas Foglio, Sr. said that the Board could require a separate bond, per driveway be recorded with the subdivision plans at the Registry of Deeds office and if the bonds should expire before the sale of the lots, the subdivision becomes null and void. At the time of sale, the driveways would have to be put in to have bond released. Bonds are usually renewable one year at a time. Mr. Foglio further sees an ample need for fill and rip rap. He also doesn't agreed with MRSA 23. As far as he knows, the Selectmen's ruling is that the Town's boundary is the stone walls, if everyone agrees stone walls is the boundary. Mr. Denby read from Section 3 of the Highway Entrance Ordinance and noted that the Road Commissioner has a lot of say on where driveways go in.

Mr. Butterfield asked for a clarification on where the project stands in the process. Mrs. Carll stated that to her to biggest contention is the road frontage on Conservation Plot #B. Mr. Butterfield said that he thought that the line of site was not a problem. Mr. Woodsome stated that safety is the big issue around the turn. Cloudy area of whose property. Feels that it would take two days work to do whole job and a couple thousand dollars. Some fill on site can be used. Mr. Butterfield said that that work would be a lesser concern than the driveways as he is unsure if it is or should be his responsibility.

Mr. Denby asked if any soil work had been done. Mr. Butterfield stated that all lots had been soil tested, and all but one has had multiple test pits.

Chm. Allen stated that the Board needs to get a legal opinion on whose land is what and whose responsible for what. Mr. Woodsome feels that the Town would let the developer move the trees and stonewalls, also that the Board should make the developer put in the

driveways. Mrs. Carll said that she could see a combination of action being taken - put an envelope on some lots, not on others in regards to the driveways. Mr. Butterfield said that he had no problem on bonds being placed per driveway. Mrs. Carll further stated that the safety issue is an existing problem and can't the Town and the Developer work together? Mr. Nelson, CEO questioned where the liability lies. Mr. Butterfield as whether the Public Works Dept. has the capacity to do the work. Mr. Woodsome said that the large pine could be tipped onto the developers land.

The Board agreed to get a legal opinion from the Town's Attorney in regards to the stonewall, and the ownership of the land and road in question. Also, what the Town's liability is, if any.

Mr. Butterfield said that he would share the responsibility and give permission to have the Town tip the trees onto his land and he would have them cleaned up. Mr. Butterfield asked the status of the process. Mr. Nelson, CEO will contact the Attorney to set up a meeting next week. Chm. Allen told Mr. Butterfield that he could come back on May 8<sup>th</sup>. under Old Business. Mr. Nelson said that it seemed to him that the driveways were workable and that things should go smoother after the road line issue is settled.

Mr. Butterfield - Asked for clarification of Mr. Foglio's task? He believed the Road Review Committee had been requested to determine the line of site and to see if it was a problem. Mr. Butterfield indicated he did not see the line of site to be an issue. Roland Denby indicated that the driveways need visibility both ways. Trees cut and slope of drives to meet certain standards. Other members of the board indicated to Roland that they were discussing a bond being placed to help cover the placement and construction of the drive entrances.

Dwayne Woodsome asked Mr. Butterfield if he understood him to say he did not want to place drives prior to final plan?

Mr. Butterfield is concerned about prematurely committing on driveways before the final plan. He feels that most have at least a hundred foot envelope and he would post bond on all. Chm. Allen said that the Board is not adverse from posting bond. Mr. Denby questioned whether driveway culverts would interfere with culverts from the other side of the road and noted that there's not much of a ditch.

Mr. Woodsome stated that if the three big trees were cut, he didn't feel it would be an issue with the Board, the Town or the Road Review Committee. Mr. Butterfield stated that if the Town would tip the trees onto his land, he would have them cut. The size of one particular tree troubles him to take down.

**VIII ADJOURNMENT:** Chm. Allen declared the meeting adjourned at 10:20 pm.

Respectively Submitted,

Dwayne Woodsome  
Secretary/Treasurer

Guthrie Allen  
Robert E Dealy  
Everett Whitten

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# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

MAY 8, 1996

Meeting called to order by Chairman, Cindy Allen at 7:20 p.m.

An On Site was held at 6:30 p.m. for Townhouse Woods Subdivision presented by Kasprzak Landbank located on the Townhouse Road.

- I ROLLCALL:** Present were Larry Jacobsen, Roland Denby, Everett Whitten, Judi Carll, and Cindy Allen Chairman.
- II MINUTES OF PREVIOUS MEETINGS:** March 28, 1996, and April 10, 1996 and the minutes of March 13, 1996 were approved just need to be signed.
- III COMMUNICATION AND BILLS:**
1. Minutes and Decision from the Zoning Board of Appeals
  2. Traffic Study from Sebago Technics on Townhouse Woods Subdivision
- IV REPORT OF OFFICERS:**
- V APPOINTMENTS:**
- 6:30 p.m. Site Walk Townhouse Woods Subdivision  
7:30 p.m. Frank Foss Map 45 Lot 1470 R Zone  
7:45 p.m. Merrill's Store Site Plan Review  
8:00 p.m. Fernand Champagne Map 42 Lot A139 R Zone  
8:15 p.m. Frank Eukitis Map 32 Lot 71A AR Zone

**7:30 p.m. Frank Foss Map 45 Lot 1470 R Zone**

Mr. Foss is requesting permission to construct a home in Lake Arrowhead Subdivision. The home proposed is a 24' x 30' two story home. It appears that setbacks can be maintained.

Larry Jacobsen moved and Everett Whitten seconded a motion to grant the request and allow a 1 ½ ft. reduction in the sideline setbacks bordering lots 1469, 1474 and 1471 which would be a 33 ½ ft. sideline setback in place of the 35 ft. required, approval under section 2.08 and 4.02. Vote was 3-0-0 in favor.

**7:45 p.m. Merrill's Store Site Plan Review**

Mr. MacKenzie is proposing a 24' x 60' addition to Merrill's Store in North Waterboro. Mr. MacKenzie has presented a phase 1 to be a 24' x 30' addition, construction of phase 1 to start immediately, phase 2 unsure of time limit. The board considered granting permission for the entire proposal or it could grant approval for phase 1 and review phase 2 under Old Business when Mr. MacKenzie is ready.

Roland Denby moved and Everett Whitten seconded a motion to approve the site plan as presented under Section III C. of Site Plan Ordinance and all of Section II. Vote was 3 in favor none opposed and 1 abstention.

**8:00 p.m. Fernand Champagne Map 42 Lot A139 R Zone**

Mr. Champagne is proposing construction of a home in Lake Arrowhead Subdivision. All setbacks can be maintained since the lot has sufficient frontage to allow for setbacks. Property located on New Dam Road.

Roland Denby moved and Judi Carll seconded a motion to approve the request under Section 2.08 with setbacks requirements under Section 3.03 and 3.05 to be met. Vote was 4-0-0 in favor.

**8:15 p.m. Frank Eukitis Map 32 Lot 71A AR Zone**

Mr. Eukitis is requesting permission to place a new roof on an existing non-conforming structure which is located within 100 ft. of the normal high water mark of Ossipee Lake. This is basically a volume addition under the 30% expansion rule. Walt Wilson from Saco has worked with Mr. Eukitis on the design. A leak around an existing stone chimney is the main reason for the change in the pitch and design. Mr. & Mrs. Eukitis indicated that they are not adding any bedrooms. They basically have a very low pitch roof and it is unsafe since the leak has caused the floor to rot. As presented it would be a 55% increase in volume. After discussion on alternatives since the Planning Board cannot authorize expansion greater than 30%, Larry Jacobsen moved to allow Mr. Eukitis to come back under Old Business after he has gone back to his architect to make changes. Vote was 4-0-0 in favor.

**VI OLD BUSINESS:**

**1. *Townhouse Woods Subdivision Site Walk***

An impact study is in the process - Steve Kasprzak indicated that they were checking for gravel packed wells and/or drilled wells prior to completion of the statement. A Public Hearing is scheduled for May 23, 1996 at 7:30 p.m.

Preliminary Plan has been submitted. It was explained that customarily Preliminary Plan is not reviewed until the Impact Statement has been reviewed and the Public Hearing is held since changes may be necessary. Larry Jacobsen indicated that he felt uncomfortable until he had gone on the site walk. Trees a concern. Steve Kasprzak has indicated no provisions made for common land. Larry indicated other subdivisions have been required to allow for up to ten percent of the development. Steve indicated he planned on placing a deed covenant for a fifty foot green belt along the road allowing five cuts for drives and utilities. There is very little growth other than pine.

Steve Kasprzak indicated he would prefer to address the dedication of land to the Town during Phase II of development. He indicated that a 125 ft. setback is proposed. Townhouse Road is a four rod road. The pine trees are within the right of way.

Roland Denby asked if the Buxton Road/Townhouse Road is an extension of the Ossipee Hill Road. Steve indicated his research had not gone that far.

**2. *Maine Cranberry Site Walk Scheduled for May 15, 1996 at 6:30 p.m.***

Planning Board members to meet at the site. A contract from Woodard & Curran was presented by Tim Nelson as requested at a previous meeting. Tim indicated that this is a similar contract to the Town of Alfred's with this company. Judi Carll moved and Everett Whitten seconded the motion to approve the contract of Woodard & Curran. Vote was 4-0-0 in favor.

**3. *Thyng's Mill Carpenter's Woods Subdivision Map 13 Lot 17 F & A Zone***

Bill Speed present representing the developer. It was his understanding from the Sketch Plan approval that the driveway placement was approved. Is the Sketch Plan approval still valid.

Also Kurt believed that it was discussed that the town would push the trees over and the developer would take care of them - there was no action taken only discussed. A bond could potentially held for years. Bill Speed indicated to those present that a development completed on the New Road required placement of driveways and now they are in poor shape. Some have washed out others have trees growing within the drive cut. If the lots are not marketed and built on within a reasonable amount of time the placement of the driveways is a waste. He believed that concerns were 1) to provide for a safe location and 2) that driveways be constructed to a specification to allow for proper site distance to be met. Bill Speed indicated that in theory it works to require the placement of the driveway at the time of the sale. Advice of attorney to set conditions of approval of the plan. Drives situated for proper site distance. Roland Denby noted that drives coming out of the low area appeared to be quite a project.

Bonds - letters of credit - road entrance at the discretion of the Road Commissioner - location and specification for construction under Section of the Road Ordinance.

The orchard area believed to be owned by the heirs of Chester Chadbourne. The developer would have interest by virtue the taxes being paid for several years probably a quiet title would be an option for the quarter of an acre. This area is included in the green space. To disclaim ownership the land would have to be taxed as unknown for twenty years before the town could take the land.

According to Maine State Law the Planning Board could ask the developer to comply with requests regardless of whose property is involved. Bill Speed asked if it was determined that there was no safety problem what would happen. A traffic engineer to take a look, cutting trees may not solve the problem. If speed is obeyed and people stayed in their own lane the problem would be minimized. The developer can't enforce the law. Bill indicated he appreciated Gary Rhoades concern. Roland Denby thought a traffic engineer was a good idea. This is a very emotional issue. Believed they could meet suggestion of the traffic engineer. Expert opinion believed to be the best option available at the time possibly to place the wording for the driveways on the plan. Board will wait for the report and go from there.

Dianne Holden indicated a meeting on May 22 for Shoreland Zoning was available to Planning Board members and Zoning Board of Appeals members. Class from 7:00 - 9:00 p.m. Larry Jacobsen, Dianne Holden, Everett Whitten, Roland Denby and Cindy Allen would be interested in going to this class.

Dianne Holden noted that after the hearing on Robert Jones before the Zoning Board of Appeals is was noted that maybe the Planning Board should have been present to explain the action taken by the board. It was very confusing.

Chris Vaniotis indicated to the Board members at the meeting held that the Waterboro Planning Board does a lot more than most other Planning Boards in surrounding communities. This was food for thought. Possibly the planning board to use Chris Vaniotis instead of Harry Center.

Tim Nelson noted to the Planning Board that there is information from the Town of Gorham regarding Robert Jones operation of business, injunctions etc. Would the board like Tim to gather the information.

Roland Denby moved and Larry Jacobsen seconded the motion to have Tim Nelson gather information available from the Town of Gorham. Vote was 4-0-0 in favor.

**VII NEW BUSINESS:**

**VIII ADJOURNMENT:** It was moved and seconded to adjourn at 9:35. Vote unanimous.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Cynthia Allen  
Larry Jacobsen  
Roland Denby

Everett Whitten  
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# PLANNING BOARD

## Town of Waterboro

**REGULAR MEETING**

**MAY 23, 1996**

Meeting called to order by Chairman, Cynthia Allen at 8:20 P.M.

**I ROLL CALL:** Present were Judi Carll, Larry Jacobsen, Everett Whitten, Roland Denby, John Roberts and Chairman Cindy Allen.

**II MINUTES OF PREVIOUS MEETINGS:** April 10, 1996 April 25, 1996, and May 8, 1996

**III COMMUNICATION AND BILLS:**

1. News from Natural Resources Council of Maine
2. Notice of Intent to File from Saco River Corridor Commission
3. Letters from Tim Nelson to Paulette Davis Re: Shoreland Violations
4. Note from Abutter to Townhouse Woods Subdivision
5. Minutes of Alfred Planning Board Meeting

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:** No appointments scheduled due to Public Hearings

**VI OLD BUSINESS:**

1. Townhouse Woods Subdivision
2. Maine Cranberry Company
3. West Hill II Final Plan Submission
4. Victor and Fred O'Clair Subdivision Preliminary Plan

### **Maine Cranberry Company Map 1 Lot 25 AR Zone**

The focus in Alfred is dealing directly with the performance standards. It was noted that generally, concerns with use of pesticide management Bob Cleaves noted that was being addressed. Abutters have raised concerns in both communities. If there are similar issues possibly both towns could share the information instead of asking for separate information for each town. Mr. Cleaves would check with Alfred since he would be meeting with them next week.

Bob Cleaves asked if the Board could give him an idea of time for approval. Mr. Cleaves noted a Public Hearing would be held in Alfred on May 28, 1996 he expected they would be speaking to standards in the ordinance. The record closes in Alfred after the second hearing. Mr. Cleaves hopes they are nearing the end. Mr. Cleaves indicated he is anxious with the time limit, he would like to close on financing by August 1, 1996. Most of the clearing and construction would take place in September and October.

Timing is crucial due to the fact that they cannot plant after June. If they miss the fall timeline the project may be at risk. He indicated his appreciation of the Board for expressing concerns and work towards approval in June.

Correct mailing address should be Maine Cranberry, 86 Highland Road, S. Portland, ME 04106.

When its appropriate address concerns with ordinance and other concerns, review of the project in Alfred is not complete. No pre-agenda. Believe that they are dealing with interpretation of their by-laws as to how the answers are given. Dan will be addressing those issues. Most of the cranberry beds are to be located in Alfred. The structures with the storage of fertilizers will be located in Waterboro. This would fall under hazardous waste review, believed most of the concerns have been addressed.

Sandcrossing road - improvements proposed would be minimal. Travel over the railroad bed? Judi Carll mentioned this since during the onsite inspection an abutter to this project indicated that he owned the a portion of the railroad bed. It was noted by board members that they were amazed that there was very little interest shown.

Concerns needing review by Dan Garson for Waterboro would be pesticides to be stored on site and control over the number and types of pesticides and the intake mechanism utilized for the protection of the stream that water would be drawn from.

Tim Nelson asked who would be inspecting the site during actual construction? The corp usually comes in during construction. The main concern would be the use of erosion and sedimentation control around the brook where the sediment could be a problem. Standards will be in place. Advice from Dan Garson would be to have a grading plan and an as built as a condition of the permit.

Also were there ways to minimize the consultant review? It was noted by Dan Garson that most reports are annual - the board could condition the approval that rather than submitting raw data the could request a narrative of the State and Federal report since they will be monitoring for the same results. Also require the applicant to provide state and federal compliance in a summary.

There will be a manager on site to manage the bogs. Fertilizer will be stored in a separate building from the office and living area. They have not worked everything out regarding the managers schedule. Chemicals stored on site - a list should be made available to the Fire Department. The chemical storage will also be reviewed by the State Fire Marshal's Office and they will build to BOCA building standards. This project falls under Site Plan Review due to the combined use of commercial and residential.

Mr. Cleaves noted that he is currently working with Mr. James Gerry on an additional 5 to 10 acres to help with the water quality. The more protection that can be provided to the site the better. The intake will be on Mr. Gerry's land and it was noted that a copy of an easement would be required for the file.

It was noted that Mr. & Mrs. Robert Jones should be notified that they would be required to pay for town counsel to attend the June 12, 1996 meeting as allowed under the Site Plan Review, Section III, B. when expert opinions are deemed necessary. The attorney will be present for expert opinion, assistance and guidance in interpretation of state and location regulations regarding this proposed site plan request. Sharon to notify Mr. & Mrs. Jones by letter.

#### **Victor and Fred O'Clair Subdivision Preliminary Plan Map 14 Lots 40N & 40P**

Tim has reviewed the plans presented and has found that the deeds reference different owners. It appears that two additional parties have died however the parties were divorced and there may be heirs that need to be included on the plan for signature. A common well is intended, note #4 on the plan might need to be changed to reflect this as well as a deeded easement for use between the lots for the common well. A new deed or verification of actual ownership to be presented for the files. Updates to the mylar may be required.

John Roberts moved to have Sharon write a letter to the O'Clairs that the five issues be addressed and corrections or additions be made to the plans. Preliminary and Final Plan acceptance can be requested under Old Business. Vote was 5-0-0 in favor.

Tim Nelson also explained that Paulette Davis has constructed a deck on an existing roof without permits. A new foundation at the rear of cottage was installed without permits or inspections, a patio is being worked on at the front of the cottage facing the lake. It appears that when they did the foundation work they went around the septic line. The area to the front of the patio facing the lake needs to be stabilized with junipers or like plants.

#### **Dianne Holden Town Planner/Selectmen's Assistant**

Dianne indicated the need to set up a meeting for the Zoning Board of Appeals and the Planning Board for a workshop possibly with Southern Maine Regional Planning Commission as suggested by the Board of Selectmen to see what services they provide. Date set for July 10, 1996 meeting.

It was noted by the board members that starting in September they need to dedicate more time for planning. Possibly to schedule one meeting every two months that would be set aside for that purpose.

Dianne noted that Dennis Abbott went to SMRPC and he noted that for they are reviewing subdivision plans for a couple of towns. They are assessing a fee to the towns, Dianne noted that fee could be passed on to the developer and asked if that was something the board would like to consider. John Robert noted no offense, but that is why there was a Town Planner hired. Dianne noted workload may be an issue and also noted that the suggestion was brought up by Dennis. The Executive Director of SMRPC worked as a planner previously.

John Roberts moved and Judi Carll seconded a motion to accept April 10, 1996 minutes. Vote was 4-0-0 in favor.

Is there a means provided for the containment of chemicals if a spill were to occur? Dan to review and forward comments to the board.

#### **West Hill II Final Plan Submission Map 6 Lot 29 AR/C ZONE**

Tim Nelson - Sharon and Owen McCullough have reviewed the plans submitted. Owen noted the areas changed or added. Notes 15, 16 and 17 with the minimum construction standards, addition of signature lines, addition of bulk and space as required by the Waterboro Zoning Ordinance. All seems to be in order.

John Roberts moved and Everett Whitten seconded a motion to approve Preliminary and Final plan of West Hill II Subdivision dated February 8, 1996 with last revision dated May 23, 1996 with the condition that no building permit be issued until the monumentation has been set and a letter from Sebago Technics verifying that monumentation has been set for lots under Article IV and Article VII of the Waterboro Subdivision Regulations. Vote was 5-0-0 in favor. The plans were signed by those in attendance and fees collected. Sharon to register the plans at the registry and the Janotta's to reimburse the town for the registry fees.

#### **Frank Eukitis Map 32 Lot 71A AR Zone**

Mr. & Mrs. Eukitis proposed a gambrel roof on an existing cottage which exceeded the board's authority at a previous meeting. They have a new proposal which is about ½% over the allowed 30% rule. The reason it is over is due to the building codes which required a specific width for hallways and ceiling height which requires placement of a dormer to maintain comply with the codes. As proposed approximately 2 ft. of an existing vintage fieldstone chimney will have to be removed. The proposal is dated May 23, 1996.

John Roberts moved and Judi Carll seconded a motion to approve the plan submitted by Mr. & Mrs. Eukitis dated 5/23/96 under section 2.08, 4.02 and 7.01 2.B.1.a. of the Waterboro Zoning Ordinance. Vote was 5-0-0 in favor. Plans submitted will meet all codes.

#### **VII NEW BUSINESS:**

##### **1. Tim Nelson, Code Enforcement Officer/Building Inspector/Plumbing Inspector**

Tim informed the Board members that this would be his last meeting with the Board since he has accepted a job as Code Enforcement Officer/Building Inspector/Plumbing Inspector/Electrical Inspector with the Town of Standish. He will be starting his new position on June 3, 1996.

He noted to those present that SAD #57 will be presenting a plan to locate additional mobile classrooms and a proposal for the installation of lights for the soccer field and football field. They have a scheduled meeting with the Zoning Board of Appeals on May 29, 1996 for a variance request. If three acres of non-vegetated area is present on a parcel this would fall under DEP review. Tim informed those present that they be aware of this regulation.

Cindy Allen asked for clarification of the Site Plan acceptance of Merrill's County Store. She believed they approved the entire project however the minutes were not clear.

VIII ADJOURNMENT: Motion to adjourn at 10:01 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Everett Whitten

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Cynthia Allen  
Lawrence E. Jackson  
Roland E. Dewey

# PLANNING BOARD

## Town of Waterboro PUBLIC HEARINGS

MAY 23, 1996

Present from the Planning Board were Judi Carll, Roland Denby, Everett Whitten, John Roberts, Larry Jacobsen and Chairman, Cindy Allen. Approximately six citizens from the general public Dianne Holden, Tim Nelson and Sharon Abbott.

Public Hearing was called to order by Cindy Allen at 7:30 p.m. for the purpose of review of a project being presented as:

### TOWNHOUSE WOODS SUBDIVISION MAP 11 LOT 67

#### BY KASPRZAK LANDBANK

7:30 P.M.

Steve Bailey presented the project to those present. They are waiting for the completion of the hydro study at this time. Believe it will be completed shortly. This development is located just past the Orchard Road and approximately 400 ft. from Beaver Run. Each lot meets the minimum frontage of 150 ft. and are approximately 500 ft. in depth. Proposal is to have five drive entrances. Shared entrances between lots 1 & 2, 3 & 4, 5 & 6, 7 & 8 and 9 & 10. Engineer has provided information that shows conformance with the required site distance for the drive entrances..

At this stage of the hydro study it appears that there will be fixed well and septic locations. At the Site Walk the Planning Board member showed concern on entrances between lots 7 & 8 and lots 9 & 10.

Tim Nelson spoke regarding the safety of the location of the drive entrances. He noted that he lives in Beaver Ridge Subdivision and he fears that someone will be killed pulling out of the driveways as proposed. There is a problem pulling out of Beaver Run Road. Tractor trailers utilize this road as well as dump trucks there is major traffic on the Townhouse Road. Tim indicated that there is another subdivision located on a dead end town road and there has been major concern shown regarding the safety hazard that a development would create.

Steve Bailey indicated that the report given indicated that the required standards will be met for the drive locations. The evergreen trees may cause a problem.

Tim indicated that you have to pull out of Beaver Run Road and immediately get up to speed and even then vehicles climb up on you very fast.

Steve Bailey indicated maybe DOT should be contacted, not sure what could be done other than to request that the speed limit be dropped.

Tim again noted that this is a major arterial and tractor trailers and dump trucks from Northeastern use this road regularly. Steve Bailey indicated that they meet requirements of town and DOT and there is not much else one can do.

A gentleman asked what the acreage of each lot was. Steve Bailey noted just over two acres and again noted the dimensions of the proposed lots.

It was noted at the last meeting by Steve Kasprzak that another phase would be presented at a later time. Steve Bailey noted that potentially in the long term future further down on the Townhouse Road.

It was asked if this would turn into another Lake Arrowhead? Steve Bailey indicated that subdivision was created several years before. As to the future development not sure. Total acreage of the parcel being developed is 19.9 acres. Asked about DEP review. DEP review is required for over 20 acres however the law changes in July of 1997 which would increase the lot size requiring review by DEP to 100 acres anything under the 100 acres would be reviewed by local agencies.

Two trees on the other side of Townhouse Road if removed would help with site distance. Steve Bailey indicated they were very close to the edge of the right-of-way but he would look into it. The cars flash behind the tree for a short time they are out of sight.

It was noted that speed and entrances could be a concern.

Steve Bailey indicated that they have not asked for Preliminary Plan due to the hydro study not being completed. A greenbelt was mentioned and the use of 125 ft. setbacks from the front property line was also mentioned. Steve Bailey noted that a 50 ft. buffer with no clearing except for driveway entrances would be proposed. It was noted that the developer should keep in mind the need for a utility easement through the greenbelt. Steve Bailey noted that with common drives it works well if you coordinate with Central Maine Power for the installation of poles for electricity. He noted that the drive location between lots 9 & 10 is actually the best location of all the common drives proposed. It was noted that Dwayne Woodsome usually has a problem with a no cut clause in a green belt. Can the note on the plan be worded to be cut only under the direction of the Road Review Committee and Maine Department of Transportation. Steve Bailey did not see that as a problem. He noted that the pines along the front property lines are young trees. He noted that the trees along Chadbourne Ridge Subdivision had similar sized trees and have matured nicely.

The 125 ft. setback proposed will also help with the septic systems since this will allow clearing for the systems at the rear of the property and not in the front yard which will further protect the general character of the area.

Cindy Allen thanked Mr. Bailey for his presentation.

# PLANNING BOARD

## Town of Waterboro

### PUBLIC HEARING

MAY 23, 1996

#### Maine Cranberry Company Map 1 Lot 25 AR Zone 8:00 P.M.

Bob Cleaves of the Maine Cranberry Company explained that the company was founded in 1989 to find an appropriate site for the growing of cranberries. After three years of searching they found an old bog that had been harvested by Albion Gile in 1945 and was 10 to 20 acres in size. Research found that this was the first water harvested bog in the United States. The Roberts and Giles families operated this cranberry operation. They also found a letter from Ocean Spray Company that this operation had the honor of having the third largest berry in a contest. They had to see if a commercial cranberry operation could be successful in Maine.

In 1992 they began the process with the state, federal and local agencies. The current configuration of the lots is the effort of the past four years. They originally proposed 65 acres of bed. As a result of the Federal process which they were humbled by they have redesigned the beds away from Shaker brook and abutters to protect natural area. They now propose 20 acres of beds in Alfred and 10 acres in Waterboro with support buildings in Waterboro for chemical storage, office and sand extraction and storage. The contour of the site works well for cranberries. They need a lot of water to protect the berries from frost, bugs etc. This site yields an excellent source of water supply for the site and appear to have all the elements for successful harvesting. Water source, history and the soils on site.

The first step would be the excavation of vegetation and topsoil. The bog is laser leveled because they don't want a ponding effect, this would cause root rot. After the site is leveled you undertake the dikes and ditches for the complex irrigation system and construct the beds. They have found that cranberries grow better with the application of sand it helps promote growth. Every three to four years they lay down additional sand on the beds.

The yield per acre is expected to be ½ ton. Once the vines are planted they will not be ready to harvest for three seasons. There are two ways to harvest, one is by water the other is to dry pick them. Mr. Cleaves indicated that they are discussing the possibility of working with Hannaford Brothers on selling some of the dry picked berries. There are between 15 and 20 varieties of cranberries. Stephens is the most popular. September and October the berries are harvested. Once harvested the bog lays dormant, the beds are then flooded to form a layer of ice over the vines for protection. In the spring of the year you take the ice off and another season starts.

#### Regulatory Summary:

In 1993 the Maine Cranberry Company presented an application to Clean Water Act, Federal, State and Local agencies. The project was reviewed by FEMA, Fish and Wildlife, S.C.S and the Army Corp. In 1995 they received their Federal and State permit.

Compensation for the wetland required preservation of land mass preserved in a deed to the State of Maine. The green area indicated on the site plan is the restoration area to help with the impact to the area. What you take from the environment you need to find an area to replace. They are now before both towns for local review. Town of Alfred is focused on a few issues. Dan Garson of Woodward & Curran has been hired by both towns for review.

Sand Crossing Road is a discontinued road. They have provided proof of sand supply being in existence for a number of years and is ongoing. An inventory of those chemical to be utilized has been provided. The land is under option.

A person in attendance noted he was not familiar with this area but asked would the water taken from the brook cause the brook to dry up. A fixed water intake structure will be placed to keep that from happening. Once below aquatic growth they would not be able to draw from the brook. The process used to protect the berries is similar to that used by the orange orchards in Florida. They create a layer of ice to protect the fruit. Once the beds are flooded and frozen you could skate on the beds.

Larry Jacobsen asked the audience how many had come for the Cranberry Bog hearing. None noted they were there for the review. Approximately 10 people from the general public were present. Monitoring for a number of conditions in Dan Garsons report. A background study of water quality before and after the development. Mr. Cleaves indicated he was not aware that any other cranberry operation that has to provide this information. It will be a closed loop system. During the spring of the year there are no chemicals being spread and this would be the only time that any over flow might occur.

Who monitors the brook? The fixed intake structure physically fixes the level.

Dan Garson indicated the level is set at 6.8 cubic feet per second. Weir structure permanently calculated into the elevation as the water goes below the fixture cannot be physically moved.

No further questions the hearing was closed by Cindy Allen at 8:19 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

# PLANNING BOARD

## Town of Waterboro

Regular Meeting

June 12, 1996

Meeting called to order by Vice Chairman, Roland Denby at 7:27 p.m.

**I ROLL CALL:** Present were Larry Jacobsen, Everett Whitten, Dwayne Woodsome and Roland Denby, Vice Chairman. Cindy Allen and John Roberts arrived at 7:45 p.m.

**II MINUTES OF PREVIOUS MEETINGS:** April 25, 1996, May 8, 1996 & May 23, 1996  
No action taken on minutes.

**III COMMUNICATION AND BILLS:**

1. Letter from John L. Murphy Re: Traffic Study of Thyngs Mill Road
2. Letter from Sharon to Fred O'Clair Re: Subdivision
3. Letter from Southern Maine Regional Planning Commission
4. Letter from HAS HydroSource Associates, Inc. A Hydrogeologist firm
5. Letter from Woodard & Curran Re: Maine Cranberry Company
6. Variance Approval for Raymond Marcotte Lot A40 & SAD #57
7. Letter from Chris Vaniotis Re: Jones Site Plan Review

No action taken on communication.

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

**7:15 P.M. F M ABBOTT POWER EQUIPMENT MAP 5 LOT 48 V ZONE**

**7:45 P.M. WES LEIGHTON MAP 1 LOT 6 V ZONE**

**8:15 P.M. BRUNETTI'S RESTAURANT MAP 30 LOT 71V AR ZONE**

**8:35 P.M. SITE PLAN FOR JUNKYARD PERMIT ROBERT & RUTH JONES  
MAP 4 LOT 29 AR ZONE**

**9:00 P.M. MAINE CRANBERRY COMPANY MAP 1 LOT 25 AR ZONE**

***7:15 P.M. F M ABBOTT POWER EQUIPMENT MAP 5 LOT 48 V ZONE***

Sharon informed the board members that Tim Nelson had reviewed the site plan of F.M. Abbott Power Equipment and had found it to be complete and in compliance with all zoning regulations. Mr. Nelson issued a permit for the foundation of the proposed addition to the commercial building.

Abutter's have been notified and committee chairmen notified. No response from general public or any persons notified. Roland Denby noted that the applicant was requesting a waiver of the topographic lines being on the plan since the area of construction is flat.

Larry Jacobsen moved and Dwayne Woodsome seconded a motion to waive Section 1. Procedure Item D. #8 (topography of a contour interval not greater than two feet). Vote was 4-0-0 in favor.

Tim Nelson had reviewed the site plan prior to his leaving and found it to be complete. Mr. Abbott has received his permit from the State Fire Marshal's Office for accessibility and a set of certified architectural drawings are on file.

Larry Jacobsen moved and Dwayne Woodsome seconded the motion to accept the site plan as presented dated April 1996. Vote was 4-0-0 in favor.

***7:45 P.M. WES LEIGHTON MAP 1 LOT 6 V ZONE***

A review of the site plan has been completed and the following compiled are areas of concern:

- 1) The septic system design appears to be designed for office type uses. If a dental or medical use is proposed this system is too small. Need to know exactly what the planned uses are. See chart 901.2 of the Subsurface waste regulations.
- 2) Also Biohazard waste from dental or other medical uses would require a Hazardous Waste Permit.
- 3) The number of parking spaces required is determined by the use of the building,
- 4) Nothing on the site plan indicates the location of signage or loading and off loading areas.

Wes Leighton indicated that the septic system was over designed by Mr. Gardner. The rental spaces have approximately 800 sq. ft. area once you have taken the area designated for the bathroom and kitchen area. The entire building is 3200 sq. ft. The parking spaces on the plan have been calculated for large vehicles not the new standards and 23 parking spaces are noted on the plan. The water supply planned is an artesian well. Off loading will be at the rear of the building. There is nothing on the plan for landscaping since Wes noted the entire open area around the building is to be paved.

Larry Jacobsen moved and Everett Whitten seconded a motion to approve the site plan as submitted. Vote was 4-0-0 in favor. The plan was signed by those present and dated.

Cindy Allen and John Roberts arrived at 7:45 p.m.

**8:15 P.M. BRUNETTI'S RESTAURANT MAP 30 LOT 71V AR ZONE**

Carl, Herbert & Rita Ricker are requesting a Conditional Use Permit so that the restaurant currently know as "Brunetti's" can be used in the following manner:

"An Eating Place / Take out Place / Grocery Store," (including sale of beer and cigarettes)

- 1) Eating place would encompass the sale of fast food, with "no full meals" and no china service
- 2) Proposed seating: 20 seats inside, plus 20 seats outside, plus one employee.
- 3) Use would include the sale of such staples as soda, groceries, beer and cigarettes, together with a continuation of the take-out service which has traditionally been undertaken by Brunetti's. There is currently a take-out window, ample parking, estimated 15 spaces, beautiful water views, and an adequate septic system (estimate 584 gallons per day).

The restaurant has been closed for over a year. The Ricker's and attorney Peter Clifford had met with Tim Nelson and Dianne Holden to discuss the process to reinstate a use for the property.

John Roberts moved and Roland Denby seconded a motion to allow a Conditional Use under Sections 2.08, 4.02 and Article 9 Section 9.04 on the building and property to allow the sale of fast food and take out on single use utensils with twenty seats inside and twenty seats outside or the use as a variety store which would be allowed ten inside seats and twenty outside seats.

Discussion: Larry Jacobsen noted to those present that in 1985 the Ricker's had come before the Planning Board requesting permission to place a 15' x 7' washroom addition. The request was denied. If the building is to be bank financed the violation may present a problem. Mr. Ricker indicated that he was not the person that placed the addition on the building. The area is being used to store refrigeration. The buildings have been connected for over 4 ½ years. It has been there for a long time and nothing has been done as of this time.

The vote was 4 in favor none opposed and one abstention.

**8:35 P.M. SITE PLAN FOR JUNKYARD PERMIT ROBERT & RUTH JONES  
MAP 4 LOT 29 AR ZONE**

Attorney Chris Vaniotis was present at the meeting at the Planning Board's request to assist them in interpretation of all state and local regulations regarding the request for a junkyard permit for this property. Note the attached copy of the written interpretation of areas of concerns that Mr. Vaniotis was asked to address by the Planning Board. A copy of the letter was presented to Mr. & Mrs. Jones. (See Attached Letter)

Larry Jacobsen asked Mr. Vaniotis if the required setbacks were being met. Mrs. Jones replied that they were being met. Mr. Jones indicated to Mr. Jacobsen not to get smart with Mrs. Jones.

Words were exchanged by Mr. Jones and Mr. Jacobsen and Mr. Jacobsen chose to leave the meeting for the evening.

Roland Denby indicated that basic differences between a junkyard and re-cycling were the permit requested by the applicant. Mr. Vaniotis indicated the major differences as stated in his letter and also indicated the difference from a one year permit to a five year permit. The aquifer was definitely a concern however the fact that one existed does not constitute the denial of the application. The Waterboro Zoning Ordinance does require certain criteria such as a minimum setback of 500 ft. from a residence and Mr. Vaniotis indicated the board could condition the approval as they saw fit to assist in protecting the general area.

The Board of Selectmen still have to issue a permit under the State Law. The Planning Board proceeded to review the plan for compliance with the Site Plan Regulations. It was noted that there were no topographic lines on the site plan and a waiver would be needed.

John Roberts moved and Roland Denby seconded a motion to waive Section D Item #8 of the Site Plan Review Ordinance. Vote was 4-0-0 in favor of the motion.

Abutters have been notified of the project. Dianne Holden indicated that she is an abutter and she did not receive notification.

The board should keep in mind that the Board of Selectmen will have to issue a permit by the State Classifications for a Junkyard.

John Roberts noted Item #13 which deals with hazardous material. A copy of the Hazardous Waste Ordinance including the application was given to the applicant.

John Roberts moved and Everett Whitten seconded a motion to approve the Junkyard/Site Plan as defined in Article 14 and the Site Plan Review Standards and a Conditional Use Permit under 3.09 Item #29, 4.02 subject to an approval for a Hazardous Waste Permit issued by the Code Enforcement Officer and that a monitoring well be installed in the existing gravel area 100 ft. from the vehicle graveyard and the applicant shall present a water test before the junkyard opens to be used as the control test and a yearly test completed by a licensed laboratory be presented and if the test results show disintegration this would be grounds for revocation of the Conditional Use Permit under Item 2 and Item 13 of the Site Plan Review Ordinance and further the site shall be developed and utilized only as shown on the approved site plan and any modifications will require further approval by the Planning Board. Vote was 4-0-0 in favor of the motion.

***9:00 P.M. MAINE CRANBERRY COMPANY MAP 1 LOT 25 AR ZONE***

The Board asked Mr. Garson to respond to the letter dated June 10, 1996 presented by Acheron Engineering Services. Dan Garson believed that the board had focused on two structures the first was the pesticide storage and the second was the design and construction of the intake structure.

The applicant's letter responding to these questions has addressed all of the concerns raised and the responses were found to be complete and adequate for review purposes.

Based on the materials reviewed and the responses noted, Woodard & Curran recommends that the Board adopt certain conditions of approval that should be incorporated to any permit granted to the applicant.

- 1.) Add a three inch raised lip to the entranceways of the chemical storage building, at all overhead and entry doors, to provide a barrier to possible release of chemicals to the environment. All chemical containers inside the building shall be stored on the type of spill containment pallets specified in the applicants letter.
- 2.) A written spill release/emergency plan shall be prepared by the applicant and submitted to the appropriate Town official and/or board.
- 3.) The applicant shall employ a licensed operator for chemical applications and operate in conformance with the regulations for chemical usage of the Maine Pesticide Control Board.
- 4.) A written description shall be prepared by the applicant and submitted to the Town which presents the calculations and measurements that were used to establish the precise water-surface elevation at the intake structure that corresponds to the stream flow limits below which no water can be withdrawn.
- 5.) "As Built" plans of the project shall be prepared by the applicant and submitted to the Town at the conclusion of the project's construction in Waterboro.

John Roberts moved and Roland Denby seconded a motion to approve the Waterboro portion of the site plan dated February 7, 1996 Shaker Valley Cranberry Farm a subsidiary of Maine Cranberry Company with the following conditions:

- 1.) 1) The building be constructed with a three inch raised lip to the entranceways of the chemical storage building, at all overhead and entry doors, to provide a barrier to possible release of chemicals to the environment.
- 2.) A written spill release/emergency plan shall be prepared by the applicant and submitted to the Planning Board and the Waterboro Fire Department.
- 3.) The applicant apply for and receive a Hazardous Waste Permit.
- 4.) The applicant shall employ a licensed operator for any spraying or mixing of chemical applications and operate in conformance with the regulations for chemical usage of the Maine Pesticide Control Board.
- 5.) Applicant supply "As Built" plans of the project shall be prepared by the applicant and submitted to the Town at the conclusion of the project's construction in Waterboro and supply the calculations and measurements that were used to establish the precise water-surface elevation at the intake structure that corresponds to the stream flow limits below which no water can be withdrawn.
- 6.) The site plan shall be developed and utilized only as shown on the approved site plan and any modifications will require further approval.

Vote was 4 in favor none opposed no abstentions. A written summary of the Dan Garson's commentary to the board was requested by the board.

## **I OLD BUSINESS:**

- 1. Carpenters Woods** A copy of the report from John Murphy was presented to the Board. (See attached report.)

Mr. Bill Speed was present and indicated to the Board that John Murphy had covered the issues that the board had concerning the safety issues in the report. Mr. Speed noted that the board had indicated at a previous meeting that they had determined through legal counsel that a developer was responsible for bringing the safety factor back to the existing level of an already existing condition, but not for the entire solution of the existing status of a road. Bill indicated that the cost would appear to be between \$2,000 and \$2,500, he believed that the petition had 17 signatures on it that asked the board to look at the impact to the area. The developer is adding 5 lots to this area which equal 22 responsible people. What constitutes minor in nature. By these numbers it would calculate the developer had 1/5<sup>th</sup> of the responsibility.

John Roberts moved and Dwayne Woodsome seconded a motion that Carpenter Woods Subdivision can proceed with Preliminary Plan after they have incorporated the recommendation and actions as described in John Murphy's letter dated May 28, 1996 under Subdivision Regulations Article 3 Item E. Vote was 4-0-0 in favor.

### **1. Victor and Fred O'Clair Subdivision Preliminary & Final Plan**

The O'Clair's are back before the board for Preliminary and Final Plan Review and have made the requested changes from the previous meeting. The O'Clair's are requesting permission to take the signed plan to the attorney's office for the heirs of Jean O'Clair to sign. They will not sign the plan until the town has approved it.

John Roberts moved and Roland Denby seconded a motion to grant Fred O'Clair's request for waiver of the scale. Vote was 4-0-0 in favor.

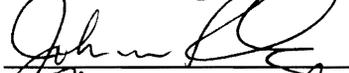
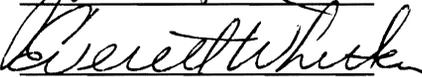
John Roberts moved and Roland Denby seconded a motion to approve plan presented for Preliminary and Final for Fred & Victor O'Clair dated September 24, 1991 revised June 1996 with accompanying deeds from Victor and Fred O'Clair and Joseph Peter Lewis Jr. with regard to the common well and the deed from Fred O'Clair and Joseph Peter Lewis Jr. to Paul and Brenda Gagne and that this approval is conditioned upon the O'Clairs getting the two remaining signatures of the owner's and returning the appropriate plans back along with the appropriate deeds to the Town of Waterboro to register and all fees be paid. Vote was 3 in favor none opposed and Dwayne Woodsome abstained since he had done work for the O'Clairs during this process.

**VII NEW BUSINESS:**

**VIII ADJOURNMENT: Meeting adjourned at 10:05 p.m.**

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

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# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

JUNE 27, 1996

Meeting called to order by Chairman, Cindy Allen at 7:30 p.m.

Dianne Holden was not in attendance due to illness.

**I ROLL CALL:** Present were Larry Jacobsen, Roland Denby, Everett Whitten and Cindy Allen, Chairman.

**II MINUTES OF PREVIOUS MEETINGS:** April 25, 1996, May 8 and May 23, 1996 and June 12, 1996.

Everett Whitten moved and Roland Denby seconded a motion to approve April, 25, May 8, and May 23, 1996 minutes as printed. Vote was 3-0-0 in favor.

Roland indicated a change for the June 12, 1996 minutes regarding his question to Attorney Chris Vaniotis. He indicated to Mr. Vaniotis that the difference between a graveyard and re-cycling was the permit. Roland also noted that the section that Chris Vaniotis noted should have been paragraph B and not D as noted in the minutes.

**III COMMUNICATION AND BILLS:**

1. Letter from the Board of Selectmen requesting time be set aside at the beginning of each meeting for either the Town Planner or the Board,
2. Renewal of Conditional Use Permit issued to Ruth Kearn
3. Letter from Woodard & Curran Re: Findings of Review of Shaker Valley Farm
4. Bill for services rendered from Woodard & Curran for Shaker Valley Farm
5. Letter from Southern Maine Regional Planning Commission Re: July 10, 1996 meeting,
6. Information from HydroSource Associates, Inc.
7. Letter from Tewhey Associates Re: Townhouse Woods Nitrate Evaluation Review

Larry Jacobsen moved to re-approve the Conditional Use Permit issued to Ruth Kearn dated 12/13/95. Roland Denby seconded the motion the vote was 3-0-0 in favor.

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

7:30 P.M. SAD #57 MAP 1 LOT 39 VILLAGE ZONE  
7:45 P.M. ROBERT RYDER LAKE ARROWHEAD LOTS A93, A396 AND A 545  
8:00 P.M. DENNIS BABB MAP 5 LOT 13A AR ZONE  
8:10 P.M. WAYNE GAUTHREAU MAP 41 LOT 20 AR ZONE  
8:20 P.M. RACHAEL MCADOO MAP 9 LOT 6-3 AR ZONE  
8:30 P.M. EDWARD DUFFY MAP 47 LOT 117 AR ZONE  
8:45 P.M. DAVID GIRARD MAP 45 LOT 1439 R ZONE

**7:30 P.M. SAD #57 MAP 1 LOT 39 VILLAGE ZONE**

SAD #57 received a variance from the Zoning Board of Appeals of the 35 ft. height restriction to allow the installation of 70 ft. light poles for lighting of the soccer and football fields. This use is considered under Section 8.03 Height Modification and also is listed under the land use chart 3.09 Item #44 as a Conditional Use. SAD #57 is also requesting permission to locate an additional modular classroom at the Middle School as indicated in the updated site plan drawn by Sebago Technics. Mr. Lebel of SAD #57 and Mr. Morton of Sebago Technics were present as representatives of the school system.

The placement of eight poles on the fields for lighting of the soccer and football fields is required. Each pole will have ten lights to provide the required candle watts for the lighting of the field. This project is in conjunction with the school and the boosters club. The cost is reasonable for the usage. Mr. Lebel indicated approximately \$4.00 per hour for the usage of the lights.

Larry Jacobsen moved and Everett Whitten seconded a motion to approve the Conditional Use and Height Modification request as presented under section 3.09 #44 and 8.03 not to exceed the seventy (70) ft. variance granted by the Zoning Board of Appeals. Vote was 3-0-0 in favor.

The second request of SAD #57 is to allow placement of a new portable classroom in the same area as the existing two portable classrooms. Mr. Lebel indicated they are simply running out of room. The distances are tight and they will be placing the new unit on the walk area.

Larry Jacobsen indicated a safety concern since the students will most probably redirect into the driveway utilized by the buses. Possibly a barrier to allow an alternate route to the sidewalk. Larry indicated that there is enough room to rope off an area adjacent to the old sidewalk that would allow the buses access and be barricaded off to allow students a means of access as well and provide a safer environment.

Sharon Abbott inquired as to the status of the existing septic system since each of the portables adds approximately 70 students. It was noted that the school is possibly looking at the addition of two more portable units in another year. The calculation used to design systems is 6 to 10 gallons per day. The system has been added since the original installation.

Larry Jacobsen moved and Roland Denby seconded a motion to approve the addition of a portable classroom with the condition that a safe alternate means of access be provided for the sidewalk that is being covered by the portable classroom. Vote was 3-0-0 in favor.

**7:45 P.M. ROBERT RYDER LAKE ARROWHEAD LOTS A93, A396 AND A 545**

The lots are configured to allow a building to meet the setbacks. Mr. Ryder indicated that these lots as presented are not sold however he would provide updated plans as they are sold. He asked if the board could allow the a larger envelope since once the steps and bulkhead and overhang are there is very little space to deal with. He has not been off up to this date however if possible this would allow a margin for error. The lots have not been surveyed however Mr. Ryder indicated he has located the pins on each lot. He checks the placement of the excavation area for the foundation and marks it he then checks the location of the footings and then the forms for the foundation walls.

Larry Jacobsen moved and Everett Whitten seconded a motion to grant permission to utilize 34 ft. sideline setbacks on lots, A93, A396 and A545, all other setbacks to be maintained, under section 2.08 and 4.02 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor.

**8:00 P.M. DENNIS BABB MAP 5 LOT 13A AR ZONE**

Mr. & Mrs. Babb are requesting permission to construct a garage on a non-conforming lot located off route 202 & 4 in East Waterboro. The board previously approved the use of less restrictive setbacks to allow the construction of a house on the lot. The garage can meet the same setbacks granted the house. Mr. Babb indicated that the 75 foot setback could be maintained however he would like to place the garage in line with the home if possible. Mr. Babb would also like to place an above ground pool on the property at the end of the house.

Larry Jacobsen moved and Everett Whitten seconded a motion to allow the construction of a garage using the same setbacks as previously approved October 14<sup>th</sup>, November 18<sup>th</sup> and issued December 1, 1992 and the placement of a twenty ft. above ground pool and deck utilizing the same 48 ft. setback from Mast Camp Road and 50 ft. front yard setback from Route 202/4 for the pool only and the sideline setback of 35 ft. to be met under Section 2.08, 4.02 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor.

**8:10 P.M. WAYNE GAUTHREAU MAP 41 LOT 20 AR ZONE**

Mr. Gautreau is requesting permission to remove an exiting trailer that has been utilized as a storage structure for several years and replace it with a smaller shed style building. As presented the proposed structure is 112. Sq. ft. smaller in dimension and would not go closer to the property line or the water than existing structures now located on the property. This lot does fall within the shoreland zone.

Larry Jacobsen moved and Roland Denby seconded a motion to allow the demolition of the trailer and allow a 12 ft. x 20 ft. shed to be constructed no higher than 14 ft. to the peak of the roof and no closer than 10 ft. to Silas Brown Road and no further than 15 ft. from the Silas Brown Road under section 2.08, 4.02 and 7 2. B. #3. Vote was 3-0-0 in favor. Mr. Gautreau asked about a fence. He was informed that a fence could be placed on the property as noted by himself along Silas Brown Road without a building permit.

**8:20 P.M. RACHAEL MCADOO MAP 9 LOT 6-3 AR ZONE**

The applicant is proposing the use of an existing garage on the property to be utilized as a flea market. The zoning ordinance allows for this use as a conditional use to be reviewed by the Planning Board under section 3.09 Item #18. Bernadette Gerry and Rachael McAdoo are the only people that will be employed. There are two locations adjacent to the driveway that will handle the parking for this use. Rachael McAdoo also has a small woodworking shop in the garage. Bernadette Gerry will be running the flea market.

Roland Denby moved and Everett Whitten seconded a motion to grant approval of the Conditional Use Permit for the Flea Market - Woodworking- Odds & Ends under Section 3.09 Item #18 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor.

**8:30 P.M. EDWARD DUFFY MAP 47 LOT 117 AR ZONE**

Mr. Duffy has contracted with Donald Burns to construct a 10 ft. x 27 ft. deck to be constructed on the water side of the cottage. As presented the site plan shows the house to be over 100 ft. from the high water mark. It is questionable whether the addition would infringe on the 100 ft. shoreland setback.

Mr. Burns noted that the deck can meet the setbacks. Those presented indicated that if the deck does not meet the required 100 ft. setback the deck may have to be removed. Mr. Burns indicated that he has measured the structure on site and finds it to be 110 ft. from one corner and 112 ft. from the second corner.

Everett Whitten moved and Roland Denby seconded a motion to approve provided the deck remains 100 ft. from the normal high water mark under sections 2.08 and 4.02 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor.

**8:45 P.M. DAVID GIRARD MAP 45 LOT 1439 R ZONE**

Mr. Girard has received his permit from Saco River Corridor Commission for the construction of a cape style home. As indicated by the plan presented by Mr. Girard the front yard setback from Ebony Lane of 50 ft. cannot be met. Mr. Girard indicated that SRCC has approved this construction project however he must maintain a green belt off Ebony Lane.

Roland Denby moved and Larry Jacobsen seconded a motion to grant the request of David Girard allowing a 38 ft. front yard setback off Ebony Land and all other setbacks be met as per section 2.08, 4.02 of the Waterboro Zoning Ordinance and Saco River Corridor Permit. Vote was 3-0-0 in favor.

**VI OLD BUSINESS:**

**1) *PAULETTE DAVIS MAP 38 LOT 43 AR ZONE***

Ms. Davis is requesting permission to construct a new style roof over the existing cottage. A small dog house style structure is also noted on the plans presented. The Planner has not gone over the plan to calculate the 30 % expansion allowed for this structure. It would appear by the figures presented that the sq. footage has been calculated however the increase in volume has not been taken into consideration. Also the plan shows an existing deck over the roof facing the water. This deck was placed without first receiving permits from Mr. Nelson. Both Ms. Davis and Gary Pennell were before the board and indicated there discussion with a carpenter who had been in to inspect the building and he informed both Ms. Davis and Mr. Pennell that the structure was extremely well built. It was noted to the board by Mr. Nelson that a foundation has been installed, a landing area has been newly renovated and a patio installed. The building is approximately 75 ft. from the normal high water mark.

Larry Jacobsen moved and Everett Whitten seconded a motion to have the Town Planner forward the plans to Southern Maine Regional Planning Commission for assistance with the review. The vote was 3-0-0 in favor.

Issues in Mr. Nelson's memo were brought up, a copy of the areas of concern was given to Ms. Davis. 1) Loam in front of cottage towards West Shore Drive, 2) Approval for work completed to date on foundation and the land/patio, 3) Question on the existing septic system.

Ms. Davis indicated that a cement pad has been placed in front of the front door. The cinder block foundation was repaired and rotten boards removed and the area is now covered with a tarp. The seven foot wall was cracked, a seven foot wall was placed and the sand as noted in the memo was stabilized.

**VII NEW BUSINESS:** Communication from John Tewhey & Associates was reviewed. Since the applicant was not in attendance the board took no action on the information presented by Mr. Tewhey.

**VIII ADJOURNMENT:** Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Richard E. Deely  
John M. [Signature]  
Everett White

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# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

JULY 10, 1996

Meeting was called to order by Vice Chairman, Roland Denby at 7:40 p.m.

- I **ROLL CALL:** Present were Larry Jacobsen, Everett Whitten, Judi Carll, Douglas Foglio and Roland Denby, Vice Chairman from the Planning Board. Others present were Selectman, Dale Witman and Dave Kruegar from the Zoning Board of Appeals.
- II **MINUTES OR PREVIOUS MEETINGS:** June 12, 1996 and June 27, 1996 minutes.
- III **COMMUNICATION AND BILLS:**
- IV **REPORT OF OFFICERS:**
- V **APPOINTMENTS:**

**7:30 p.m. Southern Maine Regional Planning Commission (SMRPC)**

Present from SMRPC were Dan Fleichman and Paul Schumacher, Executive Director. They explained that they can assist the towns within their region with planning issues, writing of grants, assistance with technical reviews of site plans, subdivisions. They have scheduled appointments with one community and reviewed all projects until the board felt comfortable with their expertise.

Dan indicated that Dianne and Sharon had noted an interest in grant writing and possibly checklist development. Dan indicated that he is familiar with zoning issues and the general area. The regional commission as an organization is made up of towns that created the commission. They are present to do what is asked of them by the towns. Towns in York County formed the organization. Besides planning they run a cooperative purchasing program for road salt, culverts, copy paper and have bulk purchasing power. Waterboro has not been involved in the past few years. The town pays \$1,000 to the county for the services of the commission. Most towns would save three times that amount if they participated in the co-op. Legal issues? Dan indicated that Attorney Madge Baker left a few years ago and has not been replaced. They do have attorneys that can be called if necessary.

SMRPC can assist with the deciphering of zoning laws to help towns straighten inconsistencies. They can render assistance with reviewing plans to see if they meet the standards. Whatever range of services the towns need. Fees? On something they can answer generally it would be covered by their funding. If they were to re-write ordinances there would be a cost incurred. Roland Denby indicated that the financial portion would be up to the selectmen unless for subdivisions or site plans the money would come by means of the selectmen. In some areas the state funding allows for certain tasks without a fee for example, shoreland zoning, code enforcement training, subdivision review, flood plain management, mobile home park laws. Technical assistance for instance if the board needs help on review to comply with shoreland zoning this could be covered under the state funding.

A re-write of the ordinance or to be at planning board meetings would not be covered. There is no clear cut line as to when a charge would be incurred. Paul is the executive director and is full time with three other people SMRPC has an office manager/bookkeeper.

SMRPC assists towns that don't need a full time planner but still need the assistance from time to time at a reasonable rate. If the board had a more specific description of services needed they could look at it and give an estimate. The town of Lyman recently wanted some assistance some area were covered and some there was a fee incurred to the town.

There was interest expressed in holding a workshop for zoning board of appeals and planning boards these areas would fall under the general scope of funding. They generally are held at Massabesic High School and would be open to towns within the region to make it more cost effective.

One area of concern noted was that in the coming change in the site location law. This would be a new responsibility of local planning boards. Currently five or more lots of 20 or more acres goes to DEP for review as well as 3 or more acres of unvegetated area on a lot. Total de-regulation is planned for the year 2003. It was noted that this is to be the first step in a phase out for towns having over 2500 population and have capacity for review. DEP will still be present on a request basis for technical assistance.

Paul and Dan indicated that they have written both state and federal grants. They also try to provide service for private foundation grants.

It was asked of Paul and Dan if they had copies of model site plan reviews. They indicated they had models of zoning and subdivision and zoning provisions. They did indicate that they have a zoning ordinance with performance standards. Doug Foglio indicated concern with existing site plan review ordinance and conditional uses.

Town Planner - It was indicated that a decision to hire Pat Sicard, a past member of the Finance Committee has been made by the selectmen. It will be September 1, 1996 before she will be on board however Dianne will serve until that time.

It was noted that the board is currently dealing with multi-level - three or four minor/major subdivisions with no proposed roads.

It was noted that hydrogeologic studies were big - now working with DEP and others it is being found that there is not as much impact as they thought years ago.

Statute - states certain information to justify findings. Information needed justification by the ordinance. Douglas noted that section 2.08 allows authority on grandfathered lots to the Planning Board. Difficult for laymen with attorneys involved. That is why SMRPC was founded. Waterboro's ordinance was reviewed by the attorneys and with six months the same firm was shooting holes it. Area businesses have noted that the town isn't doing much for the business people possibly grants could be looked at.

The zoning ordinance was meant to protect your neighbors. You can raise agriculture products however they cannot be sold unless the property is located on a state aid road. These are the discrepancies that should be taken care of. Flood plain definition needs to take place. An example was given by Mr. Foglio of expense that was incurred by property owner to prove the elevation prior to the issuance of permits. It was noted that they had to go five miles to find the nearest USCS elevation mark.

Paul and Dan indicated that possibly a letter to FEMA could help Waterboro with floodplain management since it is difficult to administer and presented inequities to the property owners because of the lack of detailed flood elevations particularly around Little Ossipee Pond.

If the board has specific areas they need assistance with SMRPC would give an estimate on the process. Between Dan and Paul they would feel comfortable that they could assist the Town of Waterboro with interpretations. An informational notebook was presented for the town by SMRPC.

## **VI OLD BUSINESS:**

### **1. Dennis Babb**

Mr. Babb has presented a new plot plan for location of an above ground swimming pool. The pool would still meet the setback granted by the board but since it was different than the board approved Sharon is asking the board to confirm the location.

Doug Foglio moved and Judi Carll seconded a motion to allow Dennis Babb to place the pool as long as it is no closer to the property lines than previously approved. Vote was 4-0-0 in favor.

### **1. Wayne Gautreau**

Steve Lambert who is the acting building officer until a person is hired to fill that position felt that the board could have had the applicant locate the shed closer to the driveway. Mr. Gautreau has indicated that to do so would mean the removal of approximately four trees on the property. This would also be a concern since the entire lot is within 100 ft. of Ossipee Lake.

Larry Jacobsen moved and Everett Whitten seconded a motion to re-affirm the approval granted Mr. Gautreau at the June 27, 1996 meeting. Vote was 4-0-0 in favor.

### **1. Brunnetti's Restaurant**

Sharon explained that the Code Enforcement Office has received several inquiries since the approval granted by the board for Brunnetti's Restaurant. Some of the proposals do not fit the exact criteria set forth in the Planning Board's approval. Would the board be able to act on other proposals presented. The board would be allowed to review different proposals. They only acted on the one presented.

**VII NEW BUSINESS:**

**VIII ADJOURNMENT:** The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Richard E. Leiby  
Ewert Whitten

Dwayne Woodsome  

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# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

JULY 25, 1996

Meeting called to order by Vice Chairman, Roland Denby at 7:30 p.m.

I **ROLL CALL:** Present were Everett Whitten, John Roberts, Judi Carll, Douglas Foglio and Roland Denby, Vice Chairman.

II **MINUTES OF PREVIOUS MEETINGS:** June 12, June 27 and July 10, 1996  
July 10, 1996 minutes indicate Cindy Allen was present that should be changed to read Judi Carll. John Roberts moved and Everett Whitten seconded a motion to approve the June 12, 1996 and June 27, 1996 minutes as amended. Vote was 3-0-1 in favor.

III **COMMUNICATION AND BILLS:**

1. Letters from Southern Maine Regional Planning Commission
2. Woodard & Curran Re: Townhouse Road Subdivision
3. Minutes of Alfred Planning Board Meeting with Maine Cranberry Company

IV **REPORT OF OFFICERS:**

V **APPOINTMENTS:**

Michael Linskey Map 38 Lot 11 AR Zone  
Mark Morin Map 41 Lot 26 AR Zone  
Robin Stackpole Map 44 Lot A562 R Zone  
Martha Cognato Map 21 Lot 20 V Zone  
Brian Gagne Map 5 Lot 53 AR Zone  
Keith Montpass Map 28 Lot 45 AR Zone  
Custom Built Homes of Maine Map 43 Lot 868 R Zone

**Michael Linskey Map 38 Lot 11 AR Zone**

Mr. Linskey is requesting permission to landscape his property by means of terracing the property towards Ossipee Lake going no closer than 49 ft. to the normal high water mark of the lake. He is trying to prevent washout and erosion. Mr. Linskey has submitted a Permit By Rule to DEP. The retaining wall will be approximately 48 ft. in length.

John Roberts moved and Everett Whitten seconded a motion to allow construction of the retaining wall as presented once they have waited the 14 days required for the Permit By Rule from DEP to become a valid permit. Approval under Article 7, Section 7.01, Item 6. Storm Water Runoff, of the Waterboro Zoning Ordinance. Vote was 4-0-0 in favor.

**Custom Built Homes of Maine Map 43 Lot 868 R Zone**

The applicant has presented plans for a 24' x 36' raised ranch home to be placed on lot #868 in the Lake Arrowhead subdivision meeting all required setbacks. This is a non-conforming lot that requires review by the planning board under section 2.08. The applicant received his approval at a hearing July 24, 1996. A copy of the permit should be forthcoming.

Douglas Foglio moved and John Roberts seconded a motion if all setbacks could be met upon receipt of the Saco River Corridor Commission Permit the Code Enforcement Officer can proceed with the issuance of a Building Permit under Section 2.08 of the Waterboro Zoning Ordinance. Vote was 4-0-0 in favor of the motion.

**Mark Morin Map 41 Lot 26 AR Zone**

Mr. Morin is requesting permission to construct a free standing garage 24' x 32' on this parcel meeting the required setbacks from the water, sidelines and front property line abutting Silas Brown Road. The proposed garage has a drive through design to allow Mr. Morin better access with the storage of his boat. This falls under section 2.08 of the Waterboro Zoning Ordinance since it is a non-conforming lot.

John Roberts moved and Everett Whitten seconded a motion that Mark Morin be allowed to construct the garage under Section 2.08 and as per plan presented dated 7/25/96. Vote was 4-0-0 in favor of the motion.

**Robin Stackpole Map 44 Lot A562 R Zone**

The Stackpole's are requesting permission to add a second story to an existing structure in the Lake Arrowhead subdivision. This is an upward expansion to a conforming structure on a non-conforming lot. The addition will have a gambrel style roof and as presented would not violate the required setbacks. Mr. Stackpole indicated that the existing bedrooms will be remodeled into a dining room, and a den. The septic design would allow the expansion.

John Roberts moved and Douglas Foglio seconded a motion that the Stackpoles be allowed to add the second story with three bedrooms, any additional bedrooms would require a new septic design under Section 2.08 of the Waterboro Zoning Ordinance. Vote was 4-0-0 in favor of the motion.

**Brian Gagne Map 5 Lot 53 AR Zone**

Mr. Gagne is requesting permission to repair automobiles, small trucks, all-terrain vehicles, outboard motors, lawn mowers and snowmobiles in the garage rental building located on Route 202/4 owned by Pat Papa previously owned by Ray Janson. The use is noted as an allowed Conditional Use. The number of uses on this property is in order with previous approval by the board housing five (5) uses. Storage of vehicles and of oils, gasoline and other materials during the repair process should be addressed.

John Roberts moved and Everett Whitten seconded a motion to grant approval of the use under Sections 3.06, 3.09, Item #30, 4.01 and 4.02, all repairs be completed inside the building so that any spills would be contained within the building.

Storage of vehicles? Currently there are four vehicles on site those will be moved. The only vehicles parked in the future will be those being worked on. No sale of vehicles intended just repairs. Vote was 4-0-0 in favor of the motion.

**Keith Montpass Map 28 Lot 45 AR Zone**

Mr. Montpass has a cottage in Black Cove. The cottage is currently on concrete blocks. Mr. Montpass would like permission to relocated the cottage as indicated on the plot plan presented

which would allow the construction of a deck and remodeling of the porch. Mr. Montpass is trying to straighten the cottage on the lot. A new septic design is on file.

John Roberts moved and Judi Carll seconded a motion to allow Keith Montpass to relocate and expand his structure, expansion be no greater than 30% under Section 2.08, 4.02 and 7.02, 2.B.1., 2. And 3. Of the Waterboro Zoning Ordinance and that a new septic system be installed and soil and erosion methods be utilized if applicable during the excavation project. Vote was 4-0-0 in favor.

**Martha Cognato Map 21 Lot 20 V Zone**

Mrs. Cognato is requesting permission to utilize the area previously known as Tony's Sub Shop for a rental unit. When the sub shop closed the Cognato's came in to see the Code Enforcement Officer to change the use to storage for the parts store. The use for the part store changed from a 20,000 sq. ft. use to a 40,000 sq. ft. use. The Cognato's are now requesting the downsize of the space for the part store to allow for a rental space. The sub shop has been closed for approximately two years. The lot size is over ½ acre and the Cognato's believe the septic tank is a 1,000 gallon tank.

John Roberts moved and Douglas Foglio seconded a motion under Section #3.09 they can have two 20,000 sq. ft. permitted business and that if the business requires an updated system that a new one be installed prior to the rental of the space.

Doug noted that the zoning ordinance does not address the water system however Doug noted that the board should encourage people to hook on to the system. Parking available is six spaces plus in between the buildings for help or additional parking in the back yard. Vote was 4-0-0 in favor of the motion.

**VI OLD BUSINESS:**

**Jerry Hotchkiss Map 33 Lot 47 AR Zone**

Mr. Hotchkiss received approval for a 28.75% expansion of his cottage. During the construction process he realized that they had no interior access to the basement area of the cottage. He is now proposing a solution that would add 152 cubic feet to the size of the cottage out of an available 155.7 cubic feet.

Doug Foglio moved and John Roberts seconded a motion to grant approval of the change as presented and as previously approved. Vote was 4-0-0 in favor of the motion.

**VII NEW BUSINESS:**

**1. Election of Officers**

Roland indicated it was election of officers and opened the floor for nominations for chairman.

Everett Whitten moved to wait until a full board was present. There was no second to the motion. Motion failed. After discussion of those members present it was the general consensus to have Sharon send a notice to all members of the board indicating that election of officers will be held at

the August 14, 1996 meeting. This should allow all members of the board to be present to allow for a vote of the full board for officers for the ensuing year.

Chairman of the Board of Selectmen, Robert Fay was present and asked if he wished to speak with the board. He informed the board that he would like to address the board sometime in the future, not at this meeting.

Doug Foglio noted that there used to be a committee that completed on site inspections and reported back to the board at regular meetings. Polaroid photos were taken and/or a video was made of the visit. He felt that this was something that is very helpful to the board.

Roland Denby indicated that the board had gotten away from the on site inspections since Mr. Morin had left. Photos of the town to see how the town has progressed and developed would be helpful also to the board. Doug noted that he has a collection of old post cards that would help with the history. Douglas also noted that he felt the Planning Board should take an active role in the re-naming of the roads with the E911 program.

Discussion of holding one additional meeting night per month for planning issues.

Doug indicated that in certain instances he believed that Home Rule should govern if the regulations are state then let the state enforce their own regulations. It was noted that Shoreland Zoning was mandated by the State of Maine and Dianne Holden indicated that each member of the Planning Board was sworn to uphold all local, state and federal laws.

The Board of Selectmen have requested in a memorandum that a time be set aside on the agenda when needed for them.

Roland Denby volunteered to be a member of a committee to visit sites.

Bernstein, Shur and Nelson are the new attorney's for the Town of Waterboro.

Areas noted for future discussion and review of the board are as follows:

On Site Inspections	Home Occupations
Extra Meeting Workshops	Pictorial History
Ossipee Lake Tour	Zoning Changes For Annual Town Meeting

VIII ADJOURNMENT: Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
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# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

AUGUST 14, 1996

*Meeting called to order by Vice Chairman, Roland Denby at 7:45 p.m.*

I      **ROLL CALL:** Present were Judi Carll, John Roberts, Douglas Foglio, Everett Whitten, Dwayne Woodsome and Roland Denby, Vice Chairman.

II     **MINUTES OF PREVIOUS MEETINGS:**

III    **COMMUNICATION AND BILLS:**

IV    **REPORT OF OFFICERS:**

V     **APPOINTMENTS:**

Paulette Davis Map 38 Lot 43  
Carol Widen Map 30 Lot 1 AR Zone  
Carl Munroe Map 28 Lot 43  
Genest Concrete Map 13 Lot 59 AR Zone

**7:30 p.m. Paulette Davis Map 38 Lot 43 AR Zone**

Paulette Davis has been in before the board on two separate occasions trying to get approval on a proposed expansion of cubic feet by changing the pitch of a shed style roof. At the last meeting with Ms. Davis the board voted to forward the plans to Southern Maine Regional Planning Commission. They did complete the review and had questions that have been answered and Ms. Davis is presenting updated plans for expansion. Ms Davis has adjusted the pitch to the new roof and it appears does not exceed the 30% expansion allowed under Section 7.01 2.B. 1., a. of the Waterboro Zoning Ordinance. Ms Davis indicated she would like to have a balcony on the rear side of the cottage that faces West Shore Road to help with the aesthetics of the new roof addition. There is no door that has direct access planned for the balcony. Ms Davis indicated she has considered utilizing this for window boxes. Proposed width would be 2 ft. by 15 ft. which would equal a .018% expansion.

John Roberts moved and Douglas Foglio seconded a motion to allow Paulette Davis to add on to the existing building a balcony that is 3 ft. by 15 ft. or a 2 ft. by 31 ft. and other changes by plans dated April 4, 1996 as redone and dated and initialed at the meeting under Section 2.08, 4.02 and 7.01 2.B.1.a. of the Waterboro Zoning Ordinance. Vote was 4-0-0 in favor of the motion.

**7:45 p.m Carol Widen. Map 30 Lot 1 AR Zone**

Ms. Widen is proposing an addition to an existing non-conforming structure that falls within 100 ft. of the normal high water mark of Ossipee Lake and the lot is also non-conforming. It would appear that the expansion is within the 30% allowed by Section 7 of the ordinance. This is the first request for expansion since 1989. The ceiling height meets the Building Code as presented. Gary Pennell was present representing Ms. Widen and he explained that the proposed addition would go no closer to the normal high water mark of Ossipee Lake than existing structure.

Douglas Foglio moved and John Roberts seconded a motion to grant permission as per plan presented under Section 2.08, 4.02 and 7.01 2. B.1.a. of the Waterboro Zoning Ordinance. Vote was 4-0-0 in favor of the motion.

**8:15 p.m. Genest Concrete Sokokis Estates Subdivision Map 13 Lot 59 AR Zone**

Genest Concrete has filed an application to delete the Sokokis Estate subdivision. They have presented plans to revert the delineated lots back to one consecutive lot that they plan on using for continued gravel extraction which will be presented to the Board in the future. Mr. Genest indicated he would forward paperwork to Sharon since he had presented a similar project in another community.

The board members questioned the power line easement for the camp owners that was given to them recently. A copy of the deeded easement was requested for the files.

John Roberts moved and Douglas Foglio seconded a motion that Sokokis Estates Partnership subdivision located on Waterboro Property Tax Map 13 Lot 59-1 be abolished and paperwork to the York County Registry be completed within 60 days for abolishment of this subdivision and a copy of a revised plan showing outside property lines with the right-of-way easement and utility easement shall remain in effect under Section 7.4.1 of the Waterboro Subdivision Regulations. Vote was 4-0-0 in favor of the motion.

**8:00 p.m. Carl Munroe Map 28 Lot 43 AR Zone**

Mr. Munroe started to rip rap the area adjacent to Ossipee Lake in August of 1995. A stop order was placed on the project and Mr. Munroe has applied for a permit from DEP. Mr. Munroe has received his permit and is requesting permission to install the rip rap and stairs to the water as per permit issued by DEP. DEP has required the stairs to cut down on the erosion that foot travel causes. The wall has already been constructed, I have enclosed a copy of the DEP permit that Mr. Munroe has provided. The Munroe's are not able to attend a meeting since they live out of state. Sharon presented the project in their absence. If necessary the Munroe's will be available by telephone to answer any questions that may arise.

Douglas Foglio asked how a decking system could be allowed. It was explained that the shoreland section of the ordinance deals with this type of situation. John Roberts moved and Everett Whitten seconded a motion to allow Mr. Munroe to fulfill his DEP permit dated February 14, 1996 under Section 7.01 3.E. of the Waterboro Zoning Ordinance. Vote was 4-1-0 in favor of the motion.

## **VI OLD BUSINESS:**

### **1. Election of Officers**

Roland Denby opened the floor to nominations:

John Roberts nominated Douglas Foglio for Chairman, Doug then asked if Roland would consider taking the position. Roland indicated that he felt someone else should have the honor . Doug noted he had commitments that would keep him from attending some meetings. Nominations closed, vote was 5-0-0 in favor of Douglas C. Foglio as Chairman of the Waterboro Planning Board.

Doug Foglio nominated Roland Denby for Vice Chairman, Judi Carll seconded the nomination - Roland Denby declined the nomination for Vice Chairman.

Dwayne Woodsome nominated John Roberts for Vice Chairman - nominations closed, vote was 5-0-0 in favor of John Roberts as Vice Chairman of the Waterboro Planning Board.

John Roberts nominated Dwayne Woodsome for Secretary/Treasurer - nominations closed, vote was 4-0 in favor of Dwayne Woodsome for Secretary/Treasurer of the Waterboro Planning Board.

Elections Closed. Douglas Foglio and John Roberts left the meeting since both work with Mr. Kasprzak as an employee and contractor.

### **2. Townhouse Woods Subdivision**

Kasprzak ten lot subdivision Townhouse Woods Map 13 Lot 59 is back before the board. I have previously forwarded information from John Tewhey Assoc. as it has come in regarding this project. A copy of the letter that was submitted with the Preliminary Plan that is requesting consideration of approval by the Planning Board for both Preliminary and Final Plans at this meeting has been placed on file. I received the plans on Thursday afternoon and I have reviewed the plans for Preliminary Plan since change were needed to comply, however the plans have not been reviewed for Final Plan compliance.

Test wells have been placed on lots - samples completed. A pretty elaborate study has been done. Forty ft. to ground water on some lots and on lot 10 it was discovered fifty ft. to ground water based on the pond and brook elevation.

Width of Townhouse Road/Buxton Road is noted on plan as four rod width. Roland asked if the width was documented. The plan indicates the use of records from the State ,Vol. 8 Pl.an 108 from 1827 archives.

The hydro study required placement of the location of septic field and well location on the plan. The small circles indicate the well locations and the squares with a test pit are the location of the septic fields.

Post office has been contacted and a initial review indicated the placement would be double mailboxes near the shared common entrance to two lots. A fifty foot greenbelt is called out on the plan. Wetland delineation is noted on the plan. It might be appropriate to leave a right-of-way to the brook. Final Checklist was reviewed. Noted to change note regarding pin placement to read No building permit to be issued until lots have been pinned. Hydrogeologist address and seal, signature line for owner/developer.

Everett Whitten moved and Judi Carll seconded a motion to approve Preliminary Plan of Townhouse Woods Subdivision. Vote was 3-0-0 in favor of motion. Steve Kasprzak asked if the board could act on the Final Plan contingent on changes being complete prior to signing since there are enough board members present to constitute a quorum.

The Final Plan was reviewed and the following changes were requested,

Dwayne Woodsome moved and Everett Whitten seconded a motion to accept Townhouse Woods Subdivision with changes to the legend on iron pin (to be set before Building Permit is issued), Subdivider Signature and Owner Signature and the Hydrogeologist name, address, signature and seal. Vote was 3-0-0 in favor of the motion.

The Board reviewed the letter from Tewhey Associates regarding the results of the hydro study and Dwayne Woodsome moved and Everett Whitten seconded a motion to accept Item #13 with no placement of wells as noted since the nitrates may leave lot 10 at a greater than 5 mg/l on final plan. Vote was 3-0-0 in favor of the motion.

John Roberts moved and Everett Whitten seconded a motion to approve July 10, 1996 and July 25, 1996 minutes. Vote was 3-0-0 in favor of the motion.

Dwayne Woodsome noted to the Board members that approximately one month ago he and Sharon had received a subpoena regarding Steven Allen property. A note to the Code Enforcement Office that the planning board approved a new home but the mobile home on the property was to be removed upon completion. Please check there maybe two residences on this parcel.

Judi Carll and Roland Denby noted they had attended a Selectmen's meeting on July 30, 1996 to review lots for Public Auction.

## **VII NEW BUSINESS:**

VIII ADJOURNMENT: Meeting was adjourned at 9:30 p.m.

Respectfully submitted,

*Dwayne Woodsome*

Dwayne Woodsome  
Secretary/Treasurer

*Ernest F. Whitaker*  
*Joseph P. G. G. G.*

*John R. K.*  
*Richard E. Deuby*  
*Judith C. C.*

# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

August 22, 1996

*Meeting called to order by Vice Chairman, John Roberts at 7:39 p.m.*

**I ROLL CALL:** Everett Whitten, Roland Denby, Judi Carll and John Roberts, Vice Chairman.

**II MINUTES OF PREVIOUS MEETINGS:**

**III COMMUNICATION AND BILLS:**

1. Letter from Crane Environmental Assoc. Re: Change in James Hamilton Sludge Permit
2. Shoreland Zoning News
3. Minutes of Alfred Planning Board Meeting

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

**Raymond Marcotte Map 42 Lot A276 R Zone**

Mr. Marcotte is requesting relief from a front yard setback and a rear setback. The proposed location of the house indicates that the front yard setback from New Dam Road can be met. The house is shown facing Greenfield which Mr. Marcotte indicated would allow the construction of a garage in the future. John Roberts indicated that the board could not grant a front yard variance as presented but they could give relief if the house were facing New Dam Road. Sharon Abbott noted that the ordinance calls both property lines abutting New Dam and Greenfield as front property lines. John Roberts indicated that precedence had been set by the board in the past. A buffer could be maintained from Greenfield. The board indicated that they could grant the approval to build a home if it were proposed to be facing New Dam, or they could deny the request and forward the applicant to the Zoning Board of Appeals. Mr. Marcotte did not feel he had much of an option and requested action by the Planning Board.

Roland Denby moved and Judi Carll seconded a motion to grant Mr. Raymond Marcotte a permit that sets the front of the house from New Dam Road a minimum of 50 ft. and a minimum of 30 ft. from Greenfield and 30 ft. from the sideline of lot A275 and the rear setback of 35 ft. be maintained so that the front door faces New Dam Road under Section 2.08, and 4.02 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor of the motion.

***Fernand Champagne Map 42 Lot A186 R Zone***

Mr. & Mrs. Champagne were requesting permission to construct a single family home on this lot in Lake Arrowhead Subdivision. Mr. Champagne indicated on the plot plan that he could maintain 35 ft. sideline setbacks however if they could allow the use of 33 ft. sideline setbacks then it would give the applicant two feet for error.

Thirty three ft. is including the drip edge of the building. It was noted that Mr. Champagne is cautious since he utilized a surveyor and the house was constructed in the wrong location.

Judi Carll moved and Roland Denby seconded a motion to approve Mr. Champagne request to build a home on Lot A186 meeting front and rear setbacks with the use of 33 ft. sideline setbacks under Section 2.08 and 4.02. Vote was 3-0-0 in favor of the motion.

*Renald Collins Map 42 Lot A207 R Zone*

Timothy Greateon was present representing Renald Collins. All setbacks can be maintained as per plot plan presented with the application.

Roland Denby moved and Everett Whitten seconded a motion to approve Mr. Collins request provided he maintains all setbacks under section 2.08 and 4.02 of the Waterboro Zoning Ordinance. Vote was 3-0-0 in favor of the motion.

Roland Denby moved and Everett Whitten seconded a motion to purchase ten copies of Planning and Land Use Laws. Vote was 3-0-0 in favor of the motion.

Mr. Greateon asked if he could address the board regarding the issue of setbacks which do not take into consideration the need to have the house facing the road to allow for construction of a garage sometime in the future. The salability of the lot is something that he feels the board should take into consideration when granting permission to build. John Roberts indicated that it was precedence of the board not to grant front door - front yard setbacks.

Roland indicated that the building office should be allowed to issue building permits on non-conforming lot when the required setbacks can be maintained. Sharon to contact town attorney to have something drafted to this effect for vote at a Special Town Meeting or the Annual Town Meeting.

**VI OLD BUSINESS:**

*Kasprzak Landbank, Inc - Signing of Final Plan*

Sharon asked if once the Final Plan comes into the office if the four members who approved the subdivision would come in for signing. Sharon to call members upon receipt of the final plans for Townhouse Woods Subdivision.

**VII NEW BUSINESS:**

VIII ADJOURNMENT: Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

Everett F. White  
John R. B.

Robanal C. Deby  
Justin Carl

# PLANNING BOARD

## Town of Waterboro

Regular Meeting

September 11, 1996

Meeting called to order by Chairman, Douglas Foglio at 7:30 p.m.  
Sharon introduced Pat Sicard to members and members to Pat.

- I ROLL CALL:** Present were Dwayne Woodsome, Judi Carll, Roland Denby, Everett Whitten, Larry Jacobsen, John Roberts and Chairman Doug Foglio.
- II MINUTES OF PREVIOUS MEETINGS:** August 14, and August 22, 1996  
John Roberts moved and Roland Denby seconded a motion to approve the minutes of August 14, and August 22, 1996. Vote was 6-0-0 in favor of the motion.
- III COMMUNICATION AND BILLS:**
- 1) Minutes of Zoning Board of Appeals and Notice of Decision
  - 2) SMRPC Re: Regional Information Bulletin
  - 3) SMRPC Re: Comments of suggested changes for the Ordinance picked up during review of Genest Borrow Gravel Pit Expansion
  - 4) Application for Shoreland Zoning Permit
  - 5) Letter from Kasprzak Landbank, Inc.
  - 6) Memo from Pat Sicard Re: Change in law regarding appeal of Variance
  - 7) Amendment to Zoning Ordinance Section 2.08

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

Leigh Goren Map 46 Lot 2174 R Zone

Mr. Goren is being represented by Tim Greaton. The enclosed plot plan shows that all required setbacks can be maintained for this lot. Doug Foglio indicated that the plot plan as presented showed that it would be extremely close. Doug felt that if the board gave him three ft. relief on each side it would allow the developer more leeway.

John Roberts moved and Everett Whitten seconded a motion to grant Leigh Goren permission to construct a home utilizing 33 ft. sideline setbacks and meeting all other setbacks under Section 2.08 and 4.02. Vote was 6-0-0 in favor of the motion.

**VI OLD BUSINESS:**

The September 26<sup>th</sup> meeting will include a three lot subdivision for Preliminary Plan Approval presented by Mr. Bradford and is located on Deering Ridge Road and abuts Bartlett Brook. Also planned was a Public Hearing for proposed zoning changes to be brought to a Special Town Meeting dealing with Section 2.08.

Sharon indicated that Mr. Bradford has asked that the Planning Board be aware that the subdivision regulations require notification of abutting property owners that Preliminary Plans will be reviewed on a certain date by registered mail. Mr. Bradforw noted that this is a very costly manner of notification when there are other methods lest costly that do the same thing.

Dwayne Woodsome moved and John Roberts moved to hold a Public Hearing for the three lot subdivision proposed by the Bradfords. Vote was 6-0-0 in favor of the motion. Sharon to notify the Bradfords of the hearing.

and a hearing to follow on the proposed changes to the subdivision regulation that states notification by registered mail to change to certified return receipt and the changes to Section 2.08.

## VII NEW BUSINESS:

### 1. *Phantom Roads*

The Planning Board would have three options 1) allow the road to revert to the abutters, 2) build the road or 3) extend the life of the paper street for another 20 years. The law said that almost all existing paper streets will be abandoned automatically in 1997. It also said that any new paper streets will only survive for a period of 20 years and then will be divided by neighboring property owners. This law was passed in September of 1987. Roland Denby suggested getting information on the law that was enacted in 1987. The procedures allowed possibly contact Mike McAlevey.

There is a meeting on October 15, 1996 for the re-naming of roads. It was noted that the Planning Board should be involved with naming streets. Pat Sicard indicated that a mailing with proposed changes will be sent out within one week.

Larry Jacobsen moved and Roland Denby seconded a motion that the subdivision regulations be amended to read certified return receipt notification in place of registered mail. Vote was 6-0-0 in favor of the motion.

Possibly to add to the pubic hearing those paper streets that we have received notification from near Ossipee Lake (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> street) Hold recommendation until after the public hearing. Possibly suggest that those requesting deletion of paper streets be allowed to do so all others could be extended an additional 20 years.

How can subdivision names of roads be changed? Research the language of acceptance for Westwind Drive and Bagley Road.

### 2. *Site Location Law*

John had received a letter from DEP regarding changes of Site Location and municipalities that meet the definition of "capacity". Sharon to contact DEP for the information that was noted as an enclosure and forward to board members.

Doug Foglio indicated that there were other things that need to be changed - for instance a new interpretation of front lot line setback that have a lot that meet minimum, standard size for the zone they are located in and a non-conforming structure present that is destroyed by fire - Are people notified of the time frame for closing of non-conforming uses.

Larry Jacobsen noted the need to work on Home Occupations. Roland Denby suggested that the board nibble at the changes versus a large number. Doug Foglio suggested having change not grouped together which might be more successful.

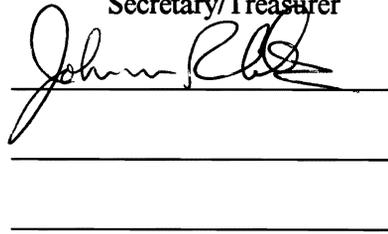
Asked if the Code Enforcement Officer would be able to attend the Planning Board meeting.

**VIII ADJOURNMENT:** Motion to adjourn by John Roberts seconded by Roland Denby at 9:12 p.m.

Respectfully submitted,



Dwayne Woodsome  
Secretary/Treasurer



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# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

September 26, 1996

*Meeting called to order by Chairman, Douglas Foglio at 7:36 p.m.*

I **ROLL CALL:** Everett Whitten, Roland Denby, Judi Carll and John Roberts, Larry Jacobsen, and Chairman Douglas Foglio.

II **MINUTES OF PREVIOUS MEETINGS:** September 11, 1996

John Roberts moved to accept the minutes of September 11, 1996 as written, Roland Denby seconded the motion. Vote was 5-0-0 in favor of the motion.

III **COMMUNICATION AND BILLS:**

- 1) Memo from Board of Selectmen Re: Budget Due December 6, 1996
- 2) Permit By Rule Notification Form From: Ethel Abbott
- 3) Solid Waste Order Transfer for Hamilton Site on Hamilton Road
- 4) DEP Information Sheet

IV **REPORT OF OFFICERS:**

V **APPOINTMENTS:**

**7:30 p.m. Lucinda Bradford Map 5 Lot 27 AR/C/Shoreland Zones Public Hearing**

Mr. Foglio opened the Public Hearing for the Bartlett Pond/Brook Subdivision at 7:45 p.m. Mr. Bradford was the only person present other than the Planning Board members and the Clerk, Sharon Abbott. The center lot has been sold and the property owner has informed Mr. Bradford that they do not want to have a shared interest in a common area. Lot 1 and lot 3 do not abut one another. Due to the state statutes dealing with the dividing of property that falls within Shoreland and the ratio requirements of depth to shore frontage of no more than 5 to 1 (Statute ss 682 & 682-A) needs to be addressed with lot 3. Sharon asked if lot 2 would be linked in with the subdivision. Board indicated that lot 2 could not be considered by the board in setting conditions, etc. Mr. Foglio suggested that the developer create a 10 ft. walkway for citizens of Waterboro to access for lot 1 and citizen's. A clear property line should be delineated on the plan indicating the common area. One half interest to the conservation/common area to lot owner 1 and owner 3. A note on the plan indicating the interest on the plan and a copy of a sample deed to be placed on file.

Reason for the public easement - at this time there is no known access for the public to Bartlett Pond the board would be remiss if they did not consider this as an option. There may only be access to the pond during the winter season but currently there is no access.

Hearing closed at 7:52 p.m.

# PLANNING BOARD

## Town of Waterboro

September 20, 1996

To: Waterboro Planning Board Members

From: Sharon

Re: Thursday, September 26, 1996 Public Hearing and Meeting

As instructed at the September 11<sup>th</sup> meeting I have posted for the Public Hearing on the three lot subdivision on Deering Ridge Road "Bartlett Pond/Brook" and the changes to Section 2.08 allowing the Building Office to issue permits on non-conforming lots that can maintain the required setbacks for the zone the lots are located in.

Mr. Bradford, the developer for Bartlett Pond/Brook Subdivision is requesting Preliminary Plan approval. Ralph and I have run through the checklist for Preliminary and have noted items that the board may wish to require or decide the need for on the plans. Those concerns are noted below:

- 1) Conservation Easement Language (should it be noted on the plan? Or a copy on file?)
- 2) If the wetland area is to be owned in common then this would affect the size of the lots, and the acreage of the common area should be noted.
- 3) How is lot three going to access the common area to lot one and vice versa?
- 4) Should the Resource Protection Zone be delineated on the plan?
- 5) Bulk and space information should be included on plan,
- 6) Address of Soil Scientist,
- 7) Standard Note linking the supporting documents on file to the recorded plan as suggested by legal counsel.

Request for waivers of the following:

- 1) Scale of 1" = 100' to 1" = 60',
- 2) Storm drainage plan,
- 3) Contour intervals of 10 ft.
- 4) Soil erosion and sedimentation control plan,
- 5) Geological report and impact statement.

Note on the plan referencing the deeds for common ownership of the common area.

Note on the plan noting foot traffic for ingress/egress 10 ft. in width and enough brush to be cut to allow travel across the easement.

John Roberts moved and Roland Denby seconded the motion to accept Preliminary Plan of Bartlett Pond/Brook Subdivision and that the Bradford's present with the Final Plan a sample deeds referencing the common area and easement access and that Mr. Bradford update the plan according to the findings of the checklist dated 9/26/96 and that Mr. Bradford add the standard note and others suggested during the review. Vote was 5-0-0 in favor of the motion.

Waiver request for scale. John Roberts moved and Everett Whitten seconded a motion to allow Bartlett Pond/Brook to utilize a 1" = 100'. Vote was 5-0-0 in favor.

A signature line needs to be added as well as the address and license number of the Soil Scientist.

Request to waive the Hydro study. John Roberts moved and Roland Denby seconded a motion to waive Hydrogeologic Study, Section 6.2.1 Item #26 due to the size of the lots. Vote was 5-0-0 in favor of the motion.

Clarify the acreage of the lots and add the 10 ft. pedestrian access easement and provide a sample deed.

Note on plan indicating the use of private water supply and private septic systems. Restrictive covenant to be supplied. Public access on Final Plan.

Note that conservation wetlands to be preserved.

John Roberts moved and Larry Jacobsen seconded a motion to waive the soil erosion sedimentation control plan since the area of construction will be flat. Vote was 5-0-0 in favor.

John Roberts moved and Everett Whitten seconded a motion to grant a waiver of the storm drainage control plan. Vote was 5-0-0 in favor.

Douglas Foglio moved and John Roberts seconded a motion that Roland Denby work on a proposed budget for the Planning Board and bring it back before the board at his convenience. Vote was 6-0-0 in favor. Doug indicated that a budget could be adjusted after it was presented.

**Public Hearing called to order at 8:38 p.m.**

Public Hearing on Zoning Change Section 2.08 and Change to the Subdivision Regulations for the October 29, 1996 Special Town Meeting were read by the chairman and a signed copy is inclusive with the minutes. There were six planning board members and Sharon Abbott, clerk present noting no one from the general public in attendance. Roland Denby noted if something unusual were to come up the Code Enforcement Officer could refer the applicant to the Planning Board when it falls under Section 2.08.

**Public Hearing closed at 8:45 p.m.**

Doug noted to the members that Pat Sicard had notified him that she would not be at the meeting tonight.

**VI OLD BUSINESS:**

**VII NEW BUSINESS:**

Doug noted that he would like to see additional changes made and was there enough time to have a public hearing to get additional items on the warrant? Believed that the Warrant has to be posted either 7 or 10 days prior to a Special Town Meeting.

Next meeting a hearing to be scheduled for changes. John Roberts moved and Everett Whitten seconded a motion to hold a public hearing at 7:30 p.m., October 9, 1996 to discuss zoning changes to section 2.08 second paragraph:

Now Reads:

Lots created before the enactment of the Waterboro Zoning Ordinance that are substandard are required to have a Standard Boundary survey performed or present evidence to show the true boundary lines, (i.e. a plot plan prepared by a certified surveyor) before a building permit can be issued. AMENDED 3-12-88 & 3-11-89)

Change To:

Lots created before the enactment of the Waterboro Zoning Ordinance that are substandard present evidence to show boundary lines. In the absence of such evidence a boundary survey may be required.

And, Article 9 Nonconformance, Section 9.03 paragraph one,

Now Reads;

A nonconforming use or structure which is damaged by fire, explosion, flood, or other calamity may be rebuilt or repaired provided the restoration is completed within two (2) years and does not entail an expansion of the nonconforming use or structure.

Change To:

A nonconforming use or structure which is damaged by fire, explosion, flood, or other calamity may be rebuilt or repaired provided the restoration is completed within five (5) years, retroactive to any structure that has been damaged by fire, explosion, flood, or other calamity three (3) years prior to vote at October 29, 1996 Town Meeting and those people would have three (3) years to rebuild.

**PLANNING BOARD**  
**Town of Waterboro**

September 17, 1996

**WATERBORO PLANNING BOARD**

**NOTICE OF PUBLIC HEARING**

September 26<sup>th</sup>, 1996

at 8:00 p.m.

For Review of the Proposed Amendment to

Waterboro Zoning Ordinance Section 2.08 (third paragraph)

In addition, any single lot of record on the date of enactment of this ordinance in any zoning district created by this ordinance may if the existing requirements of state law are met, be used to construct, renovate, or reconstruct a primary use structure in spite of the fact that otherwise applicable dimensional requirements of this ordinance can not be met except where the realignment of lots is possible (see Section 9.01). Applications for building permits in (such circumstances)(bolded to be deleted) cases where all applicable setback requirements cannot be met ( underlined to be added) shall be reviewed by the Planning Board and may be appropriately conditioned to avoid harm to adjacent property owners and the public, in accordance with the standards set forth in Section 4.02 of this Ordinance. (AMENDED 9/25/90). Departures from the usual dimensional requirements of this ordinance shall be kept to a minimum. Applications for building permits in cases where all applicable setback requirements can be met may be submitted directly to the Code Enforcement Officer and shall not require prior Planning Board review. ( underlined to be added)

Amend Article VI Preliminary Plan of Waterboro Subdivision Regulations

6.1.8 Within seven (7) days after submitting the Preliminary Plan, the developer shall notify, by (registered mail)(change bolded to underlined) certified mail return receipt, all property owners within two hundred (200) feet of the perimeter of the proposed development that they have seven (7) days from the mailing date in which to register, by mail, with the Waterboro Planning Board, their adverse reaction and comment relative to the proposed subdivision. The developer shall, at the same time, send a copy of the notice and list of those notified to the Board.

TO BE PUT ON FILE  
D.C.T.  
CHAIRPERSON

**And Article 9 Section 9.04 Abolishment and Transfer - Paragraph One**

**Now Reads:**

A nonconforming use of land or structure permitted pursuant to the provision of Section 9.01 may not be resumed if such use is abandoned or discontinued in actual factor a period of twelve (12) months. In either circumstance the renewed use of such land or structure must be in conformance with the provisions of this ordinance. When and if a nonconforming use of land or structures is converted by the landowner or lessee to a permitted or conforming use of the land or structures, the former nonconforming activities may not thereafter be resumed.

**Change To:**

A nonconforming use of land or structure permitted pursuant to the provision of Section 9.01 may not be resumed if such use is abandoned or discontinued in actual factor a period of sixty (60) months from the date the use was discontinued. In either circumstance the renewed use of such land or structure must be in conformance with the provisions of this ordinance. When and if a nonconforming use of land or structures is converted by the landowner or lessee to a permitted or conforming use of the land or structures, the former nonconforming activities may not thereafter be resumed.

**Add:**

**Section 9.07 Extensions**

The Planning Board upon request has the authority to extend the time frame no more than five (5) years.

After the attorney reviews these changes the chairman and the planner to review and make necessary changes. Vote was 4-0-0 in favor of the motion.

John Roberts moved and Everett Whitten seconded a motion to amend the Waterboro Subdivision Regulations Section 6.2.1 Item #26 B

**Now Reads:**

B. No development shall increase nitrate nitrogen concentrations at the property line of the development in excess of (5mg/l).

**Change To:**

B. No development shall increase nitrate nitrogen concentrations at the property line of the development in excess of (10mg/l).

And Section 6.2.1 Item 26 B. 1.

Now Reads:

1. On site drinking water wells shall be located in areas where it has been determined that the nitrate nitrogen concentrations are at or below (5mg/1). Added (3/11/89)

Change To:

1. On site drinking water wells shall be located in areas where it has been determined that the nitrate nitrogen concentrations are at or below (10mg/1). Added (3/11/89) (Amended 10/29/96)

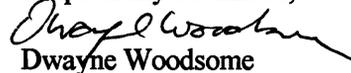
Vote was 4-0-0 in favor of the motion.

This change is to bring our ordinance in conformity with the state regulations. John Roberts requested Sharon check with the attorney regarding this change.

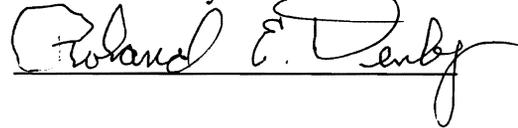
**VIII ADJOURNMENT:**

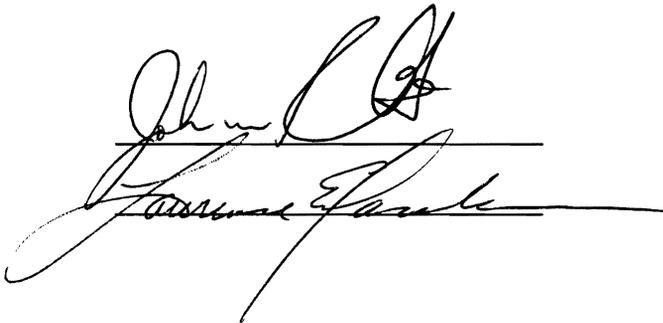
John Roberts moved and Roland Denby seconded a motion to adjourn at 10:03 p.m.

Respectfully submitted,

  
Dwayne Woodsome

Secretary/Treasurer

  
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# PLANNING BOARD

## Town of Waterboro

**REGULAR MEETING**

**October 9, 1996**

**Meeting Called To Order By Chairman at 7:48 p.m.**

**I ROLL CALL:** Larry Jacobsen, Roland Denby, Dwayne Woodsome, John Roberts and Chairman, Douglas Foglio. Mr. Foglio opened the meeting and then left since he had another meeting scheduled with the Finance Committee.

**II MINUTES OF PREVIOUS MEETINGS:** September 26, 1996  
Minutes of September 11, 1996 were approved but need to be signed.

**III COMMUNICATION AND BILLS:**

- 1) Letter from K Lovell Re: Proposed Zoning Amendments (forwarded to members)
- 2) Letter from K Lovell Re: Changes to Subdivision Regulations

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

Dwayne Woodsome asked if BH2M minded if they acted on their second appointment of the evening since it would take a very short amount of time? Seeing no objection Mr. Blais request was brought forward.

**8:00 p.m. Ted Blais Map 44 Lot A389 R Zone**

Mr. Ted Blais has purchased this lot and is requesting permission to construct a single family home and indicates that all setbacks as required by Section 3.05 of the Ordinance can be maintained. A complete building package is on file. Mr. Blais was asked if all portions of the structure would be able to meet the required setbacks? Mr. Blais informed the board members that he had a friend that is a surveyor and they had measured and it appears there will be about two feet to spare however he is planning on placing the side entrance as shown on building plans at the rear of the house instead of the side as shown.

Dwayne Woodsome moved and Larry Jacobsen seconded a motion to approve Mr. Blais request to construct a home on Keystone Drive maintaining all required setbacks under section 3.05, 2.08 and 4.02 of the ordinance. Vote was 3-0-0 in favor of the motion.

**7:30 p.m. BH2M Map 11 Lot 46 AR Zone**

Sketch Plan Review of a Four Lot Subdivision

Bill Thompson of BH2M, Steve Gurette Realtor and Owner, Kathleen Skelton were present.

Mr. Thompson explained the four lot subdivision and its location on Buxton Road. One lot is under two acres the remaining three lots are between two and two and one half acres in size with about 250 ft. of frontage. Each lot will have private wells and septic systems. A greenbelt is being proposed as required by the Subdivision regulations. The proposed name of the subdivision is Sunlight Acres. There is an existing foundation on Lot #3 and this lot already has a driveway installed.

John Roberts noted that Kasprzak Inc. has just completed a ten lot subdivision and they were required to utilize common drive entrances.. He noted that the board could not require one developer and not another to utilize common drive entrances. It was explained that the State reviews the number of curb cuts from an intersection. If they are excessive then the state turns the care and maintenance of the road back to the town. Therefore the Planning Board usually asks for common drive entrances. Since one lot has a drive installed would the board consider allowing a common drive to service lot 3 and 4 as noted on the Sketch Plan? Those present were in favor of this proposal. This lot abuts another parcel that has proposed an additional two lots off from Townhouse AKA Buxton Road as well as the ten lots that were recently approved.

Roland asked Mr. Thompson if he would note the width of Buxton Road. Mr. Thompson indicated he would provide the information. Roland also noted that the previous subdivision had done research and that information is on file in the Town office. Mr. Thompson noted that the pavement is not in the center of the right-of-way.

Dwayne Woodsome moved to have a common drive between lots one and two and private drives for lots three and four. John Roberts explained to Ms. Skelton that the board requires the developers to install the first 50 ft. of drive to insure the proper placement as approved by the board, prior to the issuance of a building permit. The greenbelt and the common drives should be on the plan and referenced in the deeds.

Mr. Thompson requested the board consider allowing him to use one foot contour intervals due to the lack of slope on this parcel.

Larry Jacobsen moved and Roland Denby seconded a motion to allow use of one foot contour intervals. Vote was 3-0-0 in favor of the motion.

Mr. Thompson requested the board waive the storm water management plan since the property is sand and gravel.

Roland Denby moved and Larry Jacobsen seconded a motion to waive Section 9.5.1 Storm water management design standards and Section 9.6 Storm drainage construction standards, of the subdivision regulations. Vote was 3-0-0 in favor of the motion.

John Roberts explained that the board usually requires a full blown hydro study in subdivisions over three lots. However since one lot has a foundation already on site and was approved by the Town the board would consider waiving this.

Larry Jacobsen moved and Roland Denby seconded a motion to waive the full hydro study as required in Section 6.2.1 Item #26 and would require a hydro impact statement in its place. Vote was 3-0-0 in favor of the motion.

Roland Denby moved and Larry Jacobsen seconded the motion to accept the Sketch Plan of Sunlight Acres. Vote was 3-0-0 in favor of the motion.

Roland Denby moved and Larry Jacobsen seconded the motion to accept September 26, 1996 Minutes. Vote was 3-0-0 in favor of the motion.

## **VI OLD BUSINESS:**

### **1) Proposed Changes To Waterboro Zoning Ordinance**

Pat Sicard noted that the time of notification for zoning changes is different for public hearings than for Town Meeting.

Pat also noted to the members that the Board of Selectmen are pleased to see the planning board working on changes as long as the process of review was being done systematically. Roland Denby indicated that it was difficult to try to fit all circumstances in the ordinance. After the attorney has looked at suggested changes the view on things is sometimes different.

### **1) Home Occupation Land Use**

Sharon asked for direction on what types of information the board would like to allow them to review the existing regulations and compare or suggest changes needed. She also indicated that maybe what we have is basically working it may just need some clarification or additional performance standards.

The board would like to have copies of surrounding towns ordinances that deal with home occupations prior to next meeting.

Sharon noted that the State of Maine licenses Child care for over three and under twelve yet our ordinance calls up to six children a home occupation and over six a specified use requiring review and additional land area.

Larry indicated that possibly home occupations should be required to come before the board to allow conditioning if the board feels that necessary. Wouldn't this add to the work load that the board currently has? The board has not had much time for planning. It was noted that maybe an amnesty program to allow home occupations to come forward would be needed. Possibly a small business fair would be something to consider.

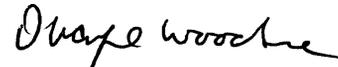
**VII NEW BUSINESS:**

In response to the note forwarded to the board members from Ralph Stanley, John felt that under Article 3 of the Zoning Ordinance dealing with the health and welfare of the community allowed the board to require an applicant to get a Hazardous Waste Permit.

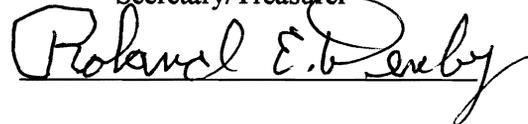
Sharon explained that the Hazardous Waste Ordinance is administered by the Code Enforcement Office and maybe the board should require an applicant to proceed to the Code Enforcement Officer to apply for a Hazardous Waste Permit but not condition an approval from the Planning Board contingent on the applicant acquiring a permit. This does not allow the C.E.O. any option for the applicant.

**VIII ADJOURNMENT:** A motion to adjourn by Roland Denby seconded by Dwayne Woodsome. Vote was in favor at 9:09 p.m.

Respectfully submitted,



Dwayne Woodsome  
Secretary/Treasurer



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# PLANNING BOARD

## Town of Waterboro

**REGULAR MEETING**

**OCTOBER 24, 1996**

*MEETING CALLED TO ORDER BY CHAIRMAN, DOUGLAS FOGLIO AT 8:07 P.M*

**I ROLL CALL:** Present were Everett Whitten, Larry Jacobsen, Dwayne Woodsome and Douglas Foglio Sr. Chairman.

**II MINUTES OF PREVIOUS MEETINGS:** Dwayne Woodsome moved and Larry Jacobsen seconded a motion to accept the October 9, 1996 minutes. Vote was in favor of the motion.

Larry Jacobsen asked to clarify his comment in the October 9, 1996 minutes regarding Amnesty program - If Home Occupations become Conditional Use Permit then maybe an amnesty with no fee being assessed for existing Home Occupations in existence prior to any changes being adopted.

**III COMMUNICATION AND BILLS:**

1. Letter from State Planning Office

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

Lorinda Bradford Final Plan Bartlett Pond/Brook (3) lot subdivision on Deering Ridge Road.

Copy of sample deed reviewed and the board quickly went through the checklist for Final Plan.

Dwayne Woodsome moved and Larry Jacobsen seconded a motion that the checklist is complete for Final Approval. It was noted that all requests have been fulfilled and fees have been paid.

Larry Jacobsen moved and Everett Whitten seconded the motion to accept the Final Plan of Bartlett Pond/Brook as presented. Vote was 3-0-0 in favor of the motion. Plan was signed. Sharon will record the plan and contact Mr. Bradford of the amount due for the recording fees.

**VI OLD BUSINESS:**

Home Occupation Changes to Ordinance

The Planning Board has received comments from a previous series of hearings asking for public concerns and this section should be reviewed.

Douglas indicated the need for public input regarding zoning issues he has been contacted by concerned citizens regarding different issues. Doug indicated that he would not be able to attend the November 13, 1996 meeting and suggested re-scheduling the regular meeting to November 14, 1996 at 7:30 p.m.

Dwayne Woodsome moved and Everett Whitten seconded a motion to hold the November 13, 1996 meeting on Thursday November 14, 1996 at 7:30 p.m. as a Workshop for Zoning Changes advertising the urge for public to attend. Vote was 3-0-0 in favor of the motion.

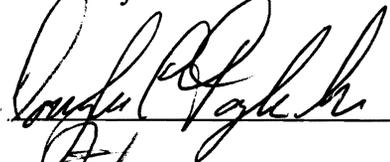
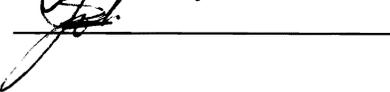
**VII NEW BUSINESS:**

**VIII ADJOURNMENT:** Dwayne Woodsome moved and Everett seconded a motion to adjourn at 9:20 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

# PLANNING BOARD

## Town of Waterboro

REGULAR MEETING

RESCHEDULED

NOVEMBER 14, 1996

Meeting called to order by Chairman, Douglas Foglio at 7:27 p.m.

**I ROLL CALL:** Present were Larry Jacobsen, Everett Whitten, Judi Carll, Roland Denby, John Roberts, and Douglas Foglio, Chairman. Approximately 25 citizens present for the meeting.

**II MINUTES OF PREVIOUS MEETING:** October 24, 1996 John Roberts moved and Everett Whitten seconded a motion to accept the October 24, 1996 minutes. Vote was 3-0-2 in favor of the motion.

**III COMMUNICATION AND BILLS:**  
None

**IV REPORT OF OFFICERS:**

A copy of the budget provided to the board members. Roland Denby has worked the figures. Sharon indicated a change due to the difference in pay for herself as clerk. Larry Jacobsen moved and John Roberts moved to submit the budget of \$13,575 to the Board of Selectmen. Vote was 5-0-0 in favor of the motion.

**V APPOINTMENTS:**

**Charles Thornton Map 18 Lot 3 Village**

Mr. Thornton received approval to convert a mobile home into a Nursery School and is now requesting permission to revert back to the original dwelling use. John Roberts moved under section 2.03 and 2.08 of the ordinance to allow this request provided Mr. Thornton acquires any necessary permits from the Building Office if needed. Vote was 5-0-0 in favor of the motion.

Mr. Thornton asked why a building permit was needed and John Roberts asked if any changes had been done to convert the use of the mobile home. Mr. Thornton replied no changes had been completed. A change of use permit may be required Mr. Thornton should check with the Code Enforcement Office.

**VI OLD BUSINESS:**

**VII NEW BUSINESS:**

***Discussion For Proposed Changes To Waterboro Zoning Ordinance***

Doug Foglio opened this portion of the meeting explaining that this was the first open forum type meeting that the board has held to acquire input from the public regarding suggestions for future changes to the zoning ordinance.

*Steve Kasprzak* spoke regarding property owners that have lost homes or structures due to a calamity that are now being prevented from rebuilding on the old foundation due to the time limit of two years. He indicated this was a penalty for people in these situations and maybe the board should consider adjusting this section.

Home Occupations - Ideas requested. Douglas Foglio indicated that the board will be considering lots that are on town water versus those who have private wells in the types of uses and number of uses. He also mentioned the two year time limit to rebuild after a calamity and also uses in non-conforming structures that are discontinued for a period of one year that at this time would not be allowed to reopen. Also setback requirements - porches and stairs are considered in the setback. Bob Fay - felt that a moderate roof overhang, tents, and above ground pools are some items that should be reviewed to see if they should meet the setbacks as noted in each zone. Mr. Fay concerned with setback rules. Availability to Home Businesses, Elderly Care, Day Care. Some zoning rules are a tragedy and seem to be restrictions for restrictions sake.

*Duane Fay* - Home Occupations, small business are the backbone of our society. This should be taken into consideration the town should help support this effort.

*Sharon Abbott* - spoke to the Home Occupation uses. Currently the ordinance states 25% of the home or accessory structure may be dedicated for use as a home occupation, this isn't always enough room and the character of the home would not necessarily change.

*Dale Witman* - expanded on Home Occupations and the need to allow them. In some instances our regulations stronger than the states.

*Roland Denby* - indicated that Sharon had gathered material from several towns to get material on Home Occupations and how other communities handle them to assist the board. Steve Kasprzak asked if we had a copy of Kennebunk's Land Use Regulations. He would forward a copy to the Town Office. They have specific performance standards that he felt worked very well. He indicated that he had included home occupations within deeds of a recent development due to the good standards called out in Kennebunk.

Roland indicated that a Machine Shop on the West Road was a prime example of a Home Occupation that needed review as a Conditional Use due to the potential for outside storage, additional traffic and possibly noise. Also noted was a Ceramic Shop within a residential neighborhood that the board gave a conditional use permit to after review for similar reasons.

Larry Jacobsen - indicated he has discussed home occupations with the Town Planner, Pat Sicard. He believes we should promote businesses. Many home owners in Lake Arrowhead are afraid to put signs up due to restrictions within the private community. Also people are afraid to promote their business due to personal property tax. Equipment for uses as home occupations many times are minimal and can be deducted on peoples income tax.

The advantages to people registering by coming forward may be the entire community to benefit from the services. Larry indicated that almost every Home Occupation could be looked at by the Planning Board or maybe another board. In the beginning it might create a lot of paper work. Larry noted that many times people have sufficient land and parking and home occupations would be no problem. Larry noted that there would be advantages to people registering by coming forward, maybe the town can benefit from the services home occupations would provide.

**Donna Castaldo** - Wished to open a Nursery School in Lake Arrowhead as a Home Occupation. The town told them that she could have no more than 6 children. The Community approved this use for 21 children. She was therefore forced to do this part time. Years ago Lake Arrowhead did not allow home occupations. They now allow them. Signs were not allowed. Maybe the size of signs was a concern in Lake Arrowhead.

**Pat Sicard** - Selectmen's Assistant/Town Planner informed those present that Dave Kruegar, Chairman of the Zoning Board of Appeals had called and forwarded a message that he was unable to attend due to a prior commitment and wanted to let everyone know of his interest. Pat congratulated the board on working on a plan, to call a meeting and listen to citizens was proactive. The Town of Waterboro does not have a lot of industry but is the perfect place to accommodate home occupations that sometimes are created from the down sizing of companies. People are looking for alternatives or simply tired of the stress of the corporate lifestyle. The need for a Business Directory has been recognized however we need to have people register to allow for accurate information. Pat indicated that the town plans to provide a series of workshops on taxes, insurance, bookkeeping etc., but before the workshops - we need to identify and make people feel comfortable and promote business so residents can use them and keep the dollars within the community. This will help create financial stability in town.

Lake Arrowhead rules are different from the towns but if the residents don't like their rules maybe they could meet and change them.

Home Occupations - maybe some should be conditioned. Town regulations can be made more user friendly.

Businesses can generate traffic, people in a residential neighborhood expect a certain amount of peace and quiet. Twenty-five percent in many cases may not be adequate for a home occupation. The board could look at homes that might be on town roads versus residential subdivisions and state highways to help control traffic generated. Number of employees should there be a limit?

**Mr. Daley** - What about the potential for expansion of the Village Zone? Larry Jacobsen indicated that the board had spent a lot of time and effort and made a presentation for change in zones at a previous town meeting but it had not passed. Mr. Daley noted that right now there is not a lot of area for businesses to go if they needed to rent, lease or build new. Larry noted that maybe the board should look the changes over and could increase the Village Zones. Mr. Daley - wouldn't this bring revenue to the town.

**Douglas Foglio** - Route 202/4 & 5 is the only major highway system to enter the Town of Waterboro. By expanding the Village District we could face the expense of acceptance of a section of the state roads at a great cost to property owners. The Town of Standish is currently dealing with this same issue. Areas become classified as Urban Compact zones and the town takes over maintenance of main arterial roads.

**Bob Fay** - Indicated that he believed the town's population is also a consideration as well as drive entrances.

Douglas Foglio - Noted that some uses require Direct Access to a State Aid/State Highway which covers a lot of uses that would not be allowed.

It was brought up that on 20,000 sq. ft. size lots Home Occupations are not allowed. What about lots that are existing? Performance standards might help. Do we want to make our town more accessible or allowed as long as you don't go beyond boundaries. More simplistic and cost effective with reasonable performance standards.

*Larry Jacobsen* indicated his belief that almost everything would need to be reviewed. If run properly - there is also a need to protect for those that may not comply. What we have isn't enforceable. Something needs to allow uses without having a negative impact and when necessary something that can if need be, be enforced.

*Sharon Abbott* - indicated the discrepancy between licensed daycare facilities by the state and what the town allows. The state requires licensing for more than 3 children up to 12 children. The zoning ordinance call out up to 6 as a Home Occupation and over 6 as a Day Care Facility.

*Judi Carll* indicated that she is Post Master in North Waterboro and many times Home Occupations create a problem since there is inadequate parking and people park on streets. From a postal aspect this creates a travel problem. It was noted that parking is called out in the ordinance.

*Steve Kasprzak* - Again suggested making some deletions and add performance standards to what is currently in the ordinance and take it from there. Minor streets in comparison to other roads.

*Roland Denby* indicated it is nearly impossible to write something that would cover everything.

*Mrs. Hewes* - Asked if something was being considered for the Old Alfred Road. She voiced concern with truck traffic. This is a residential neighborhood and maybe this should be no through truck traffic.

*Douglas Foglio* - Indicated that there is a proposal before the Board of Selectmen regarding Route 5, Old Alfred Road and Townhouse Road. Truck traffic should cease on Old Alfred Road, the portion of the road in front of the Fire Department Building should be closed, the monument moved and a two lane road for better flow of traffic. Doug indicated that Route 5 and Old Alfred Road are both state roads.

Antique Shops - Only allowed in the Agriculture/Residential (80,000 sq. ft. lot) Zone. This must have been an oversight when zoning was adopted and needs to be looked at.

Setback requirements on non-conforming lots maybe we should make it easier to get a permit. Douglas Foglio noted that the State of Maine allows access to the lake but from on ground level it can't be done. By eliminating porches 3' x 5' or maybe 4' x 6' as for access only as a safety feature they would not be required to meet setbacks.

Non-conforming setbacks on conforming lots - a structure in a five acre zone as long and you don't go closer than previous structure you should be allowed. Why should a property owner have to go to the Planning Board or Zoning Board of Appeals.

Property owner on Ossipee Hill Road - Asked why the setback requirements are different on one side of the road from than other. Explained that when the ordinance was adopted many of the road were still dirt and very little development.

**Doug Foglio** - Indicated that the Road Review Committee had requested money for Middle Road when there were very few homes. Now there are about sixty people there. There used to be a section in the ordinance that allowed like uses in adjacent zones with Planning Board and Board of Selectmen approval. During a development by Sumner Campbell that section was deleted.

**Bob Fay** - Setbacks when reviewing - how relevant - duplicating bureaucracy - how pertinent to citizens today. Citizens want to regain rights without being impacted on by others or impacting others with setbacks. Temporary type structures or accessory buildings maybe the board should have a different setback.

**Mr. Germain** - Indicated that maybe the laws don't need to be changed but maybe the process to allow challenge to be easier. The ordinance states the purpose of the law and someone should be able to challenge by reason of purpose. John Roberts indicated that the regulations regarding variances are set by State Law.

Sympathetic to Mr. Germain's situation. He wasn't bothering neighbors. Definition of structures might be changed.

**Duane Fay** - Noted something needs to be looked at, setback - overhang, set of stairs, deck. The overhang of a roof is 18 inches to 24 inches. A 10' x 10' shed with a 6" overhang would require a building permit. You would need to cheat the building a little.

**Roland Denby** - Section 2.08 a lot of wisdom when placed in the ordinance. All non-conforming lots had to go through Planning Board instead of requiring a variance. Town attorney has told the board that they can't act on requests where structures can't meet setbacks and another attorney says they can. The banks have accepted Conditional Use Permits.

**Steve Kasprzak** - Has drafted a bill that would allow Zoning Board of Appeals to grant variances to setback requirements. A copy of the bill could be provided. Maybe if the town passed is locally and let the state take the town to court. Regulations governing variances by the state statutes are not being applied uniformly in all communities.

**Emile LeBlanc** - Lives on the lake on a non-conforming lot on the lake. The Zoning Board of Appeals needs flexibility. He has three or four sheds on his property, he would like to take these down and replace them with one building but he cannot because of regulations so the three buildings are left remaining.

**Steve Kasprzak** - Maybe different setbacks should be considered for accessory structures. Maybe amend the ordinance. Ten ft. was mentioned.

**Roland Denby** - Noted in the past attached structures could go closer to property lines if the structures were existing prior to the adoption of the ordinance. But people were attaching with a 2" x 4" or a concrete wall.

**Mr. LeBlanc** - In the Shoreland Zone/Agriculture/Residential Zone setbacks are 100 ft. from the water 75 ft. from the front property line and unless you have a large lot to build on it is almost impossible to meet the regulations.

*Douglas Foglio* - What is classified as an accessory structure, a garage or a shed?

*Dale Witman* - Believed that the way our ordinance reads today if you owned a fishing shanty you be required to meet setbacks. This seems ridiculous.

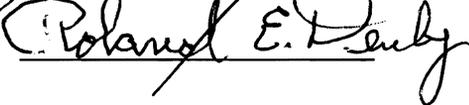
*Douglas Foglio* informed those present that the board will take the information back and try to institute changes. Another meeting for further input and review of changes will be scheduled.

**VIII ADJOURNMENT:** Larry Jacobsen moved and John Roberts seconded a motion to adjourn at 9:19 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
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# PLANNING BOARD

## Town of Waterboro

**REGULAR MEETING**

**December 11, 1996**

**Meeting called to order by Chairman, Douglas Foglio at 7:35 p.m.**

**I ROLL CALL:** Present were Roland Denby, Larry Jacobsen, Judi Carll, John Roberts and Chairman, Douglas Foglio.

**II MINUTES OF PREVIOUS MEETINGS:** November 14, 1996 minutes

**III COMMUNICATION AND BILLS:**

1. Re-Issuance of Conditional Use Permit for Waterboro Old Home Days Committee
2. Letter to Committee's from Finance Committee Re: 0% Increase for 1997 Budget
3. Letter from Kasprzak Inc. on Performance Standards for Home Occupations
4. The Yankee Planner Fall 1996 Issue

**IV REPORT OF OFFICERS:**

**V APPOINTMENTS:**

**Thomas & Carol Patterson Map 46 Lot 2099 R Zone**

Mrs. Patterson addressed the board indicating the need for a less restrictive setback to allow placement of a modular home that as proposed would face Newton Drive. The Patterson's indicated that they fully intend to purchase the adjacent lot #2100 from the Town of Waterboro. They have a note from the only other abutter to lot #2100 indicating that he has no desire to purchase the lot. Time constraints do not allow the Pattersons the ability to complete this prior to the delivery of the home therefore their only option is to request relief from the Board.

John Roberts noted that since he had been on the Board they had not approved requests for allowing placement of homes facing the road when the home could be placed on the lot in another location that would allow the required setbacks to be met.

Roland Denby asked if the applicant had paperwork on the adjacent lot 2100 for the purchase. The applicant indicated that they had no paperwork. They asked what they would need to do to allow the board to grant their request? Lot 2100 is owned by the Town of Waterboro and a brook is located on the lot that would not allow construction within 100 ft. of the brook. Roland asked if the board could condition the approval on the purchase of lot 2100. John Roberts indicated that the applicant has stated they have purchased a modular and therefore would not have time to do so.

Roland Denby moved and Larry Jacobsen seconded a motion to approve the application with setbacks from Newton Drive and Lot 2098 and the rear property line setbacks to be maintained as per the ordinance and to allow the use of a seventeen (17) foot sideline setback bordering lot 2100 under section 2.08 and 4.02.

Discussion: Larry Jacobsen asked if due to the Shoreland Zoning in this area could the adjacent lots be built on. Sharon Abbott indicated that there is a small area that allows construction where these properties are located. To either side there are areas that fall in the Resource Protection Zone and the Shoreland Zone which governs the required setbacks of 100 ft. from the upland edge of a wetland area and a Resource Protection Zone does not allow construction.

The Vote was 2 in favor 1 opposed and 1 abstention. Motion passes in favor.

The applicant asked if further approval would be required for them to add on to this building. The board indicated that to allow the lots to become contiguous an amendment to the subdivision plan would be required. If they purchased the adjacent lot the planning board would need to review any future requests for construction on lot 2099.

Roland Denby moved and Judi Carll seconded the motion to act on the Minutes and the Communications after the appointments. Vote was 4-0-0 in favor of the motion.

#### **Sunlight Acres Subdivision by Kathleen Skelton (4 lot subdivision)**

Bill Thompson of BH2M was present as well as the property owner, Kathleen Skelton They are presenting Preliminary Plan of a four lot subdivision named Sunlight Acres. Doug Foglio indicated that he and Sharon had reviewed the plans by the checklist and found the plan to be complete. Doug indicated that he had noticed two things that would need to be addressed on the plans:

- 1) The greenbelt language in Note #18 should include allowance of cutting for utilities, and
- 2) Notification of abutters be completed as indicated in Section 6, 6.1.8 by certified mail of the presentation of Preliminary Plan.

A Public Hearing has not been held for this property. The board indicated that a Public Hearing would be scheduled at the next regular meeting on January 8, 1997 at 7:30 p.m.

Doug asked why a common drive was not requested for lots 3 and 4. Lot 3 has already received a highway entrance permit during the construction of the foundation on lot 3. Lot 4 has more than the required frontage and the board did not feel they should dictate the location of the entrance.

Test pits can be used as denoted on the plan but would need to be constructed with a loam liner. State Plumbing code has new specifications. Bill Thompson provided an outline for construction standards.

Mr. Thompson asked if the Board could approve the Preliminary Plan provided that the change to Note 18 be made an notification of abutters be completed?

John Roberts moved and Judi Carll seconded a motion to accept Preliminary Plan and allow the plan to go to Final Plan as long as the change to Note #18 and the compliance with 6.1.8, notification of abutters is completed. Vote was 4-0-0 in favor of the motion.

Doug Foglio turned the meeting over to the Vice Chairman, John Roberts since he had to leave the meeting to attend a wake.

Roland Denby moved and Judi Carll seconded a motion to approve the November 14, 1996 minutes as written. Vote was 4-0-0 in favor.

**VI OLD BUSINESS:**

Scheduling of Public Forums for 1997

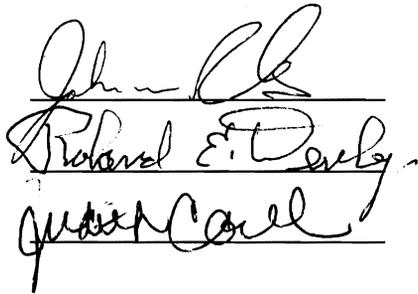
Discussion of members present on the scheduling of January 8, 1997 meeting. The general consensus of the board was that they have gotten information from the public. Another forum would not necessarily be different and they should work with the information that has been brought to their attention thus far on Home Occupations. Larry Jacobsen volunteered to write something up for the next meeting.

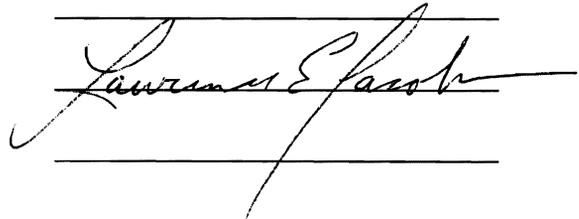
**VII NEW BUSINESS:**

**VIII ADJOURNMENT:** It was moved and seconded to adjourn the meeting at 9:34 p.m.

Respectfully submitted,

Dwayne Woodsome  
Secretary/Treasurer

  
John Roberts  
Roland E. Denby  
Judi Carll

  
Dwayne Woodsome